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1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2

CS FOR HOUSE BILL NO. 114 (HESS)

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 09.10.140 is amended to read:

10 Sec. 09.10.140. DISABILITIES OF MINORITY AND [,] INCOMPETENCY
11 [AND IMPRISONMENT]. If a person entitled to bring an action mentioned
12 in this chapter is at the time the cause of action accrues either (1)
13 under the age of majority[,], or (2) incompetent by reason of mental
14 illness[, OR (3) IMPRISONED ON A CRIMINAL CHARGE, OR IN EXECUTION
15 UNDER SENTENCE OF A COURT FOR A TERM LESS THAN THE PERSON'S NATURAL
16 LIFE], the time of the disability is not a part of the time limited
17 for the commencement of the action. The [BUT THE] period within which
18 the action may be brought is not extended in any case longer than two
19 years after the disability ceases.

20 * Sec. 2. AS 09.20.020 is amended to read:

21 Sec. 09.20.020. DISQUALIFICATION OF JURORS. A person is dis-
22 qualified from serving [TO ACT] as a juror if the person
23 (1) has served as a juror in the state within one year of
24 the time of examination for service; or
25 (2) has been convicted of a crime for which the person has
26 not been unconditionally discharged. Unconditional discharge has the
27 meaning given in AS 12.55.185 [FELONY AND THE CIVIL RIGHTS OF THE
28 PERSON HAVE NOT BEEN RESTORED].

29 * Sec. 3. AS 11.56.340 is repealed and reenacted to read:

1 Sec. 11.56.360, UNLAWFUL EVASION IN THE FIRST DEGREE. (a) A
2 person commits the crime of unlawful evasion in the first degree if,
3 while charged with or convicted of a felony,

4 (1) the person fails to return to official detention within
5 the time authorized following temporary leave granted for a specific
6 purpose of limited period; or

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

10 (b) Unlawful evasion in the first degree is a class A misdemeanor.
11

12 * Sec. 4. AS 11.56.350 is repealed and reenacted to read:

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

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

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

22 (b) Unlawful evasion in the second degree is a class B misdemeanor.
23

24 * Sec. 5. AS 12.47.050(d) is repealed and reenacted to read:

25 (d) Notwithstanding a contrary provision of law, a defendant
26 receiving treatment under (b) of this section may not be released

27 (1) on furlough under AS 33.30.101 - 33.30.131, except for
28 treatment in a secure setting; or

29 (2) on parole.

1 * Sec. 6. AS 33.30 is amended by adding new sections to read:

2 ARTICLE 1. ESTABLISHMENT, CONTROL, AND MANAGEMENT.

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

4 (1) establish, maintain, operate, and control correctional
5 facilities suitable for the custody, care, and discipline of persons
6 charged or convicted of offenses against the state or held under
7 authority of state law;

8 (2) classify prisoners and, for persons committed to the
9 custody of the commissioner, establish programs, including furlough
10 programs that are reasonably calculated to

11 (A) protect the public;

12 (B) maintain health;

13 (C) create or improve occupational skills;

14 (D) enhance educational qualifications;

15 (E) support court-ordered restitution; and

16 (F) otherwise provide for the rehabilitation and
17 reformation of prisoners, facilitating their reintegration into
18 society;

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

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

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

29 (B) the potential for harm to the prisoner by reason

1 of delay or denial of care is substantial.

2 Sec. 33.30.021. REGULATIONS. The commissioner shall adopt
3 regulations to implement this chapter.

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

5 (a) The commissioner shall determine the availability of state cor-
6 rectional facilities suitable for the detention and confinement of
7 persons held under authority of state law. If the commissioner deter-
8 mines that suitable state correctional facilities are not available,
9 the commissioner may enter into an agreement with a public or private
10 agency to provide necessary facilities. Correctional facilities
11 provided through agreement may be in this state or in another state.
12 The commissioner may not enter into an agreement with an agency unable
13 to provide a degree of custody, care, and discipline similar to that
14 required by the laws of this state.

15 (b) Unless the purpose is to involve prisoners in a program
16 established under AS 33.30.091 - 33.30.131 or to confine prisoners
17 convicted of a misdemeanor, the commissioner may not enter into an
18 agreement with a privately operated correctional facility under (a) of
19 this section.

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

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

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

29 (a) If the commissioner determines that it would be in the best

1 interest of the state, the commissioner may enter into an agreement
2 with a municipality of the state for the lease of a state correctional
3 facility or for the use and operation of a state correctional facility
4 for the joint benefit of the municipality and the state.

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

7 (1) the state has the right to detain or confine a prisoner
8 held under authority of law in the correctional facility;

9 (2) the administrator of the correctional facility agrees
10 to implement an order, concerning a prisoner, issued by a court of the
11 state;

12 (3) the administrator of the correctional facility shall
13 comply with the law, and regulations adopted by the commissioner,
14 relating to the custody, care, and discipline of a prisoner detained
15 or confined in the correctional facility; and

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

19 (c) The agreement executed by the commissioner under (a) of this
20 section may require the administrator of the correctional facility to
21 comply with requirements that the commissioner considers necessary for
22 the protection of the public or for the quality of care and programs
23 for prisoners required by this chapter and regulations adopted by the
24 commissioner.

25 **ARTICLE 2. COMMITMENTS, PROGRAMS, AND FURLOUGHS.**

26 **Sec. 33.30.051. COMMITMENT TO COMMISSIONER.** A person convicted
27 of an offense against the state shall be committed to the custody of
28 the commissioner for the term of imprisonment that the court directs.

29 **Sec. 33.30.061. COMMISSIONER TO DESIGNATE FACILITY.** (a) The

1 commissioner shall designate the correctional facility to which a
2 prisoner is to be committed to serve a term of imprisonment or period
3 of temporary commitment. The commissioner may designate a facility
4 without regard to whether it is maintained by the state, is located
5 within the judicial district in which the prisoner was convicted, or
6 is located in the state.

7 (b) The decision of the commissioner to designate a facility for
8 the commitment of a prisoner pending appeal is not subject to review
9 absent a clear and convincing showing by the prisoner that the prison-
10 er would be denied the right to effective assistance of counsel. The
11 decision of the commissioner to designate a facility may not, under
12 any other circumstance, be enjoined unless the prisoner makes a clear
13 and convincing showing of an abuse of discretion.

14 Sec. 33.30.071. RESPONSIBILITY FOR PRISONERS PENDING COMMITMENT.

15 (a) Notwithstanding AS 33.30.011(1), the commissioner of public
16 safety shall provide for the custody, care, and discipline of prison-
17 ers pending arraignment, commitment by a court to the custody of the
18 commissioner of corrections, or admission to a state correctional
19 facility. Except as provided in (c) of this section, the
20 responsibility for providing necessary medical services for prisoners
21 remains with the commissioner of corrections under AS 33.30.011(3).
22 The commissioner of corrections and the commissioner of public safety
23 are not responsible for providing custody, care, and discipline for a
24 person detained under AS 47.30.705 or AS 47.37.170, unless the person
25 is admitted into a state correctional facility.

26 (b) The responsibility of the commissioner of public safety
27 under (a) of this section does not begin until a prisoner is accepted
28 into the custody of the commissioner of public safety, or admitted
29 into a correctional facility or other facility designed for holding

1 prisoners, and the commissioner of public safety is notified of the
2 acceptance or admission.

3 (c) Medical services for a prisoner who is unconscious or in
4 immediate need of medical attention before admission to a correctional
5 facility or commitment by a court to the custody of the commissioner
6 of corrections shall be provided by the law enforcement agency having
7 custody of the prisoner. The law enforcement agency may require the
8 prisoner to compensate the agency for the cost of medical services
9 provided for a preexisting medical condition not arising out of the
10 prisoner's arrest.

11 Sec. 33.30.081. TRANSPORTATION OF PRISONERS. (a) The commis-
12 sioner of public safety is responsible for transporting a prisoner to
13 and from the court having jurisdiction over the prisoner and for
14 delivering a prisoner to a correctional facility upon temporary or
15 final commitment by a court or upon transfer of a prisoner from one
16 correctional facility to another either inside or outside the state.

17 (b) The commissioner of corrections is responsible for furnish-
18 ing return transportation to the place of arrest for a prisoner who is
19 released from custody in a state correctional facility.

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

24 (d) The commissioner of corrections shall adopt regulations
25 governing the furnishing of transportation, discharge payments, and
26 clothing to prisoners upon release from a state correctional facility
27 at any stage of a criminal proceeding.

28 Sec. 33.30.091. DESIGNATION OF PROGRAMS. Except as provided in
29 AS 33.30.111, the commissioner may assign a prisoner committed to the

1 commissioner's custody to a program established under AS 33.30.011(2)
2 considering

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

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

- 22 (1) obtain counseling and treatment for alcohol or drug
23 abuse;
- 24 (2) secure or attend vocational training;
- 25 (3) obtain medical or psychiatric treatment;
- 26 (4) secure or engage in employment;
- 27 (5) attend educational institutions;
- 28 (6) secure a residence or make other preparation for re-
29 lease;

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

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

5 (b) If the commissioner determines that a prisoner can live
6 under reduced supervision without violating the law or the conditions
7 established for the conduct of the prisoner, the commissioner may
8 grant a furlough after considering

9 (1) the factors in AS 33.30.091;

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

12 (3) the history, if any, of institutional misconduct by the
13 prisoner; and

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

15 Sec. 33.30.111. PRERELEASE FURLOUGHS. (a) Furlough programs
16 established under AS 33.30.101 must include prerelease furloughs
17 designed to facilitate the reintegration of a prisoner into society.

18 (b) A facility that is specifically adapted to provide a resi-
19 dence outside prison, including a halfway house, group home, or other
20 placement that provides varying levels of restriction and supervision,
21 may be used for a prisoner on a prerelease furlough.

22 (c) The restrictions and supervision required for a prerelease
23 furlough shall provide safeguards that minimize risk to the public and
24 include, as a minimum,

25 (1) frequent contact with the prisoner by persons supervis-
26 ing the prisoner;

27 (2) knowledge by supervisory staff of the location of the
28 prisoner;

29 (3) periodic reports by supervisory staff to the

1 commissioner on the performance of the prisoner while on furlough; and

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

5 (d) Notwithstanding AS 33.30.101(b), and other eligibility
6 criteria established by the commissioner, that relate to risks to the
7 public posed by the proposed furlough of a prisoner,

8 (1) a prisoner sentenced to a definite term of imprisonment
9 of more than one year but less than five years is not eligible for a
10 prerelease furlough until the prisoner has served at least one-third
11 of the sentence;

12 (2) a prisoner sentenced to a definite term of imprisonment
13 of five years or more is not eligible for a prerelease furlough until
14 the prisoner has served at least one-third of the sentence or is
15 within three years of the release date, whichever is later.

16 (e) A prisoner may request a prerelease furlough under proce-
17 dures adopted by the commissioner. If the commissioner denies a
18 request for a prerelease furlough, the commissioner shall provide the
19 prisoner with a written explanation of the reasons for the denial.

20 (f) Upon request of the victim, in the case of a prisoner con-
21 victed of a crime against a person, notice of the commissioner's
22 intent to consider the prisoner for a prerelease furlough shall be
23 sent to the victim. The victim may comment in writing on the intent
24 of the commissioner to release the prisoner on prerelease furlough
25 status. The commissioner shall consider the comments of the victim
26 before making a final decision to release a prisoner on a prerelease
27 furlough. The victim shall keep the commissioner apprised of the
28 victim's current mailing address. If the victim requests notifica-
29 tion, the commissioner shall make every reasonable effort to notify

1 the victim of an intent to release the prisoner on a prerelease
2 furlough. The notice must contain the expected date of the prisoner's
3 release, the geographic area in which the prisoner will reside and
4 other pertinent information concerning the prisoner's release that may
5 affect the victim.

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

9 (1) family visitations, that may not exceed one week or
10 occur more frequently than once in each six month period; or

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

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

15 Sec. 33.30.131. PRERELEASE FURLOUGH INVOLVING EMPLOYMENT. (a)
16 Unless alternative arrangements are expressly approved by the commis-
17 sioner, when a prisoner is employed outside a correctional facility as
18 part of a furlough program, the earnings of the prisoner shall be
19 delivered by the employer to the commissioner. If an employer
20 transmits the earnings to the commissioner, the employer has no
21 liability to the prisoner for the earnings. The commissioner shall
22 disburse the earnings of the prisoner, in an order determined
23 appropriate, under procedures adopted by the commissioner to

24 (1) pay for the room, board, and personal expenses of the
25 prisoner in an amount or at a rate determined by the commissioner;

26 (2) pay any restitution or fine ordered by the sentencing
27 court;

28 (3) reimburse the state for an award made for violent
29 crimes compensation under AS 18.67 arising out of the criminal conduct

1 of the prisoner;

2 (4) pay a civil judgment arising out of the criminal con-
3 duct of the prisoner; and

4 (5) support the dependents of the prisoner, and to provide
5 child support payments as required by AS 09.65.132.

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

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

14 Sec. 33.30.141. EFFECT OF VIOLATION OF FURLOUGH CONDITIONS OR
15 FAILURE TO RETURN. (a) If a prisoner on a furlough violates the
16 conditions established for the prisoner's conduct, the commissioner
17 may immediately require the return of the prisoner to actual confine-
18 ment for a period not to exceed the balance of the term of imprison-
19 ment and may initiate disciplinary proceedings authorized by regu-
20 lations adopted by the commissioner.

21 (b) The failure of a prisoner on a furlough to return to the
22 place of confinement or residence within the time specified by those
23 having direct supervision over the prisoner is an unlawful evasion
24 under AS 11.56.340 - 11.56.350.

25 ARTICLE 3. GENERAL PROVISIONS.

26 Sec. 33.30.151. EMPLOYMENT OF PRISON INMATES. (a) It is the
27 policy of the state that prisoners be productively employed for as
28 many hours each day as feasible, not to exceed 40 hours a week unless
29 overtime has been specifically approved by the commissioner.

1 (b) The commissioner may enter into contracts or cooperative
2 agreements with any public agency for the performance of conservation
3 projects. The commissioner may enter into a contract with an indi-
4 vidual or agency for the employment of prisoners if the work to be
5 performed will have minimal negative impact on an existing private
6 industry or labor force in the state as determined by the commission-
7 er.

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

14 (d) In this section "productively employed" includes the
15 following kinds of employment:

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

18 (2) education including both academic and vocational;

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

21 (4) public conservation projects including but not limited
22 to forest fire prevention and control, forest and watershed enhance-
23 ment, recreational area development, construction and maintenance of
24 trails and campsites, fish and game enhancement, soil conservation,
25 and forest watershed revegetation;

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

28 (6) other work performed inside or outside of a correction-
29 al facility if the work has minimal negative impact on an existing

1 private industry or labor force in the state as determined by the
2 commissioner.

3 Sec. 33.30.156. PAY OF PRISON INMATES. Each prisoner who is
4 productively employed, as defined in AS 33.30.151(d)(1) or 33.30.-
5 151(d)(3) - (6), may receive for that work compensation at a rate
6 determined by the commissioner under AS 33.32.050 if the money is
7 available from legislative appropriations. The provisions of
8 AS 33.32.050 and AS 33.32.040(b) apply to prisoners employed in the
9 correctional industries program and to prisoners productively employed
10 in activities outside that program.

11 Sec. 33.30.161. TRANSMISSION OF DOCUMENTS. (a) When a prisoner
12 is admitted to a correctional facility, a copy of the commitment shall
13 be delivered with the prisoner as evidence of the authority of the
14 correctional facility to hold the prisoner.

15 (b) When a person is sentenced to a term of imprisonment, copies
16 of the pre-sentence report, sentencing report prepared under AS 12.-
17 55.025, and any other information of the probation office or of the
18 court that may affect the person's rehabilitation shall be transmitted
19 to the superintendent of the correctional facility in which the pris-
20 oner will be confined.

21 (c) The commissioner shall adopt regulations providing for the
22 security, confidentiality, and use of documents transmitted under (b)
23 of this section.

24 Sec. 33.30.171. SUPERINTENDENT OF CORRECTIONAL FACILITY MAY
25 ADMINISTER OATHS AND ACKNOWLEDGMENTS. The superintendent of a correc-
26 tional facility or the superintendent's assistant may administer oaths
27 to and take acknowledgments from a prisoner, but may not request or
28 accept compensation from a prisoner for acts performed under this
29 section.

1 Sec. 33.30.181. TELEPHONE MONITORING INSIDE CORRECTIONAL INSTI-
2 TUTIONS. Notwithstanding AS 42.30.300 and 42.30.310, the commissioner
3 may authorize the use of monitoring or recording equipment to listen
4 to a telephone conversation of a prisoner in order to preserve the
5 security and orderly administration of the institution and to protect
6 the public, if a warning is posted by the telephone informing the
7 prisoner that a call may be monitored or recorded. Prisoner telephone
8 calls to attorneys may not be monitored or recorded except when
9 authorized by a court.

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

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

17 (c) In this section "unconditional discharge" has the meaning
18 given in AS 12.55.185.

19 Sec. 33.30.201. DISPOSAL OF ABANDONED PERSONAL PROPERTY. (a)
20 Except as provided in (b) of this section, it is the obligation of
21 each person committed to the custody of the commissioner to provide
22 for the appropriate disposition of all of the person's property re-
23 maining at a correctional facility within 90 days of the date of the
24 person's release or transfer from the correction facility.

25 (b) The commissioner shall provide for the shipment to the
26 receiving facility of a reasonable amount of a prisoner's property, as
27 determined by the commissioner, when the prisoner is transferred from
28 one correctional facility to another.

29 (c) A prisoner's personal property that remains at a

1 correctional facility after 90 days from the date of the prisoner's
2 release or transfer is considered abandoned, and shall be delivered to
3 the Department of Administration for disposal under AS 44.71.010.

4 (d) The state is not liable for any loss or damage to personal
5 property determined to be abandoned under (c) of this section.

6 Sec. 33.30.211. EXCESS MONEY AS CONTRABAND. (a) A prisoner who
7 possesses money in an amount greater than that permitted by the com-
8 missioner is subject to disciplinary sanctions under regulations
9 adopted by the commissioner.

10 (b) Money in the possession of a prisoner in an amount greater
11 than that permitted by the commissioner is contraband. If, after a
12 hearing under regulations adopted by the commissioner, a prisoner is
13 found to have been in possession of contraband under this section, the
14 contraband shall be forfeited and deposited into the general fund.

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

17 (1) "commissioner" means the commissioner of the Department
18 of Corrections;

19 (2) "correctional facility" or "facility" means a prison,
20 jail, camp, farm, half-way house, group home, or other placement
21 designated by the commissioner for the custody, care, and discipline
22 of prisoners; a "state correctional facility" means a correctional
23 facility owned or run by the state;

24 (3) "court" means the supreme court, the court of appeals,
25 the superior court, the district or magistrate court, or a justice or
26 judge of a court;

27 (4) "crime against a person" means a crime as set out in
28 AS 11.41, except custodial interference under AS 11.41.320 and 11.41.-
29 330; or a crime against a person in this or another jurisdiction

1 having elements substantially identical to those of a crime as set out
2 in AS 11.41, except custodial interference under AS 11.41.320 and
3 11.41.330;

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

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

7 (7) "health care provider" means

8 (A) a physician's assistant or nurse practitioner
9 licensed to practice in the state and working under the direct
10 supervision of a licensed physician or psychiatrist; or

11 (B) a mental health professional as defined in AS 47.-
12 30.915;

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

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

19 (10) "temporary commitment" means detention of a person for
20 any period under authority of state law, but does not include confine-
21 ment upon conviction and judgment of a court of this state;

22 (11) "victim" has the meaning given in AS 12.55.185.

23 * Sec. 7. AS 33.32.015(b) is amended to read:

24 (b) The commissioner of corrections may

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

29 (2) provide for prisoners to be employed in rendering

1 services and producing articles, materials, and supplies needed by a
2 state agency, a political subdivision of the state, an agency of the
3 federal government, other states or their political subdivisions, or
4 for use by nonprofit organizations;

5 (3) if the Correctional Industries Commission established
6 in AS 33.32.070 approves, employ prisoners to provide services or
7 products as needed by private industry if the services or products
8 have potential for contributing to the economy of the state and will
9 have minimal negative impact on an existing private industry or labor
10 force in the state;

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

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

16 Sec. 33.32.017. "FREE VENTURE" CORRECTIONAL INDUSTRIES. (a)
17 Upon recommendation of the Correctional Industries Commission estab-
18 lished under AS 33.32.070, the commissioner may establish "Free Ven-
19 ture" correctional industries for the sale of goods or services to the
20 public or private sector. A "Free Venture" correctional industry is a
21 correctional industry that is operated and managed in total or in part
22 by a private industry or organization within a correctional facility
23 under an agreement entered into under AS 33.32.015(b)(4).

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

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

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

7 (e) The private industry or organization shall indemnify, save
8 harmless, and defend the state, its agents, officers, and employees
9 from liability of any kind resulting from injuries or damages sus-
10 tained by a person or property as a result of the use of the goods or
11 services of the "Free Venture" industry.

12 * Sec. 9. AS 33.32.030 is amended by adding a new subsection to read:

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

15 * Sec. 10. AS 39.35.360(e) is amended to read:

16 (e) An employee of a detention facility provided by a local
17 government unit to the territorial or state government under AS 33.-
18 30.031 or former AS 33.30.060, who continues in state employment upon
19 transfer of the facility to the state, is entitled to credited service
20 for prior service with the facility if the employee remains in contin-
21 uous employment with the state until July 1, 1976. To obtain credited
22 service the employee is required to make retroactive contributions for
23 the period of service between January 1, 1961, and the effective date
24 of the transfer of the facility to the state.

25 * Sec. 11. AS 44.65.050 is amended by adding a new subsection to read:

26 (d) The Department of Corrections and the Department of Trans-
27 portation and Public Facilities may enter into agreements under this
28 chapter for the construction, renovation, repair or alteration of
29 state correctional facilities as defined in AS 33.30.301. An

1 agreement entered into under this subsection is limited to an
2 estimated cost of \$100,000 project as determined by the terms of the
3 agreement.

4 * Sec. 12. The following laws are repealed: AS 33.30.010, 33.30.020,
5 33.30.030, 33.30.040, 33.30.050, 33.30.060, 33.30.070, 33.30.080,
6 33.30.090, 33.30.100, 33.30.110, 33.30.120, 33.30.130, 33.30.140,
7 33.30.150, 33.30.160, 33.30.170, 33.30.180, 33.30.185, 33.30.190,
8 33.30.225, 33.30.227, 33.30.250, 33.30.260, 33.30.290, 33.30.300,
9 33.30.310, 33.30.320, and 33.30.900.

10 * Sec. 13. Regulations adopted under a statute amended or repealed by
11 this Act continue in effect until amended or repealed by the commissioner
12 of corrections, except to the extent that a regulation is inconsistent or
13 in conflict with a provision of this Act.

14