

Offered: 3/26/85
Referred: Rules

Original sponsors: Kelly, Sturgulewski,
Faiks, et al

1 IN THE SENATE BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 4 (Finance) am
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 confinement of offenders and to
7 restitution centers."

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 AS 33.30.060 is repealed and reenacted to read:

22 Sec. 33.30.060. COMMISSIONER MAY CONTRACT FOR CONFINEMENT AND
23 CARE OF PRISONERS. (a) The commissioner shall determine the avail-
24 ability of state prison facilities suitable for the detention and
25 confinement of persons held under authority of state law. If the
26 commissioner determines that suitable state prison facilities are not
27 available, the commissioner may enter into an agreement with a public
28 agency to provide necessary facilities. Correctional facilities
29 provided through agreement may be in this state or another state. The

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

4 (b) The commissioner may enter into an agreement with a private-
5 ly operated correctional facility, but only if the facility is located
6 in the state and if the purpose of the agreement is to involve prison-
7 ers in a program established under AS 33.30.250 - 33.30.260, to pro-
8 vide necessary facilities under AS 33.30.282 - 33.30.288, or to con-
9 fine prisoners convicted of a misdemeanor. Notwithstanding
10 AS 37.05.230(1)(B), an agreement awarded under this section shall be
11 based on competitive bids.

12 (c) Earnings of a prisoner who is employed while confined in a
13 privately operated correctional facility under (b) of this section are
14 subject to AS 33.30.286.

15 * Sec. 4. AS 33.30 is amended by adding new sections to read:

16 ARTICLE 3A. CORRECTIONAL RESTITUTION CENTERS.

17 Sec. 33.30.282. CORRECTIONAL RESTITUTION CENTERS. (a) The
18 commissioner shall establish correctional restitution centers in the
19 state. The purpose of the centers is to provide certain nonviolent
20 offenders with rehabilitation through community service and employment
21 while protecting the community through partial incarceration of the
22 offender, and to create a means to provide restitution to victims of
23 crimes.

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

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

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

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

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

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

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

12 (1) must be employable or eligible to work on community
13 service projects approved by the commissioner and agree to secure
14 employment or participate in community service projects and obey the
15 rules of the center;

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

22 (3) may not have been convicted of an offense under AS 11.-
23 41.410 - 11.41.470 or an offense in the state or another jurisdiction
24 having elements substantially identical to an offense under AS 11.41.-
25 410 - 11.41.470.

26 Sec. 33.30.284. COMMUNITY ADVISORY COMMITTEES. The commissioner
27 shall appoint a community advisory committee for each center, to
28 consist of five members of the community in which the center is locat-
29 ed. The committee shall consider complaints made against prisoners

1 confined to a center and shall make recommendations to the commis-
2 sioner.

3 Sec. 33.30.286. DISTRIBUTION OF PRISONER'S EARNINGS. The em-
4 ployer of a prisoner confined to a center shall pay the prisoner's
5 earnings to the commissioner. The commissioner shall deposit the
6 earnings in a fund to be paid to the prisoner upon release from the
7 center after making and distributing deductions for

8 (1) an amount determined by the commissioner for the cost
9 of the housing, food, and clothing provided to the prisoner; the
10 deduction under this paragraph shall be the same percentage of each
11 prisoner's earnings, but may not exceed the actual cost of services
12 provided;

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

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

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

18 Sec. 33.30.288. CONFINEMENT TO THE CENTER. (a) A prisoner
19 shall be confined to the center at all times except while

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

21 (2) at and traveling to and from a community service pro-
22 ject approved by the commissioner;

23 (3) on emergency absence; or

24 (4) at and traveling to and from a job interview.

25 (b) Except for an emergency absence, a prisoner may not be
26 absent from a center under this section for more than 12 hours in a
27 24-hour period.

28 * Sec. 5. AS 33.30.900 is amended by adding a new paragraph to read:

29 (10) "center" means a correctional restitution center.