

Introduced: 1/18/85  
Referred: Health, Education & Social  
Services, Judiciary and Finance

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2

HOUSE BILL NO. 85

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to correctional restitution cen-  
7 ters."

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

9 \* Section 1. AS 12.55.015 is amended by adding a new subsection to  
10 read:

11 (e) If the defendant is ordered to serve a definite term of  
12 imprisonment, the court may recommend that the defendant serve all or  
13 part of the term in a correctional restitution center. The term of  
14 service in a correctional restitution center may not exceed the maxi-  
15 mum term of imprisonment that could have been imposed.

16 \* Sec. 2. AS 12.55 is amended by adding a new section to read:

17 Sec. 12.55.021. ELIGIBILITY TO SERVE TIME IN A CORRECTIONAL  
18 RESTITUTION CENTER. (a) The court may not allow a defendant to serve  
19 time in a correctional restitution center unless the court specific-  
20 ally finds that the defendant meets the eligibility requirements imposed  
21 by this section. To determine eligibility, the court shall hold a  
22 hearing at which the defendant and the prosecution are allowed to  
23 present evidence.

24 (b) To be eligible to serve time in a correctional restitution  
25 center, the defendant

26 (1) must be employable and agree to secure employment and  
27 obey the rules of the center;

28 (2) must be an individual who otherwise would have been  
29 sentenced to imprisonment in a prison facility;

1 (3) may not have been convicted of an offense involving  
2 violence or the use of force, as defined in AS 11.81.900, and may not  
3 have a history of violence; in this section, violence or the use of  
4 force includes possession of a dangerous instrument, as defined in  
5 AS 11.81.900, in the commission of an offense, whether or not the  
6 dangerous instrument was actually used; and

7 (4) may not have been convicted of an offense under AS 11.-  
8 41.410 - 11.41.470 or an offense in the state or another jurisdiction  
9 having elements substantially identical to an offense under AS 11.41.-  
10 410 - 11.41.470.

11 \* Sec. 3. AS 12.55.086(a) is amended to read:

12 (a) When the imposition of sentence is suspended under AS 12.-  
13 55.085, the court may require, as a special condition of probation,  
14 that the defendant serve a definite term of continuous or periodic im-  
15 prisonment, including imprisonment in a correctional restitution  
16 center, not to exceed the maximum term of imprisonment that could have  
17 been imposed.

18 \* Sec. 4. AS 33.30 is amended by adding new sections to read:

19 ARTICLE 3A. CORRECTIONAL RESTITUTION CENTERS.

20 Sec. 33.30.282. CORRECTIONAL RESTITUTION CENTERS. (a) The  
21 commissioner shall establish correctional restitution centers in the  
22 state. The purpose of the centers is to provide certain nonviolent  
23 offenders with rehabilitation through community service and employment  
24 while protecting the community through partial incarceration of the  
25 offender.

26 (b) The commissioner shall adopt regulations setting standards  
27 for the operation of the centers including

28 (1) requirements that the centers be secure and in compli-  
29 ance with state and local safety laws;

1 (2) standards for disciplinary rules to be imposed on  
2 prisoners confined to the centers;

3 (3) standards for the granting of emergency absence to  
4 prisoners confined to the centers; and

5 (4) standards for periodic review of the performance of  
6 prisoners confined to the centers.

7 Sec. 33.30.284. COMMUNITY ADVISORY COMMITTEES. The commissioner  
8 shall appoint a community advisory committee for each center, to  
9 consist of five members of the community in which the center is locat-  
10 ed. The committee shall consider complaints made against prisoners  
11 confined to a center and shall make recommendations to the commis-  
12 sioner.

13 Sec. 33.30.286. DISTRIBUTION OF PRISONER'S EARNINGS. The em-  
14 ployer of a prisoner confined to a center shall pay the prisoner's  
15 earnings to the commissioner. The commissioner shall deposit the  
16 earnings in a fund to be paid to the prisoner upon release from the  
17 center after making and distributing deductions for

18 (1) an amount determined by the commissioner for the cost  
19 of the housing, food, and clothing provided to the prisoner;

20 (2) necessary travel expenses to and from work and other  
21 incidental expenses of the prisoner;

22 (3) an amount determined by the court to be necessary for  
23 the support of the prisoner's dependents; and

24 (4) an amount determined by the court to be necessary for  
25 restitution to the victims of an offense committed by the prisoner.

26 Sec. 33.30.288. CONFINEMENT TO THE CENTER. (a) A prisoner  
27 shall be confined to the center at all times except while

28 (1) at work and traveling to and from work;

29 (2) attending and traveling to and from a community service

1 project approved by the commissioner; and

2 (3) on emergency absence.

3 (b) The commissioner may grant an emergency absence to a prison-  
4 er confined to a center to obtain medical treatment or diagnosis.

5 \* Sec. 5. AS 33.30.900 is amended by adding a new paragraph to read:

6 (10) "center" means a correctional restitution center.