

Original sponsor: Rules/Governor

1 IN THE SENATE BY THE JUDICIARY COMMITTEE
2 CS FOR SENATE BILL NO. 324 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to eligibility to serve time in a
7 correctional restitution center."

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

9 * Section 1. AS 33.30.151(a) is amended to read:

10 (a) The commissioner shall establish correctional restitution
11 centers in the state. The purpose of the centers is to provide certain
12 [NONVIOLENT] offenders with rehabilitation through community service
13 and employment while protecting the community through partial incar-
14 ceration of the offender, and to create a means to provide restitution
15 to victims of crimes.

16 * Sec. 2. AS 33.30.161(b) is amended to read:

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

19 (1) must be employable or eligible to work on community
20 service projects approved by the commissioner and agree to secure
21 employment or participate in community service projects and obey the
22 rules of the center;

23 (2) may not be serving a sentence for conviction of
24 (A) an offense involving violence or the use of force;

25 (B) AS 11.41.320, 11.41.330, or AS 11.61.120(a)(6);

26 (3) may not have been convicted of a felony [AN] offense,
27 in the state or another jurisdiction, involving violence or the use of
28 force [, AS DEFINED IN AS 11.81.900(b); IN THIS PARAGRAPH, "VIOLENCE
29 OR THE USE OF FORCE" INCLUDES POSSESSION OF A FIREARM, AS DEFINED IN

1 AS 11.81.900(b), IN THE COMMISSION OF AN OFFENSE, WHETHER OR NOT THE
2 FIREARM WAS ACTUALLY USED]; and

3 (4) [(3)] may not have been convicted of an offense under
4 AS 11.41.410 - 11.41.470 or an offense in the state or another juris-
5 diction having elements substantially identical to an offense under
6 AS 11.41.410 - 11.41.470.

7 * Sec. 3. AS 33.30.161 is amended by adding a new subsection to read:

8 (d) In (b) of this section,

9 (1) "force" has the meaning given in AS 11.81.900(b);

10 (2) "violence or the use of force" includes possession of a
11 firearm, as defined in AS 11.81.900(b), in the commission of an of-
12 fense, whether or not the firearm was actually used.