

Offered: 5/9/85
Referred: Finance

Original sponsors: Kelly, Sturgulewski,
Faiks, et al

1 IN THE SENATE BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 4 (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 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 AS 33.30.060 is repealed and reenacted to read: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. The commissioner shall determine the availability
6 of state prison facilities suitable for the detention and confinement
7 of persons held under authority of state law. If the commissioner
8 determines that suitable state prison facilities are not available,
9 the commissioner may enter into an agreement with a public agency to
10 provide necessary facilities. Correctional facilities provided
11 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 * Sec. 6. AS 33.30 is amended by adding a new section to read:

16 Sec. 33.30.062. CONTRACTS WITH PRIVATELY OPERATED FACILITIES.

17 (a) The commissioner may enter into an agreement with a privately
18 operated correctional facility, but only if the facility is located in
19 the state and if the purpose of the agreement is to involve prisoners
20 in a work or rehabilitation furlough program established under this
21 chapter, to provide necessary facilities under AS 33.30.282 -
22 33.30.288, or to confine prisoners convicted of a misdemeanor.
23 Notwithstanding AS 37.05.230(1)(B), an agreement awarded under this
24 subsection shall be based on competitive bids.

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

28 * Sec. 7. AS 33.30 is amended by adding new sections to read:

29 ARTICLE 3A. CORRECTIONAL RESTITUTION CENTERS.

1 Sec. 33.30.282. CORRECTIONAL RESTITUTION CENTERS. (a) The
2 commissioner shall establish correctional restitution centers in the
3 state. The purpose of the centers is to provide certain nonviolent
4 offenders with rehabilitation through community service and employment
5 while protecting the community through partial incarceration of the
6 offender, and to create a means to provide restitution to victims of
7 crimes.

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

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

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

14 (3) standards for the granting of emergency absence to
15 prisoners confined to the centers;

16 (4) standards for classifying prisoners to centers;

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

19 (6) standards for periodic review of the performance of
20 prisoners confined to the centers.

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

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

28 (1) must be employable or eligible to work on community
29 service projects approved by the commissioner and agree to secure

1 employment or participate in community service projects and obey the
2 rules of the center;

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

9 (3) may not have been convicted of an offense under AS 11.-
10 41.410 - 11.41.470 or an offense in the state or another jurisdiction
11 having elements substantially identical to an offense under AS 11.41.-
12 410 - 11.41.470.

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

17 Sec. 33.30.284. COMMUNITY ADVISORY COMMITTEES. The commissioner
18 shall appoint a community advisory committee for each center, to
19 consist of five members of the community in which the center is locat-
20 ed. The committee shall act as a liaison between the community and
21 the department regarding community concerns with the center.

22 Sec. 33.30.286. DISTRIBUTION OF PRISONER'S EARNINGS. The earn-
23 ings of a prisoner confined to a center shall be paid to the commis-
24 sioner. The commissioner shall deposit the earnings in a fund to be
25 paid to the prisoner upon release from confinement after making and
26 distributing deductions for

27 (1) an amount determined by the commissioner for the cost
28 of the housing, food, and clothing provided to the prisoner; the
29 deduction under this paragraph shall be the same percentage of each

1 prisoner's earnings, but may not exceed the actual cost of services
2 provided;

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

5 (3) an amount determined by the commissioner to be neces-
6 sary for the support of the prisoner's dependents and for child sup-
7 port payments as required under AS 09.65.132; and

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

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

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

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

14 (3) on emergency absence;

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

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

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

20 * Sec. 8. AS 33.30 is amended by adding a new section to read:

21 Sec. 33.30.902. SUPPLEMENTAL DEFINITIONS. In this chapter,

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

23 (2) "community service" means work on projects designed to
24 reduce or eliminate environmental damage, protect the public health,
25 or improve public services, lands, forests, parks, roads, highways,
26 facilities, or education; community service may not confer a private
27 benefit on a person except as may be incidental to the public benefit.