

Offered: 2/14/83  
Referred: Judiciary and Finance

Original sponsors: Fritz, Koponen,  
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1 IN THE HOUSE

BY THE HEALTH, EDUCATION  
AND SOCIAL SERVICES COMMITTEE

2

CS FOR HOUSE BILL NO. 103 (HESS)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act establishing a Department of Corrections and  
7 transferring certain functions of the Department of  
8 Health and Social Services to the Department of  
9 Corrections; and providing for an effective date."

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

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

12 CHAPTER 30. DEPARTMENT OF CORRECTIONS.

13 Sec. 44.30.010 COMMISSIONER OF CORRECTIONS. The principal execu-  
14 tive officer of the Department of Corrections is the commissioner of  
15 corrections.

16 Sec. 44.30.020. DUTIES OF DEPARTMENT. The Department of Correc-  
17 tions shall administer the state programs of corrections including

- 18 (1) state prisons and state prisoners;  
19 (2) probation and parole;  
20 (3) extraditions and detainers.

21 \* Sec. 2. AS 11.71.305 is amended to read:

22 Sec. 11.71.305. REHABILITATION. A person convicted of violating  
23 a provision of this chapter may, when the violation relates to that  
24 person's own personal use of a controlled substance, be committed to  
25 the custody of the Department of Corrections [HEALTH AND SOCIAL SER-  
26 VICES] for rehabilitative treatment for not to exceed one year. Such  
27 treatment may be imposed in place of a fine or imprisonment, but only  
28 where the imprisonment would not have exceeded one year.

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

1 (b) The sentencing report required under (a) of this section  
2 shall be furnished within 30 days after imposition of sentence to the  
3 Department of Law, the defendant, the Department of Corrections [DIVI-  
4 SION OF CORRECTIONS], the state Board of Parole if the defendant will  
5 be eligible for parole, and to the Alcoholic Beverage Control Board if  
6 the defendant is to be sentenced for a conviction of a violation of  
7 AS 04, a regulation adopted under AS 04, or an ordinance adopted under  
8 AS 04.21.010.

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

10 (d) A sentence of imprisonment shall be stayed if an appeal is  
11 taken and the defendant is admitted to bail. If an appeal is taken  
12 and the defendant is not admitted to bail, the Department of Correc-  
13 tions [HEALTH AND SOCIAL SERVICES] shall designate the facility in  
14 which the defendant shall be detained pending appeal or admission to  
15 bail.

16 \* Sec. 5. AS 12.55.055(a) is amended to read:

17 (a) The court may order a defendant convicted of an offense to  
18 perform community work as a condition of a suspended sentence or  
19 suspended imposition of sentence, or in addition to any fine or re-  
20 stitution ordered. If the defendant is also sentenced to imprison-  
21 ment, the court may recommend to the Department of Corrections [HEALTH  
22 AND SOCIAL SERVICES] that the defendant perform community work.

23 \* Sec. 6. AS 12.70.220(b) is amended to read:

24 (b) When the return to this state is required of a person who  
25 has been convicted of a crime in this state and has escaped from  
26 confinement or broken the terms of [HIS] bail, probation, or parole,  
27 the prosecuting attorney of the judicial district in which the offense  
28 was committed, or the attorney general, the parole or probation au-  
29 thority having jurisdiction over the person [HIM], or the commissioner

1 of the Department of Corrections [HEALTH AND SOCIAL SERVICES] shall  
2 present to the governor a written application for a requisition for  
3 the return of that person. In the application there shall be stated  
4 the name of the person, the crime for which the person [HE] was con-  
5 victed, the circumstances of the person's [HIS] escape from confine-  
6 ment or of the breach of the terms of [HIS] bail, probation, or pa-  
7 role, and the state in which the person [HE] is believed to be, in-  
8 cluding the location of the person in that state [THEREIN] at the  
9 time the application is made.

10 \* Sec. 7. AS 12.70.220(c) is amended to read:

11 (c) The application shall be verified by affidavit, shall be  
12 executed in duplicate and shall be accompanied by two certified copies  
13 of the indictment returned, or information and affidavit filed, or the  
14 complaint made to the superior court judge or district judge, stating  
15 the offense with which the accused is charged, or of the judgment of  
16 conviction or of the sentence. The attorney general or the prosecut-  
17 ing attorney, the parole or probation authority, or the commissioner  
18 of the Department of Corrections [HEALTH AND SOCIAL SERVICES] may also  
19 attach further affidavits and other documents in duplicate considered  
20 [HE DEEMS] proper to be submitted with the application. One copy of  
21 the application, with the action of the governor indicated by endorse-  
22 ment on the application, and one of the certified copies of the in-  
23 dictment, complaint, information and affidavits, or judgment of con-  
24 viction or sentence shall be filed in the office of the governor to  
25 remain of record in that office. The other copies of all papers shall  
26 be forwarded with the governor's requisition.

27 \* Sec. 8. AS 33.05.080(2) is amended to read:

28 (2) "commissioner" means the commissioner of the Department  
29 of Corrections [HEALTH AND SOCIAL SERVICES] or the designee of the

1 commissioner.

2 \* Sec. 9. AS 33.15.010 is amended to read:

3 Sec. 33.15.010. STATE BOARD OF PAROLE. There is in the depart-  
4 ment a board of parole consisting of five members to be appointed by  
5 the governor, subject to confirmation by a majority of the members of  
6 the legislature in joint session. One of the members, who shall be  
7 chairman of the board, shall be a person with training or experience  
8 in the field of probation and parole, [AND THAT MEMBER MAY BE AN  
9 OFFICIAL OR EMPLOYEE OF THE DEPARTMENT] but that member may not be an  
10 official or employee of the department [DIVISION OF CORRECTIONS]. The  
11 term of each of the other four members of the board is four years and  
12 until a successor is appointed and qualifies. Successors are ap-  
13 pointed in the same manner as provided for the board members first  
14 appointed. A vacancy shall be filled for the unexpired term.

15 \* Sec. 10. AS 33.15.260(2) is amended to read:

16 (2) "commissioner" means the commissioner of the Department  
17 of Corrections [HEALTH AND SOCIAL SERVICES] or the designee of the  
18 commissioner;

19 \* Sec. 11. AS 33.15.260(4) is amended to read:

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

22 \* Sec. 12. AS 33.30.130(a) is amended to read:

23 (a) The commissioner of public safety shall provide for the  
24 subsistence, care and safekeeping in suitable quarters of a person  
25 arrested or held under the authority of state law pending arraignment  
26 or commitment by a court to the custody of the commissioner of correc-  
27 tions [HEALTH AND SOCIAL SERVICES] or to the custody of the keeper or  
28 person in charge of a prison facility designated in advance by the  
29 commissioner of corrections [HEALTH AND SOCIAL SERVICES].

1 \* Sec. 13. AS 33.30.900(1) is amended to read:

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

5 \* Sec. 14. AS 33.30.900(3) is amended to read:

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

8 \* Sec. 15. AS 33.32.070(a) is amended to read:

9 (a) The Correctional Industries Commission is established to  
10 provide general policy direction to the correctional industries pro-  
11 gram through the commissioner of corrections [HEALTH AND SOCIAL SER-  
12 VICES]. The commission consists of seven members, five of whom are to  
13 be appointed by the governor to serve staggered terms of four years.  
14 The appointed members must include a representative of private indus-  
15 try, organized labor, agriculture, and the general public, and one ex-  
16 offender. The commissioner of administration is also a member, as is  
17 the commissioner of corrections [HEALTH AND SOCIAL SERVICES] who is to  
18 serve as chairperson.

19 \* Sec. 16. AS 33.35.010 (Article III(b) of the Agreement on Detainers)  
20 is amended to read:

21 (b) The written notice and request for final disposition re-  
22 ferred to in paragraph (a) of this article shall be given or sent by  
23 the prisoner to the warden, commissioner of corrections [HEALTH AND  
24 SOCIAL SERVICES] or other official having custody of the prisoner  
25 [HIM], who shall promptly forward it together with the certificate to  
26 the appropriate prosecuting official and court by registered or certi-  
27 fied mail, return receipt requested.

28 \* Sec. 17. AS 33.35.010 (Article III(c) of the Agreement on Detainers)  
29 is amended to read:

1           (c) The warden, commissioner of corrections [HEALTH AND SOCIAL  
2 SERVICES] or other official having custody of the prisoner shall  
3 promptly inform the prisoner [HIM] of the source and contents of any  
4 detainer against the prisoner [HIM], and shall also inform the pri-  
5 soner [HIM] of the [HIS] right to make a request for final disposition  
6 of the indictment, information or complaint on which the detainer is  
7 based.

8       \* Sec. 18. AS 33.35.010 (Article III(d) of the Agreement on Detainers)  
9 is amended to read:

10           (d) Any request for final disposition made by a prisoner under  
11 paragraph (a) of this article shall operate as a request for final  
12 disposition of all untried indictments, informations or complaints on  
13 the basis of which detainers have been lodged against the prisoner  
14 from the state to whose prosecuting official the request for final  
15 disposition is specifically directed. The warden, commissioner of  
16 corrections [HEALTH AND SOCIAL SERVICES] or other official having  
17 custody of the prisoner shall notify all appropriate prosecuting  
18 officers and courts in the several jurisdictions within the state to  
19 which the prisoner's request for final disposition is being sent of  
20 the proceeding being initiated by the prisoner. Any notification sent  
21 under this paragraph shall be accompanied by copies of the prisoner's  
22 written notice, request, and the certificate. If trial is not had on  
23 any indictment, information or complaint contemplated by this article  
24 before the return of the prisoner to the original place of imprison-  
25 ment, that indictment, information or complaint is of no further force  
26 or effect, and the court shall enter an order dismissing it with  
27 prejudice.

28       \* Sec. 19. AS 33.35.040 is amended to read:

29           Sec. 33.35.040. CENTRAL ADMINISTRATOR AND INFORMATION AGENT.

1 The commissioner of corrections [HEALTH AND SOCIAL SERVICES] or the  
2 designee of the commissioner of corrections [HEALTH AND SOCIAL SER-  
3 VICES] is the central administrator of and information agent for the  
4 Agreement on Detainers under AS 33.35.010.

5 \* Sec. 20. AS 33.36.040 is amended to read:

6 Sec. 33.36.040. IMPLEMENTATION. The commissioner of corrections  
7 [HEALTH AND SOCIAL SERVICES] or the commissioner's designee shall do  
8 all things necessary or incidental to the carrying out of the Inter-  
9 state Corrections Compact. However, no contract is of any force or  
10 effect until approved by the commissioner of administration.

11 \* Sec. 21. AS 33.36.100 is amended to read:

12 Sec. 33.36.100. IMPLEMENTATION OF COMPACT. The commissioner of  
13 corrections [HEALTH AND SOCIAL SERVICES] may enter into such contracts  
14 on behalf of the State of Alaska as may be appropriate to implement  
15 the participation of this state in the Western Interstate Corrections  
16 Compact under art. III of the compact. No contract is of any force or  
17 effect until approved by the commissioner of administration.

18 \* Sec. 22. AS 41.20.110(b) is amended to read:

19 (b) As an aid to the construction and maintenance of trails and  
20 campsites under (a) of this section the commissioner of corrections  
21 [HEALTH AND SOCIAL SERVICES] is authorized to establish a program that  
22 would allow prisoners to volunteer for work on the trails and camp-  
23 sites. The commissioner is authorized to grant remuneration for the  
24 work, either in money or reduction of sentence, which the commissioner  
25 [HE] considers sufficient.

26 \* Sec. 23. AS 44.17.005 is amended by adding a new paragraph to read:

27 (18) Department of Corrections.

28 \* Sec. 24. AS 44.29.020(9) is amended to read:

29 (9) management of state institutions other than correction-

1 al institutions;

2 \* Sec. 25. AS 47.08.050(8) is amended to read:

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

5 \* Sec. 26. AS 47.17.020(a)(4) is amended to read:

6 (4) peace officers, and officers of the Department of  
7 Corrections [DIVISION OF CORRECTIONS];

8 \* Sec. 27. AS 47.21.010(b)(1) is amended to read:

9 (1) certain delinquent juveniles in the custody of the  
10 Department of Health and Social Services [DIVISION OF CORRECTIONS];

11 \* Sec. 28. AS 47.30.845(5) is amended to read:

12 (5) the Department of Corrections [DIVISION OF CORRECTIONS]  
13 in a case in which a prisoner confined to the state prison is a pa-  
14 tient in the state hospital on authorized transfer either by voluntary  
15 admission or by court order;

16 \* Sec. 29. AS 47.37.040(3) is amended to read:

17 (3) cooperate with the Department of Corrections [DIVISION  
18 OF CORRECTIONS] in establishing and conducting programs to provide  
19 treatment for alcoholics and intoxicated persons in or on parole from  
20 penal institutions;

21 \* Sec. 30. The following laws are repealed: AS 12.55.185(2), AS 44.-  
22 29.020(17).

23 \* Sec. 31. On the effective date of this Act the Department of Health  
24 and Social Services shall transfer facilities, supplies, equipment and  
25 other assets relating to its corrections function to the Department of  
26 Corrections to enable the Department of Corrections to perform the duties  
27 imposed by this Act.

28 \* Sec. 32. This Act takes effect July 1, 1983.