

Offered: 4/12/85
Referred: Judiciary and
Finance

Original sponsors: Kelly, Sturgulewski,
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1 IN THE SENATE
2 HOUSE CS FOR 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 confinement of offenders and to
7 restitution centers."
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
9 * Section 1. AS 11.56.340(a) is amended to read:
10 (a) A person commits the crime of unlawful evasion in the first
11 degree if the person fails to return to official detention on a charge
12 of a felony following temporary leave granted for a specific purpose
13 or limited period, including privileges granted under AS 33.30.150,
14 33.30.250, [OR] 33.30.260, or 33.30.288.
15 * Sec. 2. AS 11.56.350(a) is amended to read:
16 (a) A person commits the crime of unlawful evasion in the second
17 degree if the person fails to return to official detention on a charge
18 of a misdemeanor following temporary leave granted for a specific
19 purpose or limited period, including privileges granted under AS 33.-
20 30.150, 33.30.250, [OR] 33.30.260, or 33.30.288.
21 * Sec. 3. AS 12.55.015 is amended by adding a new subsection to read:
22 (e) If the defendant is ordered to serve a definite term of
23 imprisonment, the court may recommend that the defendant serve all or
24 part of the term in a correctional restitution center.
25 * Sec. 4. AS 12.55.086(a) is amended to read:
26 (a) When the imposition of sentence is suspended under AS 12.-
27 55.085, the court may require, as a special condition of probation,
28 that the defendant serve a definite term of continuous or periodic im-
29 prisonment, not to exceed the maximum term of imprisonment that could

1 have been imposed. The court may recommend that the defendant serve
2 all or part of the term in a correctional restitution center.

3 * Sec. 5. AS 33.30.060 is repealed and reenacted to read:

4 Sec. 33.30.060. COMMISSIONER MAY CONTRACT FOR CONFINEMENT AND
5 CARE OF PRISONERS. (a) The commissioner shall determine the avail-
6 ability of state prison facilities suitable for the detention and
7 confinement of persons held under authority of state law. If the
8 commissioner determines that suitable state prison facilities are not
9 available, the commissioner may enter into an agreement with a public
10 agency to provide necessary facilities. Correctional facilities
11 provided through agreement may be in this state or another state. The
12 commissioner may not enter into an agreement with an agency unable to
13 provide a degree of custody, care, and discipline similar to that
14 required by the laws of the state.

15 (b) The commissioner may enter into an agreement with a private-
16 ly operated correctional facility, but only if the facility is located
17 in the state and if the purpose of the agreement is to involve prison-
18 ers in a program established under AS 33.30.250 - 33.30.260, to pro-
19 vide necessary facilities under AS 33.30.282 - 33.30.288, or to con-
20 fine prisoners convicted of a misdemeanor. Notwithstanding AS 37.05.-
21 230(1)(B), an agreement awarded under this subsection shall be based
22 on competitive bids.

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

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

27 ARTICLE 3A. CORRECTIONAL RESTITUTION CENTERS.

28 Sec. 33.30.282. CORRECTIONAL RESTITUTION CENTERS. (a) The
29 commissioner shall establish correctional restitution centers in the

1 state. The purpose of the centers is to provide certain nonviolent
2 offenders with rehabilitation through community service and employment
3 while protecting the community through partial incarceration of the
4 offender, and to create a means to provide restitution to victims of
5 crimes.

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

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

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

12 (3) standards for the granting of emergency absence to
13 prisoners confined to the centers;

14 (4) standards for classifying prisoners to centers;

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

17 (6) standards for periodic review of the performance of
18 prisoners confined to the centers.

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

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

26 (1) must be employable or eligible to work on community
27 service projects approved by the commissioner and agree to secure
28 employment or participate in community service projects and obey the
29 rules of the center;

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

7 (3) may not have been convicted of an offense under AS 11.-
8 41.410 - 11.41.470 or an offense in the state or another jurisdiction
9 having elements substantially identical to an offense under AS 11.41.-
10 410 - 11.41.470.

11 Sec. 33.30.284. COMMUNITY ADVISORY COMMITTEES. The commissioner
12 shall appoint a community advisory committee for each center, to
13 consist of five members of the community in which the center is locat-
14 ed. The committee shall consider complaints made against prisoners
15 confined to a center and shall make recommendations to the commis-
16 sioner.

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

22 (1) an amount determined by the commissioner for the cost
23 of the housing, food, and clothing provided to the prisoner; the
24 deduction under this paragraph shall be the same percentage of each
25 prisoner's earnings, but may not exceed the actual cost of services
26 provided;

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

29 (3) an amount determined by the commissioner to be

1 necessary for the support of the prisoner's dependents and for child
2 support payments as required under AS 09.65.132; and

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

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

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

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

9 (3) on emergency absence;

10 (4) at and traveling to and from a job interview; or

11 (5) on a furlough approved by the commissioner.

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

15 * Sec. 7. AS 33.30.900 is amended by adding new paragraphs to read:

16 (10) "center" means a correctional restitution center;

17 (11) "community service" means work on projects designed to
18 reduce or eliminate environmental damage, protect the public health,
19 or improve public services, lands, forests, parks, roads, highways,
20 facilities, or education; community service may not confer a private
21 benefit on a person except as may be incidental to the public benefit.