

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

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HOUSE BILL NO. 406

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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FIFTEENTH LEGISLATURE - SECOND SESSION

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A BILL

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For an Act entitled: "An Act relating to the responsibility for the treat-
ment and care of intoxicated and incapacitated per-
sons taken into protective custody; and providing for
an effective date."

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

11 * Section 1. AS 33.30.071(a) is amended to read:

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(a) Notwithstanding AS 33.30.011(1), the commissioner of public
safety shall provide for the custody, care, and discipline of prison-
ers pending arraignment, commitment by a court to the custody of the
commissioner of corrections, or admission to a state correctional
facility. Except as provided in (c) of this section, the responsibil-
ity for providing necessary medical services for prisoners remains
with the commissioner of corrections under AS 33.30.011(4). The
commissioner of corrections and the commissioner of public safety are
not responsible for providing custody, care, and discipline for a
person detained under AS 47.30.705 [OR AS 47.37.170], unless the
person is admitted into a state correctional facility. The respon-
sibility for the cost of custody, care, and discipline for a person
taken into protective custody under AS 47.37.170, who is admitted into
a detention or correctional facility, lies with the municipality in
which the person is detained.

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* Sec. 2. AS 47.37.170(g) is repealed and readopted to read:

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(g) Notwithstanding other provisions in this section, the deci-
sion whether to take a person into protective custody or to release a

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1 person in protective custody is a discretionary function under
2 AS 09.50.250(1) and AS 09.65.070(d)(2), and no cause of action may be
3 brought based upon that decision.

4 * Sec. 3. This Act takes effect immediately under AS 01.10.070(c).