

Introduced: 3/29/89  
Referred: State Affairs,  
Judiciary and Finance

6-1111A

1 IN THE HOUSE

BY BOYER

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HOUSE BILL NO. 255

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to permanent fund dividends for

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certain incarcerated individuals; and providing for

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an effective date."

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

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\* Section 1. AS 43.23 is amended by adding a new section to read:

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Sec. 43.23.007. DIVIDENDS OF INCARCERATED INDIVIDUALS. (a)

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Notwithstanding the application requirements of AS 43.23.005, only the

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Department of Corrections may apply during a year for a dividend for

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an incarcerated individual who is incarcerated on April 1 of that

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year. An application under this subsection must be signed by the

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incarcerated individual and the commissioner of corrections or an

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employee of the Department of Corrections authorized by the commis-

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sioner to sign applications.

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(b) The Department of Corrections shall notify each incarcerated

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individual of the requirements of this section and apply for a perma-

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nent fund dividend for each individual who qualifies for a dividend

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and agrees to sign the application.

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(c) The Department of Corrections shall, by June 30 of each

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dividend year, provide the Department of Revenue with a list of all

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incarcerated individuals for whom the Department of Corrections has

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applied for a dividend and all incarcerated individuals who are incar-

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cerated on April 1 for whom the department has not applied for a

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dividend. The Department of Revenue shall pay a dividend to the

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Department of Corrections for an incarcerated individual who is

1 eligible for a dividend and on whose behalf a timely application was  
2 filed. The Department of Corrections shall hold in trust each perma-  
3 nent fund dividend it receives for an incarcerated individual and  
4 shall pay the dividend to the individual upon the individual's release  
5 from incarceration or upon receipt of the dividend, whichever is  
6 later.

7 (d) In this section, "incarcerated individual" means an indi-  
8 vidual who is incarcerated as a result of conviction of a felony and  
9 is

- 10 (1) in a correctional facility;
- 11 (2) on furlough under AS 33.30.101 - 33.30.131;
- 12 (3) in a community residential center as a condition of  
13 probation or parole; or
- 14 (4) in a correctional restitution center under AS 33.30.-  
15 151 - 33.30.181.

16 \* Sec. 2. AS 43.23.015(e) is amended to read:

17 (e) Except as provided in AS 43.23.007, if [IF] a public agency  
18 claims a permanent fund dividend on behalf of an individual, the  
19 public agency shall hold the dividend in trust for the individual.  
20 Money held in trust under this subsection shall be invested by the  
21 commissioner in accordance with AS 37.10.070.

22 \* Sec. 3. AS 43.23.035 is amended by adding a new subsection to read:

23 (d) An individual who intentionally violates AS 43.23.007(a) is  
24 guilty of a class A misdemeanor.

25 \* Sec. 4. AS 43.23.065(a) is amended to read:

26 (a) Except as provided in (b) of this section, 50 percent of the  
27 annual permanent fund dividend payable to an individual or to the  
28 Department of Corrections under AS 43.23.007 is exempt from levy,  
29 execution, garnishment, attachment, or any other remedy for the

1 collection of debt. This exemption applies to an eligible individual's  
2 permanent fund dividend both before and after payment is made to the  
3 individual.

4 \* Sec. 5. AS 43.23.005(d), 43.23.025(b), 43.23.055(5) and 43.23.055(6)  
5 are repealed.

6 \* Sec. 6. Section 5, ch. 54, SLA 1988 is repealed.

7 \* Sec. 7. This Act takes effect immediately under AS 01.10.070(c).