

Introduced: 2/4/80
Referred: Judiciary

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 668

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH 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. 33.30.400. PURPOSE. It is the purpose of AS 33.30.400 --
12 33.30.490 to provide appropriate work experience for prisoners, con-
13 sistent with proper penal administration, and to direct their efforts
14 toward financial responsibility and self-betterment.

15 Sec. 33.30.410. POWERS AND DUTIES OF THE COMMISSIONER. (a) The
16 commissioner may establish and administer a correctional industries
17 program which will be based on voluntary prisoner participation.

18 (b) The commissioner may:

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

23 (2) market prison industries products as provided in sec.
24 420 of this chapter; and

25 (3) establish, as is considered appropriate, various correc-
26 tional industries programs, producing various goods and services.

27 Sec. 33.30.420. MARKETING OF CORRECTIONAL INDUSTRIES PRODUCTS.

28 (a) The commissioner shall administer the marketing of correctional
29 industries products, either to public agencies or to non-profit orga-

1 nizations in the private sector, including establishing the pricing of
2 the products.

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

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

10 Sec. 33.30.430. CORRECTIONAL INDUSTRIES FINANCING ACCOUNT.

11 There is created the "correctional industries financing account" as a
12 special account in the general fund to receive those sums that may be
13 recovered from the marketing of correctional industries products.
14 The legislature may annually appropriate from the correctional indus-
15 tries financing account to the Department of Health and Social Services
16 a sum equivalent to the amount in the account, the appropriations to
17 be made for the purposes set out in AS 33.30.410(b) to the extent that
18 those uses represent direct and indirect costs, excluding administra-
19 tive and supervisory costs, of carrying out the purpose of AS 33.30.-
20 400 -- 33.30.490 or as otherwise provided by law.

21 Sec. 33.30.440. EXEMPTION FROM TITLE 23. The provisions of AS
22 23 do not apply to correctional industries or prisoners who work in
23 correctional industries.

24 Sec. 33.30.450. PRISONER PAYMENT. (a) The commissioner shall
25 establish a payment structure for prisoners working in a correctional
26 industry. The amount credited to the prisoner shall be determined by
27 the commissioner after disbursements made under (b) of this section.

28 (b) Disbursement of prisoner payments may be made in amounts
29 determined to be appropriate under procedures developed by the commis-

1 sioner, for the following purposes:

2 (1) to pay any restitution or fine ordered by the sentencing
3 court;

4 (2) to reimburse the state for an award made for violent
5 crimes compensation under AS 18.67 arising out of the prisoner's
6 criminal conduct;

7 (3) to pay a civil court judgment arising out of the pri-
8 soner's criminal conduct;

9 (4) for support of the prisoner's dependents, if any; and

10 (5) for the purchase of clothing and commissary items for
11 the prisoner's personal use.

12 (c) If sufficient funds are credited to the prisoner after pay-
13 ments are made under (a) of this section, the commissioner may, with
14 the consent of the prisoner, pay, in whole or in part, the pre-existing
15 debts of the prisoner.

16 (d) Funds credited to a prisoner must be retained by the commis-
17 sioner for the primary purpose of being available to the prisoner at
18 the time of his release. The commissioner may, however, permit the
19 prisoner to draw upon a portion of these funds for such other purposes
20 as the commissioner considers appropriate.

21 Sec. 33.30.460. ATTACHMENT OF PRISONER PAYMENTS. Only the pri-
22 soner payments retained by the commissioner under AS 33.30.450(d) are
23 subject to lien, attachment, garnishment, execution, or similar proce-
24 dures to encumber funds or property.

25 Sec. 33.30.470. PROHIBITION OF COLLECTIVE BARGAINING. Prisoners
26 working in correctional industries may not participate in collective
27 bargaining.

28 Sec. 33.30.480. CORRECTIONAL INDUSTRIES ADVISORY BOARD. The
29 Correctional Industries Advisory Board is established to advise the

1 commissioner and make recommendations regarding the administration of
2 the correctional industries program. The commissioner shall appoint
3 members representing the Department of Commerce and Economic Develop-
4 ment, a statewide business association, a statewide labor organization,
5 and the general public.

6 Sec. 33.30.490. DEFINITIONS. In AS 33.30.400 -- 33.30.400,
7 "correctional industries products" means all services provided and
8 products manufactured or produced by prisoners confined in a state
9 prison facility, except those prisoners working under AS 33.30.225 or
10 33.30.250.

11 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
12 10.070(c).

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