

BY REP. KOPONEN, Gruenberg

1 IN THE HOUSE

2

HOUSE BILL NO. 544

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

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A BILL

6 For an Act entitled: "An Act authorizing the Department of Corrections to
7 establish alternative sentencing and related programs
8 for prisoners."

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

10 * Section 1. AS 33.30.011 is amended to read:

11 Sec. 33.30.011. DUTIES OF COMMISSIONER. The commissioner shall

12 (1) establish, maintain, operate, and control correctional
13 facilities suitable for the custody, care, and discipline of persons
14 charged or convicted of offenses against the state or held under
15 authority of state law;

16 (2) classify prisoners;

17 (3) for persons committed to the custody of the commis-
18 sioner, establish programs, including alternative sentencing programs
19 and training, counseling, and furlough programs that are reasonably
20 calculated to

21 (A) protect the public;

22 (B) maintain health;

23 (C) create or improve occupational skills;

24 (D) enhance educational qualifications;

25 (E) support court-ordered restitution; and

26 (F) otherwise provide for the rehabilitation and
27 reformation of prisoners, facilitating their reintegration into
28 society;

29 (4) provide necessary medical services for prisoners in

1 correctional facilities or who are committed by a court to the custody
2 of the commissioner, including examinations for communicable and
3 infectious diseases; and

4 (5) provide necessary psychological or psychiatric treat-
5 ment if a physician or other health care provider, exercising ordinary
6 skill and care at the time of observation, concludes that

7 (A) a prisoner exhibits symptoms of a serious disease
8 or injury that is curable or may be substantially alleviated; and

9 (B) the potential for harm to the prisoner by reason
10 of delay or denial of care is substantial.

11 * Sec. 2. AS 33.30.091 is amended to read:

12 Sec. 33.30.091. DESIGNATION OF PROGRAMS. Except as provided in
13 AS 33.30.096, 33.30.111, and 33.30.161, the commissioner may assign a
14 prisoner committed to the commissioner's custody to a program estab-
15 lished under AS 33.30.011(3) considering

16 (1) safeguards to the public;

17 (2) the prospects for the prisoner's rehabilitation;

18 (3) the availability of program and facility space;

19 (4) the prospect of future judicial proceedings requiring
20 the presence of the prisoner;

21 (5) the nature and circumstances of the offense for which
22 the prisoner was sentenced;

23 (6) the needs of the prisoner as determined by a classi-
24 fication committee and any recommendations made by the sentencing
25 court;

26 (7) the record of convictions of the prisoner with particu-
27 lar emphasis on crimes specified in AS 11.41;

28 (8) the use of drugs or alcohol by the prisoner;

29 (9) the length of the prisoner's sentence; and

1 (10) other criteria considered appropriate by the commis-
2 sioner, including experimental evaluation of correctional programs
3 that are consistent with protection of the public and reformation of
4 the prisoner.

5 * Sec. 3. AS 33.30 is amended by adding a new section to read:

6 Sec. 33.30.096. ALTERNATIVE SENTENCING. (a) The commissioner
7 may assign a prisoner committed to the commissioner's custody to an
8 alternative sentencing program. Under regulations adopted for the
9 purpose, if the commissioner determines with reasonable probability
10 that a prisoner can live under reduced supervision without violating
11 the law or the conditions established for the conduct of the prisoner,
12 the commissioner may place the prisoner in an alternative sentencing
13 program, after considering

- 14 (1) the factors in AS 33.30.091;
15 (2) violations, if any, by the prisoner of a condition of a
16 prior furlough or assignment to an alternative sentencing program;
17 (3) the history, if any, of institutional misconduct by the
18 prisoner; and
19 (4) the best interests of the prisoner and the public.

20 (b) The restrictions and supervision required for an assignment
21 to an alternative sentencing program must provide safeguards that
22 minimize risk to the public and include, as a minimum,

- 23 (1) frequent contact with the prisoner by persons supervis-
24 ing the prisoner;
25 (2) knowledge by supervisory staff of the location of the
26 prisoner;
27 (3) periodic reports by supervisory staff to the commis-
28 sioner on the performance of the prisoner; and
29 (4) a requirement that a person supervising a prisoner is

1 obliged to immediately report to the commissioner any violation of a
2 condition set for the prisoner's conduct.

3 * Sec. 4. AS 33.30.901 is amended by adding a new paragraph to read:

4 (14) "alternative sentencing program" means incarceration
5 of a prisoner other than in a correctional facility and exclusive of
6 assignment of the prisoner to a furlough or correctional restitution
7 center; the term includes, but is not limited to, home arrest or
8 detention enforced through phone checks or radio monitoring using an
9 ankle lock device.

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