

Introduced: 1/25/85
Referred: Health, Education &
Social Services, Judiciary and
Finance

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 114

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 facilities, and the
7 imprisonment and rehabilitation of offenders."

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

9 * Section 1. AS 11.56.340 is repealed and reenacted to read:

10 Sec. 11.56.340. UNLAWFUL EVASION IN THE FIRST DEGREE. (a) A
11 person commits the crime of unlawful evasion in the first degree if,
12 while charged with or convicted of a felony,

13 (1) the person fails to return to official detention within
14 the time authorized following temporary leave granted for a specific
15 purpose or limited period; or

16 (2) while on furlough under AS 33.30.101 -- 33.30.131 the
17 person fails to return to the place of confinement or residence within
18 the time authorized by those having direct supervision.

19 (b) Unlawful evasion in the first degree is a class A misdemean-
20 or.

21 * Sec. 2. AS 11.56.350 is repealed and reenacted to read:

22 Sec. 11.56.350. UNLAWFUL EVASION IN THE SECOND DEGREE. (a) A
23 person commits the crime of unlawful evasion in the second degree if,
24 while charged with or convicted of a misdemeanor,

25 (1) the person fails to return to official detention within
26 the time authorized following temporary leave granted for a specific
27 purpose or limited period; or

28 (2) while on furlough under AS 33.30.101 -- 33.30.131 the
29 person fails to return to the place of confinement or residence within

1 the time authorized by those having direct supervision.

2 (b) Unlawful evasion in the second degree is a class B misde-
3 meanor.

4 * Sec. 3. AS 12.47.050(d) is repealed and reenacted to read:

5 (d) Notwithstanding any contrary provision of law, a defendant
6 receiving treatment under (b) of this section may not be released on
7 either furlough under AS 33.30.101 -- 33.30.131, except for treatment
8 in a secure setting, or parole.

9 * Sec. 4. AS 33.30.010 -- 33.30.900 are repealed.

10 * Sec. 5. AS 33.30 is amended by adding new sections to read:

11 CHAPTER 30. CORRECTIONAL [PRISON] FACILITIES AND
12 PROGRAMS [PRISONERS].

13 ARTICLE 1. ESTABLISHMENT, CONTROL, AND MANAGEMENT.

14 Sec. 33.30.011. DUTIES OF COMMISSIONER. The commissioner shall

15 (1) establish, maintain, operate, and control correctional
16 facilities suitable for the custody, care, and discipline of persons
17 charged or convicted of offenses against the state or held under
18 authority of state law;

19 (2) classify prisoners and, for persons committed to the
20 custody of the commissioner, establish programs, including furlough
21 programs that are reasonably calculated to

22 (A) protect the public;

23 (B) maintain health;

24 (C) create or improve occupational skills;

25 (D) enhance educational qualifications;

26 (E) support court-ordered restitution; and

27 (F) otherwise provide for the rehabilitation and
28 reformation of prisoners, facilitating their reintegration into
29 society;

1 (3) provide necessary medical services for prisoners in
2 correctional facilities or who are committed by a court to the custody
3 of the commissioner, including examinations for communicable and
4 infectious diseases; and

5 (4) provide necessary psychological or psychiatric treat-
6 ment if a physician or other health care provider, exercising ordinary
7 skill and care at the time of observation, concludes with reasonable
8 medical certainty that

9 (A) a prisoner exhibits symptoms of a serious disease
10 or injury that is curable or may be substantially alleviated; and

11 (B) the potential for harm to the prisoner by reason
12 of delay or denial of care would be substantial.

13 Sec. 33.30.021. REGULATIONS. The commissioner shall adopt
14 regulations to implement this chapter.

15 Sec. 33.30.031. CONTRACT FOR CONFINEMENT AND CARE OF PRISONERS.

16 (a) The commissioner shall determine the availability of state cor-
17 rectional facilities suitable for the detention and confinement of
18 persons held under authority of state law. If the commissioner deter-
19 mines that suitable state correctional facilities are not available,
20 the commissioner may enter into an agreement with a public or private
21 agency to provide necessary facilities. Correctional facilities
22 provided through agreement may be in this state or in another state.
23 The commissioner may not enter into an agreement with an agency unable
24 to provide a degree of custody, care, and discipline similar to that
25 required by the laws of this state.

26 (b) The commissioner may not enter into an agreement with a
27 privately operated correctional facility under (a) of this section
28 unless the purpose is to involve prisoners in a program established
29 under AS 33.30.091 -- 33.30.131 or to confine prisoners convicted of a

1 misdemeanor.

2 (c) Earnings of a person employed while confined in a privately
3 operated correctional facility established under (a) of this section
4 are subject to the provisions of AS 33.30.131.

5 (d) The commissioner may enter into an agreement with the United
6 States, another state, a municipality of this state, or another state
7 agency, to provide a correctional facility for the custody, care, and
8 discipline of a person held under authority of the law of that juris-
9 diction.

10 Sec. 33.30.041. LEASE OF CORRECTIONAL FACILITY TO MUNICIPALITY.

11 (a) The commissioner may enter into an agreement with a municipality
12 of the state for the lease of a state correctional facility or for the
13 use and operation of a state correctional facility for the joint
14 benefit of the municipality and the state, if the commissioner deter-
15 mines that it would be in the best interest of the state.

16 (b) An agreement executed by the commissioner under (a) of this
17 section must provide that

18 (1) the state has the right to detain or confine persons
19 held under authority of law in the correctional facility;

20 (2) the administrator of the correctional facility agrees
21 to implement an order, concerning a prisoner, issued by a court of the
22 state;

23 (3) the administrator of the correctional facility shall
24 comply with the law, and regulations adopted by the commissioner,
25 relating to the custody, care, and discipline of persons detained or
26 confined in the correctional facility; and

27 (4) the commissioner may inspect the correctional facility
28 at reasonable times to determine the conditions under which a prisoner
29 is detained or confined.

1 (c) The agreement executed by the commissioner under (a) of this
2 section may require the administrator of the correctional facility to
3 comply with requirements that the commissioner considers necessary for
4 the protection of the public or for the quality of care and programs
5 for prisoners required by this chapter and regulations adopted by the
6 commissioner.

7 ARTICLE 2. COMMITMENTS, PROGRAMS, AND FURLOUGHS.

8 Sec. 33.30.051. COMMITMENT TO COMMISSIONER. A person convicted
9 of an offense against the state must be committed to the custody of
10 the commissioner for the term of imprisonment which the court directs.

11 Sec. 33.30.061. COMMISSIONER TO DESIGNATE FACILITY. (a) The
12 commissioner shall designate the correctional facility to which a
13 prisoner is to be committed to serve a term of imprisonment or period
14 of temporary commitment. The commissioner may designate a facility
15 without regard to whether it is maintained by the state, is located
16 within the judicial district in which the prisoner was convicted, or
17 is located in the state.

18 (b) The decision of the commissioner to designate a facility for
19 the commitment of a prisoner pending appeal is not subject to review
20 absent a clear and convincing showing by the prisoner that the prison-
21 er would be denied the right to counsel. The decision of the commis-
22 sioner to designate a facility is not, under any other circumstance,
23 subject to review unless the prisoner makes a clear and convincing
24 showing of an abuse of discretion.

25 Sec. 33.30.071. RESPONSIBILITY FOR PRISONERS PENDING COMMITMENT.

26 (a) Notwithstanding AS 33.30.011(1), the commissioner of public
27 safety shall provide for the custody, care, and discipline of prison-
28 ers pending arraignment or commitment by a court to the custody of the
29 commissioner of corrections. Except as provided in (c) of this

1 section, the responsibility for providing necessary medical services
2 for prisoners remains with the commissioner of corrections under
3 AS 33.30.011(3). The commissioner of corrections and the commissioner
4 of public safety are not responsible for providing custody, care, and
5 discipline for a person detained under AS 47.37.170, unless the person
6 is admitted into a state correctional facility.

7 (b) The responsibility of the commissioner of public safety
8 under (a) of this section does not begin until a prisoner is accepted
9 into the custody of the commissioner of public safety, or admitted
10 into a correctional facility or other facility designed for holding
11 prisoners, and the commissioner of public safety is notified of the
12 acceptance or admission.

13 (c) Medical services for a prisoner who is unconscious or in
14 immediate need of medical attention before admission to a correctional
15 facility or commitment by a court to the custody of the commissioner
16 of corrections must be provided by the law enforcement agency having
17 custody of the prisoner. The law enforcement agency may require the
18 prisoner to compensate the agency for the cost of medical services
19 provided for a pre-existing medical condition not arising out of the
20 prisoner's arrest.

21 Sec. 33.30.081. TRANSPORTATION OF PRISONERS. (a) The commis-
22 sioner of public safety is responsible for transporting a prisoner to
23 and from the court having jurisdiction over the prisoner and for
24 delivering a prisoner to a correctional facility upon temporary or
25 final commitment by a court or upon transfer of a prisoner from one
26 correctional facility to another either inside or outside the state.

27 (b) The commissioner of corrections is responsible for furnish-
28 ing return transportation to the place of arrest for a prisoner held
29 in a state correctional facility, upon release from custody.

1 (c) The commissioner of public safety is responsible for fur-
2 nishing return transportation to the place of arrest for a prisoner
3 who is released from custody before admission to a state correctional
4 facility.

5 (d) The commissioner of corrections shall adopt regulations
6 governing the furnishing of transportation, discharge payments, and
7 clothing to prisoners upon release from a state correctional institu-
8 tion at any stage of a criminal proceeding.

9 Sec. 33.30.091. DESIGNATION OF PROGRAMS. Except as provided in
10 AS 33.30.111, the commissioner may assign a prisoner committed to the
11 commissioner's custody to any program established under AS 33.30.-
12 011(2) considering

- 13 (1) safeguards to the public;
- 14 (2) the prospects for the prisoner's rehabilitation;
- 15 (3) the availability of program and facility space;
- 16 (4) the prospect of future judicial proceedings requiring
17 the presence of the prisoner;
- 18 (5) the nature and circumstances of the offense for which
19 the prisoner was sentenced;
- 20 (6) the needs of the prisoner as determined by a classi-
21 fication committee and any recommendations made by the sentencing
22 court;
- 23 (7) the record of convictions of the prisoner with particu-
24 lar emphasis on crimes specified in AS 11.41;
- 25 (8) the use of drugs or alcohol by the prisoner;
- 26 (9) the length of the prisoner's sentence; and
- 27 (10) other criteria considered appropriate by the commis-
28 sioner, including experimental evaluation of correctional programs
29 that are consistent with protection of the public.

1 Sec. 33.30.101. FURLOUGHS. (a) The commissioner shall adopt
2 regulations governing the granting of furloughs to prisoners to

3 (1) obtain counseling and treatment for alcohol or drug
4 abuse;

5 (2) secure or attend vocational training;

6 (3) obtain medical or psychiatric treatment;

7 (4) secure or engage in employment;

8 (5) attend educational institutions;

9 (6) secure a residence or make other preparation for re-
10 lease;

11 (7) appear before a group whose purpose is a better under-
12 standing of crime or corrections; or

13 (8) for any other rehabilitative purpose the commissioner
14 determines to be in the interests of the prisoner and the public.

15 (b) If the commissioner determines that a prisoner can live
16 under reduced supervision without violating the law or the conditions
17 established for the conduct of the prisoner, the commissioner may
18 grant a furlough after considering

19 (1) the factors in AS 33.30.091;

20 (2) violations, if any, by the prisoner of a condition of a
21 prior furlough;

22 (3) the history, if any, of institutional misconduct by the
23 prisoner; and

24 (4) the best interests of the prisoner and the public.

25 Sec. 33.30.111. PRE-RELEASE FURLOUGHS. (a) Furlough programs
26 established under AS 33.30.101 must include pre-release furloughs
27 designed to facilitate the reintegration of a prisoner into society.

28 (b) A facility that is specifically adapted to provide a resi-
29 dence outside prison, including a halfway house, group home, or other

1 placement which provides varying levels of restriction and super-
2 vision, may be used for a prisoner on a pre-release furlough.

3 (c) The restrictions and supervision required for a pre-release
4 furlough must provide safeguards that minimize risk to the public and
5 include, as a minimum,

6 (1) frequent contact with the prisoner by persons supervis-
7 ing the prisoner;

8 (2) knowledge by supervisory staff of the location of the
9 prisoner;

10 (3) periodic reports by supervisory staff to the commis-
11 sioner on the performance of the prisoner while on furlough; and

12 (4) a residential setting in which persons supervising a
13 prisoner are obliged to immediately report to the commissioner any
14 violation of a condition set for the prisoner's conduct.

15 (d) Notwithstanding A6 33.30.101(b) and other eligibility crite-
16 ria established by the commissioner,

17 (1) a prisoner sentenced to a definite term of imprisonment
18 of more than one year but less than five years is not eligible for a
19 pre-release furlough until the prisoner has served at least one-third
20 of the sentence;

21 (2) a prisoner sentenced to a definite term of imprisonment
22 of five years or more is not eligible for a pre-release furlough until
23 the prisoner has served at least one-third of the sentence or is
24 within three years of the release date, whichever is later.

25 (e) A prisoner may request a pre-release furlough under proce-
26 dures adopted by the commissioner. If the commissioner denies a
27 request for a pre-release furlough, the commissioner shall provide the
28 prisoner with a written explanation of the reasons for the denial.

29 (f) Upon request of the victim, in the case of a prisoner

1 convicted of a crime against a person, notice of the commissioner's
2 intent to consider the prisoner for a pre-release furlough must be
3 sent to the victim. The victim may comment in writing on the intent
4 of the commissioner to release the prisoner on pre-release furlough
5 status. The commissioner shall consider the comments of the victim
6 before making a final decision to release a prisoner on a pre-release
7 furlough. The victim shall keep the commissioner apprised of the
8 victim's current mailing address. If the victim requests notifica-
9 tion, the commissioner shall make every reasonable effort to notify
10 the victim of an intent to release the prisoner on a pre-release
11 furlough. The notice must contain the expected date of the prisoner's
12 release, the geographic area in which the prisoner will reside and
13 other pertinent information concerning the prisoner's release that may
14 affect the victim.

15 Sec. 33.30.121. SHORT-DURATION FURLOUGHS. (a) A short-duration
16 furlough is an authorized leave of absence from a correctional facili-
17 ty for a period not to exceed 12 hours at any one time, except for

18 (1) family visitations, which may not exceed one week nor
19 occur more frequently than once in each six month period; or

20 (2) medical treatment, for which the furlough may not last
21 longer than necessary for the treatment.

22 (b) A short-duration furlough may be granted to a prisoner at
23 any time under regulations adopted by the commissioner.

24 Sec. 33.30.131. PRE-RELEASE FURLOUGH INVOLVING EMPLOYMENT. (a)
25 Unless alternative arrangements are expressly approved by the commis-
26 sioner, when a prisoner is employed outside a correctional facility as
27 part of a furlough program, the earnings of the prisoner must be sent
28 by the employer to the commissioner. If an employer transmits the
29 earnings to the commissioner, the employer has no liability to the

1 prisoner for the earnings. The commissioner shall disburse the earn-
2 ings of the prisoner under procedures adopted by the commissioner to
3 (1) pay for the room, board, and personal expenses of the
4 prisoner in an amount or at a rate determined by the commissioner;
5 (2) pay any restitution or fine ordered by the sentencing
6 court;
7 (3) reimburse the state for an award made for violent
8 crimes compensation under AS 18.67 arising out of the criminal conduct
9 of the prisoner;
10 (4) pay a civil judgment arising out of the criminal con-
11 duct of the prisoner; and
12 (5) support the dependents of the prisoner.

13 (b) After making the disbursements authorized under (a) of this
14 section, the commissioner shall retain the balance remaining in the
15 account of the prisoner and give it to the prisoner upon release. The
16 commissioner may permit the prisoner to draw upon a portion of this
17 money for other purposes that the commissioner considers appropriate.

18 (c) Only the earnings retained by the commissioner under (b) of
19 this section are subject to lien, attachment, garnishment, execution,
20 or other proceedings to encumber money or property.

21 Sec. 33.30.141. EFFECT OF VIOLATION OF FURLOUGH CONDITIONS OR
22 FAILURE TO RETURN. (a) If a prisoner on a furlough violates the
23 conditions established for the prisoner's conduct, the commissioner
24 may immediately require the return of the prisoner to actual confine-
25 ment for a period not to exceed the balance of the term of imprison-
26 ment and may initiate disciplinary proceedings authorized by regu-
27 lations adopted by the commissioner.

28 (b) The failure of a prisoner on a furlough to return to the
29 place of confinement or residence within the time specified by those

1 having direct supervision over the prisoner is an unlawful evasion
2 under AS 11.56.340 -- 11.56.350.

3 ARTICLE 3. GENERAL PROVISIONS.

4 Sec. 33.30.151. EMPLOYMENT OF PRISON INMATES. (a) It is the
5 policy of the state that prisoners be productively employed for as
6 many hours each day as feasible, not to exceed 40 hours per week
7 unless overtime has been specifically approved by the commissioner.
8 The term "productively employed" includes the following kinds of
9 employment:

10 (1) routine maintenance and support services essential to
11 the operation of a correctional facility;

12 (2) education including both academic and vocational;

13 (3) industrial, agricultural, and service activities con-
14 ducted in accordance with AS 33.32;

15 (4) public conservation projects including but not limited
16 to forest fire prevention and control, forest and watershed enhance-
17 ment, recreational area development, construction and maintenance of
18 trails and campsites, fish and game enhancement, soil conservation,
19 and forest watershed revegetation;

20 (5) renovation, repair or alteration of existing correc-
21 tional facilities as permitted by AS 44.65.050(d); and

22 (6) other work performed inside or outside of a correction-
23 al facility if the work has minimal negative impact on an existing
24 private industry or labor force in the state as determined by the
25 commissioner.

26 (b) The commissioner may enter into contracts or cooperative
27 agreements with any public agency for the performance of conservation
28 projects. The commissioner may enter into a contract with an indi-
29 vidual or agency for the employment of prisoners if the work to be

1 performed will have minimal negative impact on an existing private
2 industry or labor force in the state as determined by the commission-
3 er.

4 (c) The commissioner may direct a prisoner to participate in a
5 type of productive employment listed in (a)(1), and (4)-(6) of this
6 section while the prisoner is confined in a correctional facility. A
7 prisoner who refuses to participate in productive employment when
8 directed under this section is subject to disciplinary sanctions
9 imposed in accordance with regulations adopted by the commissioner.

10 Sec. 33.30.156. PAY OF PRISON INMATES. Each prisoner who is
11 productively employed, as defined in AS 33.30.151(a)(1) or (3) - (6),
12 may receive for that work compensation at a rate determined by the
13 commissioner under AS 33.32.050 if the money is available from legis-
14 lative appropriations. The provisions of AS 33.32.050 and AS 33.32.-
15 040(b) apply to prisoners employed in the correctional industries
16 program and to prisoners productively employed in activities outside
17 that program.

18 Sec. 33.30.161. TRANSMISSION OF DOCUMENTS. (a) When a prisoner
19 is admitted to a correctional facility, a copy of the commitment must
20 be delivered with the prisoner as evidence of the authority of the
21 correctional facility to hold the prisoner.

22 (b) When a person is sentenced to a term of imprisonment, copies
23 of the pre-sentence report, sentencing report prepared under AS 12.55-
24 .025, and any other information of the probation office or of the
25 court that may affect the person's rehabilitation must be transmitted
26 to the superintendent of the correctional facility in which the pris-
27 oner will be confined.

28 (c) The commissioner shall adopt regulations providing for the
29 security, confidentiality, and use of documents transmitted under (b)

1 of this section.

2 Sec. 33.30.171. SUPERINTENDENT OF CORRECTIONAL FACILITY MAY
3 ADMINISTER OATHS AND ACKNOWLEDGMENTS. The superintendent of a correc-
4 tional facility or the superintendent's assistant may administer oaths
5 to and take acknowledgments from a prisoner, but may not request nor
6 accept compensation from a prisoner for acts performed under this
7 section.

8 Sec. 33.30.181. TELEPHONE MONITORING INSIDE CORRECTIONAL INSTI-
9 TUTIONS. Notwithstanding AS 42.30.300 and 42.30.310, the commissioner
10 may authorize the use of monitoring or recording equipment to listen
11 to a telephone conversation of a prisoner in order to preserve the
12 security and orderly administration of the institution and to protect
13 the public, if a warning is posted by the telephone informing the
14 prisoner that a call may be monitored or recorded. Prisoner telephone
15 calls to attorneys may not be monitored nor recorded except when
16 authorized by a court.

17 Sec. 33.30.191. EFFECT OF JUDGMENT OF CONVICTION ON CIVIL
18 RIGHTS. (a) A person who is convicted of a felony involving moral
19 turpitude as defined in AS 15.60.010 is disqualified from voting in a
20 state or municipal election until the person's unconditional dis-
21 charge.

22 (b) A person who is convicted of a crime is disqualified from
23 serving as a juror until the person's unconditional discharge.

24 (c) A person who is convicted of a criminal charge or is serving
25 a term of imprisonment for a criminal offense may not bring a civil
26 action against the state, a state agency, or an employee of the state
27 unless it is an action for violation of the person's constitutional
28 rights during the time of imprisonment. The time within which the
29 action may be brought is limited as set out in AS 09.10.140.

1 (d) In this section, "unconditional discharge" has the meaning
2 given in AS 12.55.185.

3 Sec. 33.30.201. DISPOSAL OF ABANDONED PERSONAL PROPERTY. (a)

4 It is the obligation of each person committed to the custody of the
5 commissioner to provide for the appropriate disposition of all person-
6 al property within 90 days of the date of the person's release or
7 transfer from a correctional facility.

8 (b) Any personal property remaining at a correctional facility
9 after 90 days from the date of release or transfer is deemed aban-
10 doned, and will be delivered to the Department of Administration for
11 disposal pursuant to AS 44.71.010.

12 (c) The state shall not be liable for any loss or damage to
13 personal property deemed abandoned under (b) of this section.

14 Sec. 33.30.301. DEFINITIONS. In this chapter, unless the con-
15 text requires otherwise,

16 (1) "crime against a person" means a crime as set out in
17 AS 11.41, except custodial interference under AS 11.41.320 and 11.41-
18 .330; or a crime against a person in this or another jurisdiction
19 having elements substantially identical to those of a crime as set out
20 in AS 11.41, except custodial interference under AS 11.41.320 and
21 11.41.330;

22 (2) "commissioner" means the commissioner of the Department
23 of Corrections or the commissioner's designee;

24 (3) "correctional facility" or "facility" means a prison,
25 jail, camp, farm, half-way house, group home, or other placement
26 designated by the commissioner for the custody, care, and discipline
27 of prisoners; a "state correctional facility" means any correctional
28 facility owned or run by the state;

29 (4) "court" means the supreme court, the court of appeals,

1 the superior court, the district or magistrate court, or a justice or
2 judge of a court;

3 (5) "department" means the Department of Corrections;

4 (6) "furlough" means an authorized leave of absence from
5 actual confinement for a designated purpose and period of time;

6 (7) "municipality" means a borough or city in the state, or
7 a municipality unified under AS 29.68.240 -- 29.68.440, authorized by
8 law to establish a correctional facility;

9 (8) "prisoner" means a person, other than a juvenile; held
10 under authority of state law in official detention as defined in
11 AS 11.81.900(b);

12 (9) "temporary commitment" means detention of a person for
13 any period under authority of state law; but does not include confine-
14 ment upon conviction and judgment of a court of this state;

15 (10) "victim" has the meaning given in AS 12.55.185.

16 * Sec. 6. AS 33.32.015(b) is amended to read:

17 (b) The commissioner of corrections may

18 (1) subject to the Fiscal Procedures Act (AS 37.05), use,
19 purchase, lease, equip, and maintain buildings, machinery, and other
20 equipment, and may purchase materials and enter into contracts, which
21 may be necessary for the correctional industries program;

22 (2) provide for prisoners to be employed in rendering
23 services and producing articles, materials, and supplies needed by a
24 state agency, a political subdivision of the state, an agency of the
25 federal government, other states or their political subdivisions, or
26 for use by nonprofit organizations;

27 (3) if the Correctional Industries Commission established
28 in AS 33.32.070 approves, employ prisoners to provide services or
29 products as needed by private industry if the services or products

1 have potential for contributing to the economy of the state and will
2 have minimal negative impact on an existing private industry or labor
3 force in the state;

4 (4) subject to the provisions of AS 37.05, enter into joint
5 cooperative ventures with private industry for the establishment and
6 operation of "Free Venture" industries pursuant to AS 33.32.017, or as
7 otherwise necessary to fulfill the purpose of this chapter.

8 * Sec 7. AS 33.32 is amended by adding a new section to read:

9 Sec. 33.32.017. "FREE VENTURE" CORRECTIONAL INDUSTRIES. (a)
10 Upon recommendation of the Correctional Industries Commission estab-
11 lished under AS 33.32.070, the commissioner may establish "Free Ven-
12 ture" correctional industries for the sale of goods or services to the
13 public or private sector. A "Free Venture" correctional industry is a
14 correctional industry which is operated and managed in total or in
15 part by a private industry or organization within a correctional
16 facility pursuant to an agreement entered into under AS 33.32.-
17 015(b)(4).

18 (b) The commissioner shall provide appropriate space, utilities,
19 security and inmate workers to the private industry or organization.

20 (c) The private industry or organization shall provide all
21 machinery, tools, supplies, materials, transportation, training,
22 supervisory personnel, management marketing, and insurance necessary
23 for the operation of the "Free Venture" industry.

24 (d) In exchange for the space, utilities, and inmate workers
25 provided to it, the private industry or organization shall pay to the
26 commissioner a weekly payment in an amount not less than the sum of
27 the existing minimum hourly wage, established under AS 23.10.065,
28 multiplied by the total number of hours worked during that week by
29 inmates employed in the "Free Venture" correctional industry.

1 * Sec. 8. AS 33.32.030 is amended by adding a new subsection to read:

2 (f) The provisions of this section do not apply to "Free Ven-
3 ture" industries established under AS 33.32.017.

4 * Sec. 9. AS 39.35,360(e) is amended to read:

5 (e) An employee of a detention facility provided by a local
6 government unit to the territorial or state government under AS 33.-
7 30.031 [AS 33.30.060], who continues in state employment upon transfer
8 of the facility to the state, is entitled to credited service for
9 prior service with the facility if the employee remains in continuous
10 employment with the state until July 1, 1976. To obtain credited
11 service the employee is required to make retroactive contributions for
12 the period of service between January 1, 1961, and the effective date
13 of the transfer of the facility to the state.

14 * Sec. 10. AS 44.65.050 is amended by adding a new subsection to read:

15 (d) The Department of Corrections and the Department of Trans-
16 portation and Public Facilities may enter into agreements under this
17 chapter for the construction, renovation, repair or alteration of
18 state correctional facilities as defined in AS 33.30.301. An agree-
19 ment entered into under this subsection is limited to an estimated
20 cost of \$100,000 per project as determined by the terms of the agree-
21 ment.

22 * Sec. 11. Regulations adopted under a statute amended or repealed by
23 this Act continue in effect until amended or repealed by the commissioner
24 of corrections.

25