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Referred: Finance

Original sponsor: Rules/Governor

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE
2 CS FOR HOUSE BILL NO. 114 (Judiciary)
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 09.20.020 is amended to read:

10 Sec. 09.20.020. DISQUALIFICATION OF JURORS. A person is dis-
11 qualified from serving [TO ACT] as a juror if the person

12 (1) has served as a juror in the state within one year of
13 the time of examination for service; or

14 (2) has been convicted of a felony for which the person has
15 not been unconditionally discharged. Unconditional discharge has the
16 meaning given in AS 12.55.185 [FELONY AND THE CIVIL RIGHTS OF THE
17 PERSON HAVE NOT BEEN RESTORED].

18 * Sec. 2. AS 11.56.340 is repealed and reenacted to read:

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

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

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

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

1 * Sec. 3. AS 11.56.350 is repealed and reenacted to read:

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

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

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

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

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 AS 12.47.050(d) is repealed and reenacted to read:

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

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

18 (2) on parole.

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

20 ARTICLE 1. ESTABLISHMENT, CONTROL, AND MANAGEMENT.

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

22 (1) establish, maintain, operate, and control correctional
23 facilities suitable for the custody, care, and discipline of persons
24 charged or convicted of offenses against the state or held under
25 authority of state law;

26 (2) classify prisoners;

27 (3) for persons committed to the custody of the commis-
28 sioner, establish programs, including furlough programs that are
29 reasonably calculated to

1 (A) protect the public;
2 (B) maintain health;
3 (C) create or improve occupational skills;
4 (D) enhance educational qualifications;
5 (E) support court-ordered restitution; and
6 (F) otherwise provide for the rehabilitation and
7 reformation of prisoners, facilitating their reintegration into
8 society;

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

13 (5) provide necessary psychological or psychiatric treat-
14 ment if a physician or other health care provider, exercising ordinary
15 skill and care at the time of observation, concludes that

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

18 (B) the potential for harm to the prisoner by reason
19 of delay or denial of care is substantial.

20 Sec. 33.30.021. REGULATIONS. The commissioner shall adopt
21 regulations to implement this chapter.

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

23 (a) The commissioner shall determine the availability of state cor-
24 rectional facilities suitable for the detention and confinement of
25 persons held under authority of state law. If the commissioner deter-
26 mines that suitable state correctional facilities are not available,
27 the commissioner may enter into an agreement with a public or private
28 agency to provide necessary facilities. Correctional facilities
29 provided through agreement may be in this state or in another state.

1 The commissioner may not enter into an agreement with an agency unable
2 to provide a degree of custody, care, and discipline similar to that
3 required by the laws and regulations of this state.

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

9 (c) An agreement with a private agency to provide necessary
10 facilities under (a) of this section is subject to the provisions of
11 the Fiscal Procedures Act (AS 37.05).

12 (d) A person employed outside the facility while confined in a
13 privately operated correctional facility established under (a) of this
14 section is subject to the provisions of AS 33.30.131.

15 (e) The commissioner may enter into an agreement with the United
16 States, another state, a municipality of this state, or another state
17 agency, to provide a correctional facility for the custody, care, and
18 discipline of a person held under authority of the law of that juris-
19 diction.

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

21 (a) If the commissioner determines that it would be in the best
22 interest of the state, the commissioner may enter into an agreement
23 with a municipality of the state for the lease of a state correctional
24 facility or for the use and operation of a state correctional facility
25 for the joint benefit of the municipality and the state.

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

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

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

4 (3) the administrator of the correctional facility shall
5 comply with the law, and regulations adopted by the commissioner,
6 relating to the custody, care, and discipline of a prisoner detained
7 or confined in the correctional facility; and

8 (4) the commissioner may inspect the correctional facility
9 at any time to determine the conditions under which a prisoner is
10 detained or confined.

11 (c) The agreement executed by the commissioner under (a) of this
12 section may require the administrator of the correctional facility to
13 comply with requirements that the commissioner considers necessary for
14 the protection of the public or for the quality of care and programs
15 for prisoners required by this chapter and regulations adopted by the
16 commissioner.

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

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

21 **Sec. 33.30.061. COMMISSIONER TO DESIGNATE FACILITY.** (a) The
22 commissioner shall designate the correctional facility to which a
23 prisoner is to be committed to serve a term of imprisonment or period
24 of temporary commitment. The commissioner may designate a facility
25 without regard to whether it is maintained by the state, is located
26 within the judicial district in which the prisoner was convicted, or
27 is located in the state.

28 (b) The commissioner may designate an out-of-state facility
29 under this section only if the commissioner determines that

1 rehabilitation or treatment of the prisoner will not be substantially
2 impaired.

3 Sec. 33.30.071. RESPONSIBILITY FOR PRISONERS PENDING COMMITMENT.

4 (a) Notwithstanding AS 33.30.011(1), the commissioner of public
5 safety shall provide for the custody, care, and discipline of prison-
6 ers pending arraignment, commitment by a court to the custody of the
7 commissioner of corrections, or admission to a state correctional
8 facility. Except as provided in (c) of this section, the responsibil-
9 ity for providing necessary medical services for prisoners remains
10 with the commissioner of corrections under AS 33.30.011(4). The
11 commissioner of corrections and the commissioner of public safety are
12 not responsible for providing custody, care, and discipline for a
13 person detained under AS 47.30.705 or AS 47.37.170, unless the person
14 is admitted into a state correctional facility.

15 (b) The responsibility of the commissioner of public safety
16 under (a) of this section does not begin until a prisoner is accepted
17 into the custody of the commissioner of public safety, or admitted
18 into a correctional facility or other facility designed for holding
19 prisoners, and the commissioner of public safety is notified of the
20 acceptance or admission.

21 (c) Medical services for a prisoner who is unconscious or in
22 immediate need of medical attention before admission to a correctional
23 facility or commitment by a court to the custody of the commissioner
24 of corrections shall be provided by the law enforcement agency having
25 custody of the prisoner. The law enforcement agency may require the
26 prisoner to compensate the agency for the cost of medical services
27 provided for a preexisting medical condition not arising out of the
28 prisoner's arrest.

29 Sec. 33.30.081. TRANSPORTATION OF PRISONERS. (a) The

1 commissioner of public safety is responsible for transporting a pris-
2 oner to and from the court having jurisdiction over the prisoner and
3 for delivering a prisoner to a correctional facility upon temporary or
4 final commitment by a court or upon transfer of a prisoner from one
5 correctional facility to another either inside or outside the state.

6 (b) The commissioner of corrections shall make available return
7 transportation to the place of arrest for a prisoner who is released
8 from custody in a state correctional facility.

9 (c) The commissioner of public safety shall make available
10 return transportation to the place of arrest for a prisoner who is
11 released from custody before admission to a state correctional facili-
12 ty.

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

17 Sec. 33.30.091. DESIGNATION OF PROGRAMS. Except as provided in
18 AS 33.30.111, the commissioner may assign a prisoner committed to the
19 commissioner's custody to a program established under AS 33.30.011(3)
20 considering

- 21 (1) safeguards to the public;
- 22 (2) the prospects for the prisoner's rehabilitation;
- 23 (3) the availability of program and facility space;
- 24 (4) the prospect of future judicial proceedings requiring
25 the presence of the prisoner;
- 26 (5) the nature and circumstances of the offense for which
27 the prisoner was sentenced;
- 28 (6) the needs of the prisoner as determined by a classi-
29 fication committee and any recommendations made by the sentencing

1 court;

2 (7) the record of convictions of the prisoner with particu-
3 lar emphasis on crimes specified in AS 11.41;

4 (8) the use of drugs or alcohol by the prisoner;

5 (9) the length of the prisoner's sentence; and

6 (10) other criteria considered appropriate by the commis-
7 sioner, including experimental evaluation of correctional programs
8 that are consistent with protection of the public and reformation of
9 the prisoner.

10 Sec. 33.30.101. FURLOUGHS. (a) The commissioner shall adopt
11 regulations governing the granting of prerelease and short-duration
12 furloughs to prisoners to

13 (1) obtain counseling and treatment for alcohol or drug
14 abuse;

15 (2) secure or attend vocational training;

16 (3) obtain medical or psychiatric treatment;

17 (4) secure or engage in employment;

18 (5) attend educational institutions;

19 (6) secure a residence or make other preparation for re-
20 lease;

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

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

25 (b) If the commissioner determines with reasonable probability
26 that a prisoner can live under reduced supervision without violating
27 the law or the conditions established for the conduct of the prisoner,
28 the commissioner may grant a furlough after considering

29 (1) the factors in AS 33.30.091;

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

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

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

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

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

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

16 (1) frequent contact with the prisoner by persons supervis-
17 ing the prisoner;

18 (2) knowledge by supervisory staff of the location of the
19 prisoner;

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

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

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

28 (1) a prisoner sentenced to a definite term of imprisonment
29 of more than one year but less than five years is not eligible for a

1 prerelease furlough until the prisoner has served at least one-third
2 of the sentence;

3 (2) a prisoner sentenced to a definite term of imprisonment
4 of five years or more is not eligible for a prerelease furlough until
5 the prisoner has served at least one-third of the sentence or is
6 within three years of the release date, whichever is later; and

7 (3) a prisoner who is denied discretionary parole under
8 AS 33.15.080 may not be granted a prerelease furlough for a period of
9 at least one year following the denial unless the board of parole
10 expressly waives this provision.

11 (e) A prisoner may request a prerelease furlough under proce-
12 dures adopted by the commissioner. If the commissioner denies a
13 request for a prerelease furlough, the commissioner shall provide the
14 prisoner with a written explanation of the reasons for the denial.

15 (f) Upon request of the victim, in the case of a prisoner con-
16 victed of a crime against a person, notice of the commissioner's
17 intent to consider the prisoner for a prerelease furlough shall be
18 sent to the victim. The victim may comment in writing on the intent
19 of the commissioner to release the prisoner on prerelease furlough
20 status. The commissioner shall consider the comments of the victim
21 before making a final decision to release a prisoner on a prerelease
22 furlough. If the victim requests notification, the commissioner shall
23 make every reasonable effort to notify the victim of an intent to
24 release the prisoner on a prerelease furlough. The notice must con-
25 tain the expected date of the prisoner's release, the geographic area
26 in which the prisoner will reside and other pertinent information
27 concerning the prisoner's release that may affect the victim.

28 **Sec. 33.30.121. SHORT-DURATION FURLOUGHS.** (a) A short-duration
29 furlough is an authorized leave of absence from a correctional

1 facility for a period not to exceed 12 hours at any one time, except
2 for

3 (1) family visitations, that may not exceed one week or
4 occur more frequently than once in each two-month period; or

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

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

9 Sec. 33.30.131. PRERELEASE OR SHORT-DURATION FURLOUGH INVOLVING
10 EMPLOYMENT. (a) The commissioner may grant a prerelease or short-
11 duration furlough to permit a prisoner to participate in suitable
12 employment under conditions and at wages that represent the prevailing
13 standard for the area. A prisoner may not participate in employment
14 where an organized labor dispute is in progress.

15 (b) Unless alternative arrangements are expressly approved by
16 the commissioner, when a prisoner is employed outside a correctional
17 facility as part of a prerelease or short-duration furlough program,
18 the earnings of the prisoner shall be delivered to the commissioner.
19 If an employer transmits the earnings to the commissioner, the em-
20 ployer has no liability to the prisoner for the earnings. The commis-
21 sioner shall disburse the earnings of the prisoner, in an order deter-
22 mined appropriate, under procedures adopted by the commissioner to

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

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

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

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

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

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

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

13 Sec. 33.30.141. EFFECT OF VIOLATION OF FURLOUGH CONDITIONS OR
14 FAILURE TO RETURN. (a) If, after a hearing, a prisoner on a furlough
15 is found to have violated the conditions established for the prison-
16 er's conduct, the commissioner may immediately require the return of
17 the prisoner to actual confinement for a period not to exceed the
18 balance of the term of imprisonment or initiate disciplinary proceed-
19 ings authorized by regulations adopted by the commissioner or both.

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

24 ARTICLE 3. GENERAL PROVISIONS.

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

29 (b) The commissioner may enter into contracts or cooperative

1 agreements with any public agency for the performance of conservation
2 projects. The commissioner may enter into a contract with an indi-
3 vidual or agency for the employment of prisoners if the work to be
4 performed will have minimal negative impact on an existing private
5 industry or labor force in the state as determined by the Correctional
6 Industries Commission under AS 33.32.015.

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

13 (d) In this section "productively employed" includes the follow-
14 ing kinds of employment:

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

17 (2) education including both academic and vocational;

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

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

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

27 (6) other work performed inside or outside of a correction-
28 al facility if the work has minimal negative impact on an existing
29 private industry or labor force in the state as determined by the

1 Correctional Industries Commission under AS 33.32.015.

2 Sec. 33.30.156. PAY OF PRISON INMATES. Each prisoner who is
3 productively employed, as defined in AS 33.30.151(d)(1) or 33.30.-
4 151(d)(3) - (6), may receive for that work compensation at a rate
5 determined by the commissioner under AS 33.32.050 if the money is
6 available from legislative appropriations. The provisions of AS 33.-
7 32.050 and AS 33.32.040(b) apply to prisoners employed in the correc-
8 tional industries program and to prisoners productively employed in
9 activities outside that program.

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

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

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

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

29 Sec. 33.30.181. TELEPHONE ACCESS AND MONITORING INSIDE

1 CORRECTIONAL INSTITUTIONS. (a) Except as provided in (b) of this
2 section, a prisoner shall have reasonable access to a telephone.

3 (b) A prisoner who is classified maximum custody, is placed in
4 segregation as punishment for a rule infraction, or is placed in
5 segregation because the prisoner poses a threat to others or to the
6 security of a correctional facility may not have access to a telephone
7 except to communicate with an attorney, to otherwise communicate as
8 provided in Rule 5(b) of the Alaska Rules of Criminal Procedure, or in
9 an emergency as determined appropriate by the commissioner.

10 (c) Notwithstanding AS 42.20.300 and 42.20.310, in order to
11 preserve the security and orderly administration of the institution
12 and to protect the public, the commissioner may authorize the use of
13 monitoring or recording equipment to listen to a telephone conversa-
14 tion of a prisoner who has been convicted of an offense if a warning
15 is posted by the telephone informing the prisoner that a call may be
16 monitored or recorded. A telephone call made by or to a prisoner who
17 has not been convicted or a telephone call between an attorney and a
18 prisoner may not be monitored or recorded except when authorized by a
19 court.

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

25 (b) A person who is convicted of a felony is disqualified from
26 serving as a juror until the person's unconditional discharge.

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

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

1 Except as provided in (b) of this section, it is the obligation of
2 each person committed to the custody of the commissioner to provide
3 for the appropriate disposition of all of the person's property re-
4 maining at a correctional facility within 90 days of the date of the
5 person's release or transfer from the correction facility.

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

10 (c) A prisoner's personal property that remains at a correction-
11 al facility after 90 days from the date of the prisoner's release or
12 transfer is considered abandoned, and shall be delivered to the De-
13 partment of Administration for disposal under AS 44.71.010.

14 (d) The state is not liable for any loss or damage to personal
15 property properly determined to be abandoned under (c) of this sec-
16 tion.

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

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

26 Sec. 33.30.221. FORFEITURE OF PROPERTY. A conviction of a
27 person for a crime does not work a forfeiture of property, except in
28 cases where a forfeiture is expressly provided by law.

29 Sec. 33.30.231. CRIME AGAINST SENTENCED PRISONER. A person who

1 commits a crime against a sentenced prisoner is punishable as if the
2 prisoner was not sentenced and incarcerated.

3 Sec. 33.30.901. DEFINITIONS. In this chapter, unless the con-
4 text requires otherwise,

5 (1) "commissioner" means the commissioner of the Department
6 of Corrections;

7 (2) "correctional facility" or "facility" means a prison,
8 jail, camp, farm, half-way house, group home, or other placement
9 designated by the commissioner for the custody, care, and discipline
10 of prisoners; a "state correctional facility" means a correctional
11 facility owned or run by the state;

12 (3) "court" means the supreme court, the court of appeals,
13 the superior court, the district or magistrate court, or a justice or
14 judge of a court;

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

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

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

24 (7) "health care provider" means

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

28 (B) a mental health professional as defined in AS 47.
29 30.915;

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

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

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

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

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

12 (b) The commissioner of corrections may

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

17 (2) provide for prisoners to be employed in rendering
18 services and producing articles, materials, and supplies needed by a
19 state agency, a political subdivision of the state, an agency of the
20 federal government, other states or their political subdivisions, or
21 for use by nonprofit organizations;

22 (3) if the Correctional Industries Commission established
23 in AS 33.32.070 approves, employ prisoners to provide services or
24 products as needed by private industry if the services or products
25 have potential for contributing to the economy of the state and will
26 have minimal negative impact on an existing private industry or labor
27 force in the state;

28 (4) authorize a prisoner to engage in productive employment
29 within or outside a correctional facility or enter into a contract

1 under AS 33.30.151 for the employment of a prisoner if the Correction-
2 al Industries Commission determines that the employment will have
3 minimal negative impact on an existing private industry or labor force
4 in the state; and

5 (5) subject to the provisions of AS 37.05, enter into joint
6 cooperative ventures with private industry for the establishment and
7 operation of "Free Venture" industries under AS 33.32.017, if the
8 Correctional Industries Commission determines that the "Free Venture"
9 industry will have minimal negative impact on an existing private
10 industry or labor force in the state.

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

12 Sec. 33.32.017. "FREE VENTURE" CORRECTIONAL INDUSTRIES. (a)
13 Upon recommendation of the Correctional Industries Commission estab-
14 lished under AS 33.32.070, the commissioner may establish "Free Ven-
15 ture" correctional industries for the sale of goods or services to the
16 public or private sector. A "Free Venture" correctional industry is a
17 correctional industry that is operated and managed in total or in part
18 by a private industry or organization within a correctional facility
19 under an agreement entered into under AS 33.32.015(b)(5).

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

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

26 (d) In exchange for the space, utilities, and inmate workers
27 provided to it, the private industry or organization shall pay to the
28 commissioner a weekly payment in an amount not less than the sum of
29 the existing minimum hourly wage, established under AS 23.10.065,

1 multiplied by the total number of hours worked during that week by
2 inmates employed in the "Free Venture" correctional industry.

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

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

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

11 * Sec. 9. AS 39.35.360(e) is amended to read:

12 (e) An employee of a detention facility provided by a local
13 government unit to the territorial or state government under AS 33.-
14 30.031 or former AS 33.30.060, who continues in state employment upon
15 transfer of the facility to the state, is entitled to credited service
16 for prior service with the facility if the employee remains in contin-
17 uous employment with the state until July 1, 1976. To obtain credited
18 service the employee is required to make retroactive contributions for
19 the period of service between January 1, 1961, and the effective date
20 of the transfer of the facility to the state.

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

22 (d) The Department of Corrections and the Department of Trans-
23 portation and Public Facilities may enter into agreements under this
24 chapter for the construction, renovation, repair or alteration of
25 state correctional facilities as defined in AS 33.30.301. An agree-
26 ment entered into under this subsection is limited to an estimated
27 cost of \$100,000 for each project as determined by the terms of the
28 agreement.

29 * Sec. 11. The following laws are repealed: AS 33.30.010, 33.30.020,

1 33.30.030, 33.30.040, 33.30.050, 33.30.060, 33.30.070, 33.30.080, 33.30.-
2 090, 33.30.100, 33.30.110, 33.30.120, 33.30.130, 33.30.140, 33.30.150,
3 33.30.160, 33.30.170, 33.30.180, 33.30.185, 33.30.190, 33.30.225, 33.30.-
4 227, 33.30.250, 33.30.260, 33.30.290, 33.30.300, 33.30.310, 33.30.320, and
5 33.30.900.

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