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Referred: Judiciary

Original sponsor: Rules/Governor

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2

SENATE CS FOR CS FOR HOUSE BILL NO. 114 (HESS)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND 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 felony 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 AS 11.56.340 is repealed and reenacted to read: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. 11.56.340. 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 or limited period, including leave granted under AS 33.30.181;  
7 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 first degree is a class A misdemean-  
12 or.

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 AS 11.56.350 is repealed and reenacted to read:

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

17           (1) the person fails to return to official detention within  
18 the time authorized following temporary leave granted for a specific  
19 purpose or limited period, including leave granted under AS 33.30.181;  
20 or

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

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

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 AS 12.47.050(d) is repealed and reenacted to read:

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

29           (1) on furlough under AS 33.30.101 - 33.30.131, except for

1 treatment in a secure setting; or

2 (2) on parole.

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

4 ARTICLE 1. ESTABLISHMENT, CONTROL, AND MANAGEMENT.

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

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

10 (2) classify prisoners;

11 (3) for persons committed to the custody of the commis-  
12 sioner, establish programs, including furlough programs that are  
13 reasonably calculated to

14 (A) protect the public;

15 (B) maintain health;

16 (C) create or improve occupational skills;

17 (D) enhance educational qualifications;

18 (E) support court-ordered restitution; and

19 (F) otherwise provide for the rehabilitation and  
20 reformation of prisoners, facilitating their reintegration into  
21 society;

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

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

29 (A) a prisoner exhibits symptoms of a serious disease

1 or injury that is curable or may be substantially alleviated; and  
2 (B) the potential for harm to the prisoner by reason  
3 of delay or denial of care is substantial.

4 Sec. 33.30.021. REGULATIONS. The commissioner shall adopt  
5 regulations to implement this chapter.

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

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

19 (b) Unless the purpose is to involve prisoners in a program  
20 established under AS 33.30.091 - 33.30.131 or AS 33.30.151 - 33.30.181  
21 or to confine prisoners convicted of a misdemeanor, the commissioner  
22 may not enter into an agreement with a privately operated correctional  
23 facility under (a) of this section.

24 (c) Notwithstanding AS 37.05.230(1)(B), an agreement with a  
25 private agency to provide necessary facilities under (a) of this  
26 section must be based on competitive bids.

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

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

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

7           (a) If the commissioner determines that it would be in the best  
8 interest of the state, the commissioner may enter into an agreement  
9 with a municipality of the state for the lease of a state correctional  
10 facility or for the use and operation of a state correctional facility  
11 for the joint benefit of the municipality and the state.

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

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

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

19                   (3) the administrator of the correctional facility shall  
20 comply with the law, and regulations adopted by the commissioner,  
21 relating to the custody, care, and discipline of a prisoner detained  
22 or confined in the correctional facility; and

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

26           (c) The agreement executed by the commissioner under (a) of this  
27 section may require the administrator of the correctional facility to  
28 comply with requirements that the commissioner considers necessary for  
29 the protection of the public or for the quality of care and programs

1 for prisoners required by this chapter and regulations adopted by the  
2 commissioner.

3 ARTICLE 2. COMMITMENTS, PROGRAMS, AND FURLOUGHS.

4 Sec. 33.30.051. COMMITMENT TO COMMISSIONER. A person convicted  
5 of an offense against the state shall be committed to the custody of  
6 the commissioner for the term of imprisonment that the court directs.

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

14 (b) The commissioner may designate an out-of-state facility  
15 under this section only if the commissioner determines that rehabili-  
16 tation or treatment of the prisoner will not be substantially im-  
17 paired.

18 Sec. 33.30.071. RESPONSIBILITY FOR PRISONERS PENDING COMMITMENT.

19 (a) Notwithstanding AS 33.30.011(1), the commissioner of public  
20 safety shall provide for the custody, care, and discipline of prison-  
21 ers pending arraignment, commitment by a court to the custody of the  
22 commissioner of corrections, or admission to a state correctional  
23 facility. Except as provided in (c) of this section, the responsibil-  
24 ity for providing necessary medical services for prisoners remains  
25 with the commissioner of corrections under AS 33.30.011(4). The  
26 commissioner of corrections and the commissioner of public safety are  
27 not responsible for providing custody, care, and discipline for a  
28 person detained under AS 47.30.705 or AS 47.37.170, unless the person  
29 is admitted into a state correctional facility.

1           (b) The responsibility of the commissioner of public safety  
2 under (a) of this section does not begin until a prisoner is accepted  
3 into the custody of the commissioner of public safety, or admitted  
4 into a correctional facility or other facility designed for holding  
5 prisoners, and the commissioner of public safety is notified of the  
6 acceptance or admission.

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

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

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

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

28           (d) The commissioner of corrections shall adopt regulations  
29 governing the furnishing of transportation, discharge payments, and

1 clothing to prisoners upon release from a state correctional facility  
2 at any stage of a criminal proceeding.

3 (e) Except as provided in (f) of this section, a court may not  
4 order the transportation of a prisoner.

5 (f) A court may order a prisoner who is a party or witness to a  
6 civil action or a witness to a criminal action to appear at a place  
7 other than within a correctional facility only if the court deter-  
8 mines, after providing a reasonable opportunity for the commissioner  
9 to comment, that the prisoner's personal appearance is essential to  
10 the just disposition of the action. In making its determination, the  
11 court shall consider available alternatives to the prisoner's personal  
12 appearance including deposition and telephone testimony.

13 (g) Except as provided in (h) of this section, the expenses  
14 associated with the transportation of a prisoner ordered under (f) of  
15 this section, including the costs of travel for the prisoner and  
16 escorting officers and the salary and per diem costs of the escorting  
17 officers, shall be borne by the party who has requested the prisoner's  
18 appearance, and shall be paid to the commissioner of public safety  
19 before the prisoner is transported.

20 (h) A prisoner who is a party to a civil action is not required  
21 to bear the full costs of the prisoner's own transportation under (g)  
22 of this section if the court determines that the prisoner is indigent.  
23 In these cases, the court may require the prisoner to bear a portion  
24 of the costs, and the commissioner of public safety shall bear the re-  
25 maining costs of transporting the prisoner. If an indigent prisoner  
26 recovers a money judgment, the court may require the prisoner to bear  
27 all or part of the expenses required under (g) of this section.

28 Sec. 33.30.091. DESIGNATION OF PROGRAMS. Except as provided in  
29 AS 33.30.111 and 33.30.161, the commissioner may assign a prisoner

1 committed to the commissioner's custody to a program established under  
2 AS 33.30.011(3) 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 and reformation of  
20 the prisoner.

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

- 24 (1) obtain counseling and treatment for alcohol or drug  
25 abuse;
- 26 (2) secure or attend vocational training;
- 27 (3) obtain medical or psychiatric treatment;
- 28 (4) secure or engage in employment;
- 29 (5) attend educational institutions;

1                   (6) secure a residence or make other preparation for re-  
2 lease;

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

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

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

11                   (1) the factors in AS 33.30.091;

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

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

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

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

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

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

27                   (1) frequent contact with the prisoner by persons supervis-  
28 ing the prisoner;

29                   (2) knowledge by supervisory staff of the location of the

1 prisoner;

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

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

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

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

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

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

22 (f) Upon request of the victim, in the case of a prisoner con-  
23 victed of a crime against a person, notice of the commissioner's  
24 intent to consider the prisoner for a prerelease furlough shall be  
25 sent to the victim. The victim may comment in writing on the intent  
26 of the commissioner to release the prisoner on prerelease furlough  
27 status. The commissioner shall consider the comments of the victim  
28 before making a final decision to release a prisoner on a prerelease  
29 furlough. If the victim requests notification, the commissioner shall

1 make every reasonable effort to notify the victim of an intent to  
2 release the prisoner on a prerelease furlough. The notice must con-  
3 tain the expected date of the prisoner's release, the geographic area  
4 in which the prisoner will reside and other pertinent information  
5 concerning the prisoner's release that may 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 four-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 OR SHORT DURATION FURLOUGH OR CORREC-  
16 TIONAL RESTITUTION CENTER PLACEMENT INVOLVING EMPLOYMENT. (a) The  
17 commissioner may grant a prerelease or short-duration furlough to  
18 permit a prisoner to participate in suitable employment under con-  
19 ditions and at wages that represent the prevailing standard for the  
20 area. A prisoner may not participate in employment where an organized  
21 labor dispute is in progress.

22 (b) Unless alternative arrangements are expressly approved by  
23 the commissioner, when a prisoner is employed outside a correctional  
24 facility as part of a prerelease or short-duration furlough program,  
25 or as part of serving time in a correctional restitution center under  
26 AS 33.30.151 - 33.30.181, the earnings of the prisoner shall be de-  
27 livered to the commissioner. If an employer transmits the earnings to  
28 the commissioner, the employer has no liability to the prisoner for  
29 the earnings. The commissioner shall disburse the earnings of the

1 prisoner, in an order determined appropriate, under procedures adopted  
2 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, and to provide  
13 child support payments as required by AS 09.65.132.

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

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

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

29 (b) The failure of a prisoner on a furlough to return to the

1 place of confinement or residence within the time specified by those  
2 having direct supervision over the prisoner is an unlawful evasion  
3 under AS 11.56.340 - 11.56.350.

4 Sec. 33.30.151. CORRECTIONAL RESTITUTION CENTERS. (a) The  
5 commissioner shall establish correctional restitution centers in the  
6 state. The purpose of the centers is to provide certain nonviolent  
7 offenders with rehabilitation through community service and employment  
8 while protecting the community through partial incarceration of the  
9 offender, and to create a means to provide restitution to victims of  
10 crimes.

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

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

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

17 (3) standards for the granting of emergency absence to  
18 prisoners confined to the centers;

19 (4) standards for classifying prisoners to centers;

20 (5) standards for mandatory employment and participation in  
21 community service programs in each center; and

22 (6) standards for periodic review of the performance of  
23 prisoners confined to the centers.

24 Sec. 33.30.161. ELIGIBILITY TO SERVE TIME IN A CORRECTIONAL  
25 RESTITUTION CENTER. (a) The commissioner may not allow a prisoner to  
26 serve time in a correctional restitution center unless the commission-  
27 er specifically finds that the prisoner meets the eligibility require-  
28 ments of this section.

29 (b) To be eligible to serve time in a correctional restitution

1 center, the prisoner

2 (1) must be employable or eligible to work on community  
3 service projects approved by the commissioner and agree to secure  
4 employment or participate in community service projects and obey the  
5 rules of the center;

6 (2) may not have been convicted of an offense, in the state  
7 or another jurisdiction, involving violence or the use of force, as  
8 defined in AS 11.81.900; in this section, violence or the use of force  
9 includes possession of a firearm, as defined in AS 11.81.900, in the  
10 commission of an offense, whether or not the firearm was actually  
11 used; and

12 (3) may not have been convicted of an offense under AS 11.-  
13 41.410 - 11.41.470 or an offense in the state or another jurisdiction  
14 having elements substantially identical to an offense under AS 11.-  
15 41.410 - 11.41.470.

16 (c) Unless the commissioner determines otherwise for good cause  
17 shown, a person sentenced to less than five days who is serving time  
18 in a correctional restitution center shall participate in a community  
19 service project when available.

20 Sec. 33.30.171. COMMUNITY ADVISORY COMMITTEES. The commissioner  
21 shall appoint a community advisory committee for each center, to  
22 consist of five members of the community in which the center is locat-  
23 ed. The committee shall act as a liaison between the community and  
24 the department regarding community concerns with the center.

25 Sec. 33.30.181. CONFINEMENT TO THE CENTER. (a) A prisoner  
26 shall be confined to the center at all times except while

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

28 (2) at and traveling to and from a community service proj-  
29 ect approved by the commissioner;

- 1 (3) on emergency absence;  
2 (4) at and traveling to and from a job interview; or  
3 (5) on a furlough approved by the commissioner.

4 (b) Except for an emergency absence or furlough, a prisoner may  
5 not be absent from a center under this section for more than 12 hours  
6 in a 24-hour period.

7 ARTICLE 3. GENERAL PROVISIONS.

8 Sec. 33.30.191. EMPLOYMENT OF PRISON INMATES. (a) It is the  
9 policy of the state that prisoners be productively employed for as  
10 many hours each day as feasible, not to exceed 40 hours a week unless  
11 overtime has been specifically approved by the commissioner.

12 (b) The commissioner may enter into contracts or cooperative  
13 agreements with any public agency for the performance of conservation  
14 projects. The commissioner may enter into a contract with an indi-  
15 vidual or agency for the employment of prisoners if the work to be  
16 performed will have minimal negative impact on an existing private  
17 industry or labor force in the state as determined by the Correctional  
18 Industries Commission under AS 33.32.015.

19 (c) The commissioner may direct a prisoner to participate in a  
20 type of productive employment listed in (d)(1), and (d)(4)-(6) of this  
21 section while the prisoner is confined in a correctional facility. A  
22 prisoner who refuses to participate in productive employment inside a  
23 correctional facility when directed under this section is subject to  
24 disciplinary sanctions imposed in accordance with regulations adopted  
25 by the commissioner.

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

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

- 1           (2) education, including both academic and vocational;  
2           (3) industrial, agricultural, and service activities con-  
3 ducted in accordance with AS 33.32;  
4           (4) public conservation projects, including forest fire  
5 prevention and control, forest and watershed enhancement, recreational  
6 area development, construction and maintenance of trails and camp-  
7 sites, fish and game enhancement, soil conservation, and forest water-  
8 shed revegetation;  
9           (5) renovation, repair or alteration of existing correc-  
10 tional facilities as permitted by AS 44.65.050(d); and  
11           (6) other work performed inside or outside of a correction-  
12 al facility if the work has minimal negative impact on an existing  
13 private industry or labor force in the state as determined by the  
14 Correctional Industries Commission under AS 33.32.015.

15           Sec. 33.30.201. PAY OF PRISON INMATES. Each prisoner who is  
16 productively employed, as defined in AS 33.30.191(d)(1) or 33.30.-  
17 191(d)(3) - (6), may receive for that work compensation at a rate  
18 determined by the commissioner under AS 33.32.050 if the money is  
19 available from legislative appropriations. The provisions of AS 33.-  
20 32.050 and AS 33.32.040(b) apply to prisoners employed in the correc-  
21 tional industries program and to prisoners productively employed in  
22 activities outside that program.

23           Sec. 33.30.211. TRANSMISSION OF DOCUMENTS. (a) When a prisoner  
24 is admitted to a correctional facility, a copy of the commitment shall  
25 be delivered with the prisoner as evidence of the authority of the  
26 correctional facility to hold the prisoner.

27           (b) When a person is sentenced to a term of imprisonment, copies  
28 of the pre-sentence report, sentencing report prepared under AS 12.-  
29 55.025, and any other information of the probation office or of the

1 court that may affect the person's rehabilitation shall be transmitted  
2 to the superintendent of the correctional facility in which the pris-  
3 oner will be confined.

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

7 Sec. 33.30.221. SUPERINTENDENT OF CORRECTIONAL FACILITY MAY  
8 ADMINISTER OATHS AND ACKNOWLEDGMENTS. The superintendent of a correc-  
9 tional facility or the superintendent's assistant may administer oaths  
10 to and take acknowledgments from a prisoner, but may not request or  
11 accept compensation from a prisoner for acts performed under this  
12 section.

13 Sec. 33.30.231. TELEPHONE ACCESS AND MONITORING INSIDE CORREC-  
14 TIONAL INSTITUTIONS. (a) Except as provided in (b) of this section,  
15 a prisoner shall have reasonable access to a telephone.

16 (b) A prisoner who is classified maximum custody, is placed in  
17 segregation as punishment for a rule infraction, or is placed in  
18 segregation because the prisoner poses a threat to others or to the  
19 security of a correctional facility may not have access to a telephone  
20 except to communicate with an attorney, to otherwise communicate as  
21 provided in AS 12.25.150, or in an emergency as determined appropriate  
22 by the commissioner.

23 (c) Notwithstanding AS 42.20.300 and 42.20.310, in order to  
24 preserve the security and orderly administration of the institution  
25 and to protect the public, the commissioner may authorize the use of  
26 monitoring or recording equipment to listen to a telephone conversa-  
27 tion of a prisoner if a warning is posted by the telephone informing  
28 the prisoner that a call may be monitored or recorded. A telephone  
29 call between an attorney and a prisoner may not be monitored or

1 recorded except when authorized by a court.

2 Sec. 33.30.241. EFFECT OF JUDGMENT OF CONVICTION ON CIVIL  
3 RIGHTS. (a) A person who is convicted of a felony involving moral  
4 turpitude as defined in AS 15.60.010 is disqualified from voting in a  
5 state or municipal election until the person's unconditional dis-  
6 charge.

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

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

11 Sec. 33.30.251. DISPOSAL OF ABANDONED PERSONAL PROPERTY. (a)  
12 Except as provided in (b) of this section, it is the obligation of  
13 each person committed to the custody of the commissioner to provide  
14 for the appropriate disposition of all of the person's property re-  
15 maining at a correctional facility within 90 days of the date of the  
16 person's release or transfer from the correction facility.

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

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

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

28 Sec. 33.30.261. EXCESS MONEY AS CONTRABAND. (a) A prisoner who  
29 possesses money in an amount greater than that permitted by the

1 commissioner is subject to disciplinary sanctions under regulations  
2 adopted by the commissioner.

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

8 Sec. 33.30.271. FORFEITURE OF PROPERTY. A conviction of a  
9 person for a crime does not work a forfeiture of property, except in  
10 cases where a forfeiture is expressly provided by law.

11 Sec. 33.30.281. CRIME AGAINST SENTENCED PRISONER. A person who  
12 commits a crime against a sentenced prisoner is punishable as if the  
13 prisoner was not sentenced and incarcerated.

14 Sec. 33.30.291. TREATIES. If a treaty in effect between the  
15 United States and a foreign country provides for the transfer or  
16 exchange of prisoners sentenced to serve a term of incarceration to  
17 the country where they are citizens or nationals, the commissioner  
18 may, on behalf of the state and subject to the terms of the treaty,  
19 consent to the transfer or exchange of prisoners and take any other  
20 action necessary to initiate the participation of the state in the  
21 treaty.

22 Sec. 33.30.901. DEFINITIONS. In this chapter, unless the con-  
23 text requires otherwise,

24 (1) "center" means a correctional restitution center;

25 (2) "commissioner" means the commissioner of the Department  
26 of Corrections;

27 (3) "community service" means work on projects designed to  
28 reduce or eliminate environmental damage, protect the public health,  
29 or improve public services, lands, forests, parks, roads, highways,

1 facilities, or education; community service may not confer a private  
2 benefit on a person except as may be incidental to the public benefit;

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

8 (5) "court" means the supreme court, the court of appeals,  
9 the superior court, the district or magistrate court, or a justice or  
10 judge of a court;

11 (6) "crime against a person" means a crime as set out in  
12 AS 11.41, except custodial interference under AS 11.41.320 and 11.41.-  
13 330; or a crime against a person in this or another jurisdiction  
14 having elements substantially identical to those of a crime as set out  
15 in AS 11.41, except custodial interference under AS 11.41.320 and  
16 11.41.330;

17 (7) "department" means the Department of Corrections;

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

20 (9) "health care provider" means

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

24 (B) a mental health professional as defined in AS 47.-  
25 30.915;

26 (10) "municipality" means a borough or city in the state, or  
27 a municipality unified under AS 29.68.240 - 29.68.440, authorized by  
28 law to establish a correctional facility;

29 (11) "prisoner" means a person, other than a juvenile, held

1 under authority of state law in official detention as defined in  
2 AS 11.81.900(b);

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

6 (13) "victim" has the meaning given in AS 12.55.185.

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

8 (b) The commissioner of corrections may

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

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

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

24 (4) authorize a prisoner to engage in productive employment  
25 within or outside a correctional facility or enter into a contract  
26 under AS 33.30.151 for the employment of a prisoner if the Correction-  
27 al Industries Commission determines that the employment will have  
28 minimal negative impact on an existing private industry or labor force  
29 in the state; and

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

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

8           Sec. 33.32.017. "FREE VENTURE" CORRECTIONAL INDUSTRIES. (a)

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

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

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

25           (d) In exchange for the inmate workers and other services pro-  
26 vided to it, the private industry or organization shall pay to the  
27 commissioner a weekly payment in an amount not less than the sum of  
28 the existing minimum hourly wage, established under AS 23.10.065,  
29 multiplied by the total number of hours worked during that week by

1 inmates employed in the "Free Venture" correctional industry.

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

8 \* Sec. 9. 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. 10. 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. 11. 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. 12. 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, 33.30.062, 33.30.070, 33.30.-  
2 080, 33.30.090, 33.30.100, 33.30.110, 33.30.120, 33.30.130, 33.30.140,  
3 33.30.150, 33.30.160, 33.30.170, 33.30.180, 33.30.185, 33.30.190, 33.30.-  
4 225, 33.30.227, 33.30.250, 33.30.260, 33.30.282, 33.30.283, 33.30.284,  
5 33.30.286, 33.30.288, 33.30.290, 33.30.300, 33.30.310, 33.30.320, and  
6 33.30.900.

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