

Introduced: 1/10/78
Referred: Health, Education &
Social Services and Finance

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 587

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE -- SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act providing for correctional industries; and
7 providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 33.30 is amended by adding new sections to read:

10 ARTICLE 4. CORRECTIONAL INDUSTRIES.

11 Sec. 33.30.270. PURPOSE. It is the purpose of secs. 270-360 of
12 this chapter to provide appropriate work for prisoners, consistent
13 with proper penal administration, and to direct their efforts toward
14 financial responsibility, self-betterment, and to provide reimburse-
15 ment to the state for costs incurred by reason of their crimes and
16 imprisonment.

17 Sec. 33.30.280. POWERS AND DUTIES OF THE COMMISSIONER. (a) The
18 commissioner may administer a correctional industries program which
19 will be based on voluntary prisoner participation.

20 (b) The commissioner may:

21 (1) use, equip, and maintain buildings, machinery, and
22 other equipment, purchase materials, and enter into contracts for
23 services which may be necessary for the correctional industries
24 program;

25 (2) market prison industries products as provided in sec.
26 290 of this chapter; and

27 (3) establish, as he considers appropriate, various correc-
28 tional industries programs, producing differing goods and services.

29 Sec. 33.30.290. MARKETING OF CORRECTIONAL INDUSTRIES PRODUCTS.

1 (a) The commissioner shall administer the marketing, either in public
2 or private channels, of correctional industries products.

3 (b) State departments and agencies may request that products be
4 supplied by the correctional industries. Products supplied may not be
5 obtained from sources outside correctional industries without the
6 consent of the commissioner.

7 (c) The commissioner of administration shall establish suitable
8 methods of accounting and purchasing to effectuate the production and
9 marketing of correctional industries products.

10 (d) The commissioner shall establish prices for correctional
11 industries products, as nearly as practicable, to recapture direct and
12 indirect costs, exclusive of administrative and supervisory costs.

13 Sec. 33.30.300. CORRECTIONAL INDUSTRIES REVOLVING FUND. (a)
14 There is created, for the purpose of carrying out the provisions of
15 secs. 270-360 of this chapter, a correctional industries revolving
16 fund as a special account in the general fund to include appropria-
17 tions the legislature may make from time to time for the purpose, and
18 those sums that may be recovered from the marketing of prison indus-
19 tries products.

20 (b) All balances in the correctional industries revolving fund
21 remaining at the end of the fiscal year must be carried forward and
22 made available for the following fiscal year. Appropriations to this
23 fund are not one-year appropriations under AS 37.25.010.

24 (c) All sums received from the marketing of correctional indus-
25 tries products must be turned over to the Department of Revenue and
26 credited to the correctional industries revolving fund, and may be
27 paid out only for establishing new correctional industries programs,
28 prisoner wages, contractual services, and materials and for the use,
29 equipment, and maintenance of buildings, machinery, and other equip-

1 ment, which represent direct and indirect costs, exclusive of admini-
2 strative and supervisory costs, of carrying out the purpose of secs.
3 270 - 360 of this chapter or as otherwise provided by law.

4 Sec. 33.30.310. PRISONER WAGES. (a) The commissioner shall
5 establish a salary structure for prisoners working in a correctional
6 industry.

7 (b) The commissioner shall collect the wages of each prisoner.
8 Those wages shall be credited to each prisoner and may be disbursed
9 only as provided under sec. 320 of this chapter.

10 Sec. 33.30.320. DISBURSEMENT OF PRISONER WAGES. (a) Disburse-
11 ment of wages collected by the commissioner under sec. 310 of this
12 chapter may be made in amounts as determined to be appropriate by the
13 commissioner, for the following purposes:

14 (1) to reimburse the state for room and board, but the
15 amount paid may not exceed the average daily cost of care;

16 (2) to reimburse the state for the net cost of administra-
17 tion of secs. 270-360 of this chapter, but the amount paid may not
18 exceed that amount which the commissioner determines to be allocable
19 to the prisoner;

20 (3) to reimburse the state for an award made for violent
21 crimes compensation under AS 18.67 due to the prisoner's conduct;

22 (4) for payment of a court award under AS 09.55.600;

23 (5) for support of the prisoner's dependents, if any; and

24 (6) for the purchase of clothing and commissary items for
25 the prisoner's personal use.

26 (b) The total amount reimbursed to the state under (a)(1) - (3)
27 of this section, and paid under (a)(4), may not exceed one-half of the
28 prisoner's wages collected under sec. 310 of this chapter.

29 (c) If sufficient funds are credited to the prisoner's account

1 after payments are made in accordance with (a) and (b) of this section,
2 the commissioner may, with the consent of the prisoner, pay, in whole
3 or in part, the pre-existing debts of the prisoner.

4 (d) Any balance of wages earned by a prisoner must be retained
5 by the commissioner for the primary purpose of being available to the
6 prisoner at the time of his release. The commissioner may, however,
7 permit the prisoner to draw upon a portion of these funds for such
8 other purposes as the commissioner considers appropriate.

9 Sec. 33.30.330. ATTACHMENT OF EARNINGS. Wages earned by a
10 prisoner which are levied upon under a writ of attachment or execution
11 or in another lawful manner may not be transmitted to the commissioner.
12 However, if the commissioner has requested transmittal of earnings
13 before the levy, his request has priority for those earnings due and
14 payable at that time.

15 Sec. 33.30.340. PROHIBITION OF COLLECTIVE BARGAINING. Prisoners
16 working in correctional industries are prohibited from participating
17 in collective bargaining.

18 Sec. 33.30.350. CORRECTIONAL INDUSTRIES ADVISORY BOARD. The
19 Correctional Industries Advisory Board is established to advise the
20 commissioner and make recommendations to him regarding the admini-
21 stration of the correctional industries program. The commissioner
22 shall appoint members representing the Department of Commerce and
23 Economic Development, a statewide businessperson's association, a
24 statewide labor organization, and the general public.

25 Sec. 33.30.360. DEFINITIONS. In secs. 270 - 360 of this chapter,
26 "correctional industries products" means all services provided and
27 products manufactured or produced by prisoners confined in a state
28 prison facility.

29 * Sec. 2. The commissioner of health and social services shall study,

1 either by means of existing staff or by contractual services, the extent
2 and nature of the most feasible program for Alaska under sec. 1 of this
3 Act. He shall report his findings and recommendations to the governor and
4 the legislature no later than January 15, 1979.

5 * Sec. 3. Section 1 of this Act takes effect July 1, 1979. Section 2
6 takes effect July 1, 1978.

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