

Introduced: 3/16/82
Referred: Health, Education &
Social Services and Finance

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

2 SENATE BILL NO. 860

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act creating a Department of Corrections; and
7 providing for an effective date."

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

9 * Section 1. AS 44 is amended by adding a new chapter to read:

10 CHAPTER 24. DEPARTMENT OF CORRECTIONS.

11 Sec. 44.24.010. COMMISSIONER OF CORRECTIONS. The principal execu-
12 tive officer of the Department of Corrections is the commissioner of
13 corrections.

14 Sec. 44.24.020. POWERS AND DUTIES OF THE DEPARTMENT. The Depart-
15 ment of Corrections shall administer the offender rehabilitation pro-
16 grams, the probation and parole programs for adult offenders and delin-
17 quent minors, the state jails and correctional institutions, the Inter-
18 state Compact Probation and Parole, and the Western Interstate Correc-
19 tions Compact, and oversee the functions of the Board of Parole.

20 * Sec. 2. AS 11.81.410(a) is amended to read:

21 (a) In addition to using force justified under other sections of
22 this chapter, a guard or peace officer employed in a correctional facil-
23 ity may, if authorized by regulations adopted by the Department of
24 Corrections [HEALTH AND SOCIAL SERVICES], use nondeadly force upon
25 another person when and to the extent reasonably necessary and appropri-
26 ate to maintain order.

27 * Sec. 3. AS 12.55.025(b) is amended to read:

28 (b) The sentencing report required under (a) of this section shall
29 be furnished within 30 days after imposition of sentence to the Depart-

1 ment of Law, the defendant, the Department of Corrections [DIVISION OF
2 CORRECTIONS], the state Board of Parole if the defendant will be eligible
3 for parole, and to the Alcoholic Beverage Control Board if the defendant
4 is to be sentenced for a conviction of a violation of AS 04, a regulation
5 adopted under AS 04, or an ordinance adopted under AS 04.21.010.

6 * Sec. 4. AS 12.55.025(d) is amended to read:

7 (d) A sentence of imprisonment shall be stayed if an appeal is
8 taken and the defendant is admitted to bail. If an appeal is taken and
9 the defendant is not admitted to bail, the Department of Corrections
10 [HEALTH AND SOCIAL SERVICES] shall designate the facility in which the
11 defendant shall be detained pending appeal or admission to bail.

12 * Sec. 5. AS 33.05.080(2) is amended to read:

13 (2) "commissioner" means the commissioner of the Department
14 of Corrections [HEALTH AND SOCIAL SERVICES] or the commissioner's [HIS]
15 designee.

16 * Sec. 6. AS 33.15.010 is amended to read:

17 Sec. 33.15.010. STATE BOARD OF PAROLE. There is in the department
18 a board of parole consisting of five members to be appointed by the
19 governor, subject to confirmation by a majority of the members of the
20 legislature in joint session. One of the members, who shall be chairman
21 of the board, shall be a person with training or experience in the field
22 of probation and parole, and [HE MAY BE AN OFFICIAL OR EMPLOYEE OF THE
23 DEPARTMENT BUT] may not be an official or employee of the department
24 [DIVISION OF CORRECTIONS]. The term of each of the other four members
25 of the board is four years and until a [HIS] successor is appointed and
26 qualifies. Successors are appointed in the same manner as provided for
27 the board members first appointed. A vacancy shall be filled for the
28 unexpired term.

29 * Sec. 7. AS 33.15.260(2) is amended to read:

1 (2) "commissioner" means the commissioner of the Department
2 of Corrections [HEALTH AND SOCIAL SERVICES] or the commissioner's [HIS]
3 designee;

4 * Sec. 8. AS 33.15.260(4) is amended to read:

5 (4) "department" means the Department of Corrections [HEALTH
6 AND SOCIAL SERVICES].

7 * Sec. 9. AS 33.25.050 is amended to read:

8 Sec. 33.25.050. IMPLEMENTATION OF COMPACT. The commissioner of
9 corrections [HEALTH AND SOCIAL SERVICES] may enter into such contracts
10 on behalf of the State of Alaska as may be appropriate to implement the
11 participation of this state in the Western Interstate Corrections Compact
12 under art. III of the compact. No contract is of any force or effect
13 until approved by the commissioner of administration.

14 * Sec. 10. AS 33.30.130(a) is amended to read:

15 (a) The commissioner of public safety shall provide for the sub-
16 sistence, care and safekeeping in suitable quarters of a person arrested
17 or held under the authority of state law pending arraignment or commit-
18 ment by a court to the custody of the commissioner of corrections [HEALTH
19 AND SOCIAL SERVICES] or to the custody of the keeper or person in charge
20 of a prison facility designated in advance by the commissioner of
21 corrections [HEALTH AND SOCIAL SERVICES].

22 * Sec. 11. AS 33.30.200(1) is amended to read:

23 (1) "commissioner" means the commissioner of the Department
24 of Corrections [HEALTH AND SOCIAL SERVICES] or the commissioner's [HIS]
25 designee;

26 * Sec. 12. AS 33.30.200(3) is amended to read:

27 (3) "department" means the Department of Corrections [HEALTH
28 AND SOCIAL SERVICES];

29 * Sec. 13. AS 33.35.010(b) is amended to read:

1 (b) The written notice and request for final disposition referred
2 to in paragraph (a) of this article shall be given or sent by the pri-
3 soner to the warden, commissioner of corrections [HEALTH AND SOCIAL
4 SERVICES] or other official having custody of the prisoner [HIM], who
5 shall promptly forward it together with the certificate to the appropri-
6 ate prosecuting official and court by registered or certified mail,
7 return receipt requested.

8 * Sec. 14. AS 33.35.010(c) is amended to read:

9 (c) The warden, commissioner of corrections [HEALTH AND SOCIAL
10 SERVICES] or other official having custody of the prisoner shall promptly
11 inform the prisoner [HIM] of the source and contents of any detainer
12 against the prisoner [HIM], and shall also inform the prisoner [HIM] of
13 the prisoner's [HIS] right to make a request for final disposition of the
14 indictment, information or complaint on which the detainer is based.

15 * Sec. 15. AS 33.35.010(d) is amended to read:

16 (d) Any request for final disposition made by a prisoner under
17 paragraph (a) of this article shall operate as a request for final
18 disposition of all untried indictments, informations or complaints on
19 the basis of which detainers have been lodged against the prisoner from
20 the state to whose prosecuting official the request for final disposition
21 is specifically directed. The warden, commissioner of corrections
22 [HEALTH AND SOCIAL SERVICES] or other official having custody of the
23 prisoner shall notify all appropriate prosecuting officers and courts in
24 the several jurisdictions within the state to which the prisoner's
25 request for final disposition is being sent of the proceeding being
26 initiated by the prisoner. Any notification sent under this paragraph
27 shall be accompanied by copies of the prisoner's written notice, request,
28 and the certificate. If trial is not had on any indictment, information
29 or complaint contemplated by this article before the return of the

1 prisoner to the original place of imprisonment, that indictment, infor-
2 mation or complaint is of no further force or effect, and the court
3 shall enter an order dismissing it with prejudice.

4 * Sec. 16. AS 33.35.040 is amended to read:

5 Sec. 33.35.040. CENTRAL ADMINISTRATOR AND INFORMATION AGENT. The
6 commissioner of corrections [HEALTH AND SOCIAL SERVICES] or the commis-
7 sioner's [HIS] designee is the central administrator of and information
8 agent for the Agreement on Detainers under AS 33.35.010.

9 * Sec. 17. AS 44.17.005 is amended by adding a new paragraph to read:

10 (18) Department of Corrections.

11 * Sec. 18. AS 44.29.020(9) is amended to read:

12 (9) management of state institutions, but not including
13 offender confinement facilities;

14 * Sec. 19. AS 47.08.050(8) is amended to read:

15 (8) medical services currently provided to persons in the
16 custody of the Department of Corrections [DIVISION OF CORRECTIONS];

17 * Sec. 20. AS 47.17.020(a) is amended to read:

18 (a) The following persons who, in the performance of their pro-
19 fessional duties, have cause to believe that a child has suffered harm
20 as a result of abuse or neglect shall immediately report the harm to the
21 nearest office of the department:

22 (1) practitioners of the healing arts;

23 (2) school teachers;

24 (3) social workers;

25 (4) peace officers, and officers of the Department of Correc-
26 tions [DIVISION OF CORRECTIONS];

27 (5) administrative officers of institutions.

28 * Sec. 21. AS 47.21.010(b) is amended to read:

29 (b) Adventure-based education is a short-term, intensive training

1 program designed to remedy failure patterns and encourage development of
2 self-esteem, self-confidence, and social awareness in

3 (1) certain delinquent juveniles in the custody of the Depart-
4 ment of Corrections [DIVISION OF CORRECTIONS];

5 (2) certain juveniles identified by the schools, division of
6 social services, the courts, youth workers, or other community referral
7 systems, as being able to benefit from adventure-based education.

8 * Sec. 22. AS 47.30.845(5) is amended to read:

9 (5) the Department of Corrections [DIVISION OF CORRECTIONS]
10 in a case in which a prisoner confined to the state prison is a patient
11 in the state hospital on authorized transfer either by voluntary admis-
12 sion or by court order;

13 * Sec. 23. AS 47.37.040(3) is amended to read:

14 (3) cooperate with the Department of Corrections [DIVISION OF
15 CORRECTIONS] in establishing and conducting programs to provide treatment
16 for alcoholics and intoxicated persons in or on parole from penal insti-
17 tutions;

18 * Sec. 24. AS 12.55.185(2) and AS 44.29.020(17) are repealed.

19 * Sec. 25. TRANSFER OF FUNCTIONS. (a) The Department of Corrections is
20 vested with the duties, powers, and responsibilities formerly exercised by
21 the division of corrections and the Board of Parole in the Department of
22 Health and Social Services.

23 (b) Appropriations, records, equipment, and other property of the
24 division of corrections and the Board of Parole in the Department of Health
25 and Social Services are transferred to the Department of Corrections.

26 (c) Appropriations and other money available to and to become available
27 to the division of corrections and the Board of Parole in the Department of
28 Health and Social Services shall be available for the objects and purposes
29 for which appropriated or otherwise made available, subject to the terms,

1 restrictions, limitations, or other requirements imposed under this section
2 or other state and federal law.

3 (d) Regulations, rules, orders, or other Acts in effect with respect to
4 the division of corrections and the Board of Parole in the Department of
5 Health and Social Services continue in full force and effect until amended,
6 repealed, modified, or rescinded as the commissioner of corrections deter-
7 mines in accordance with law. Existing contracts made by the division of
8 corrections or the Board of Parole in the Department of Health and Social
9 Services continue in full force and effect until amended, repealed, modified,
10 or rescinded as the commissioner of corrections determines in accordance with
11 law.

12 (e) The powers, duties, and functions transferred to the Department of
13 Corrections under this section are in addition to and not in derogation of
14 the powers, duties, and functions otherwise vested in the Department of
15 Corrections under this Act.

16 (f) References in the Alaska Statutes to the commissioner of health and
17 social services and to the Department of Health and Social Services shall be
18 read as the commissioner of corrections and the Department of Corrections
19 respectively when necessary to carry out the intent and purpose of this Act.

20 * Sec. 26. This Act takes effect July 1, 1982.

21
22
23
24
25
26
27
28
29