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Referred: Health, Education &
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Finance

5-0832A

1 IN THE HOUSE

BY SWACKHAMMER, GRUENBERG
AND RIEGER

2

HOUSE BILL NO. 180

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the operation of correctional
7 facilities by private contractors."

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

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* Section 1. AS 33.30.031(a) is amended to read:

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(a) The commissioner shall determine the availability of state
11 correctional facilities suitable for the detention and confinement of
12 persons held under authority of state law. If the commissioner deter-
13 mines that suitable state correctional facilities are not available,
14 the commissioner may enter into an agreement with a public or private
15 agency to provide necessary facilities. If the commissioner deter-
16 mines that a state correctional facility may be properly and effi-
17 ciently run by a private agency, the commissioner may enter into an
18 agreement with a private agency to operate the state correctional
19 facility. Correctional facilities provided through agreement with a
20 public agency may be in this state or in another state. Correctional
21 facilities provided through agreement with a private agency must be
22 located in this state. The commissioner may not enter into an agree-
23 ment with an agency unable to provide a degree of custody, care, and
24 discipline similar to that required by the laws of this state.

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* Sec. 2. AS 33.30.031(b) is amended to read:

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(b) Unless the purpose is to involve prisoners in a program
27 established under AS 33.30.091 - 33.30.131 or 33.30.151 - 33.30.181 or
28 to confine prisoners convicted of a misdemeanor or being held prior to
29 being tried for a misdemeanor, the commissioner may not enter into an

1 agreement with a privately operated correctional facility under (a) of
2 this section.

3 * Sec. 3. AS 33.30.031(c) is amended to read:

4 (c) Notwithstanding AS 36.30.300 [AS 37.05.230(1)(B)], an agree-
5 ment with a private agency to provide necessary facilities or to
6 operate a state facility under (a) of this section must be based on
7 competitive bids.