

Offered: 2/13/85
Referred: Judiciary

Original sponsors: Kelly, Sturgulewski,
Faiks, et al

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2

CS FOR SENATE BILL NO. 4 (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 restitution cen-
7 ters."

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

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

11 (e) If the defendant is ordered to serve a definite term of
12 imprisonment, the court may recommend that the defendant serve all or
13 part of the term in a correctional restitution center.

14 * Sec. 2. AS 12.55.086(a) is amended to read:

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

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

22 ARTICLE 3A. CORRECTIONAL RESTITUTION CENTERS.

23 Sec. 33.30.282. CORRECTIONAL RESTITUTION CENTERS. (a) The
24 commissioner shall establish correctional restitution centers in the
25 state. The purpose of the centers is to provide certain nonviolent
26 offenders with rehabilitation through community service and employment
27 while protecting the community through partial incarceration of the
28 offender, and to create a means to provide restitution to victims of
29 crimes.

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

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

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

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

9 (4) standards for periodic review of the performance of
10 prisoners confined to the centers.

11 Sec. 33.30.283. ELIGIBILITY TO SERVE TIME IN A CORRECTIONAL
12 RESTITUTION CENTER. (a) The commissioner may not allow a prisoner to
13 serve time in a correctional restitution center unless the commis-
14 sioner specifically finds that the prisoner meets the eligibility
15 requirements imposed by this section.

16 (b) To be eligible to serve time in a correctional restitution
17 center, the prisoner

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

20 (2) may not have been convicted of an offense, in this
21 state or another jurisdiction, involving violence or the use of force,
22 as defined in AS 11.81.900; in this section, violence or the use of
23 force includes possession of a firearm, as defined in AS 11.81.900, in
24 the commission of an offense, whether or not the firearm was actually
25 used; and

26 (3) may not have been convicted of an offense under AS 11.-
27 41.410 - 11.41.470 or an offense in the state or another jurisdiction
28 having elements substantially identical to an offense under AS 11.41.-
29 410 - 11.41.470.

1 Sec. 33.30.284. COMMUNITY ADVISORY COMMITTEES. The commissioner
2 shall appoint a community advisory committee for each center, to
3 consist of five members of the community in which the center is locat-
4 ed. The committee shall consider complaints made against prisoners
5 confined to a center and shall make recommendations to the commis-
6 sioner.

7 Sec. 33.30.285. CONTRACTS FOR OPERATION OF RESTITUTION CENTERS.
8 The commissioner may enter into an agreement with a public or private
9 agency to provide necessary facilities under AS 33.30.282 - 33.30.288.
10 The commissioner may not enter into an agreement with an agency that
11 is unable to provide a degree of custody, care, and discipline similar
12 to that required by the laws of the state.

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

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

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

22 (3) an amount determined by the commissioner to be neces-
23 sary for the support of the prisoner's dependents; and

24 (4) a fine or restitution ordered by the court.

25 Sec. 33.30.288. CONFINEMENT TO THE CENTER. A prisoner shall be
26 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 pro-
29 ject approved by the commissioner;

- 1 (3) on emergency absence; or
- 2 (4) at and traveling to and from a job interview.
- 3 * Sec. 4. AS 33.30.900 is amended by adding a new paragraph to read:
- 4 (10) "center" means a correctional restitution center.