

SENATE BILL NO. 221

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 3/22/91  
Referred: State Affairs, C&RA

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to municipalities and the custody and care of, and responsibility for,  
2 prisoners."

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

4 \* Section 1. AS 29.10.200 is amended by adding a new paragraph to read:

5 (51) AS 29.35.600 (custody and care of prisoners).

6 \* Sec. 2. AS 29.35 is amended by adding a new section to read:

7 ARTICLE 9. CUSTODY AND CARE OF PRISONERS.

8 Sec. 29.35.600. CUSTODY AND CARE OF PRISONERS. An organized borough in  
9 which no state correctional pretrial facility is located, and a city of 1,000 or more people, as  
10 determined under AS 29.60.020, located 50 miles or more from a state correctional pretrial  
11 facility, shall provide for the custody and care of prisoners as set out in AS 33.30.071. This  
12 section applies to home rule and general law municipalities.

13 \* Sec. 3. AS 33.30.071 is repealed and reenacted to read:

14 Sec. 33.30.071. RESPONSIBILITY FOR PRISONERS PENDING COMMITMENT. (a)

1 Notwithstanding AS 33.30.011(1), from the time of arrest until sentencing, or until the prisoner  
2 is accepted into a state correctional facility by the commissioner of corrections, a municipality,  
3 as defined in (g) of this section, shall provide for the custody, care, and discipline of a prisoner  
4 arrested or brought within its boundaries by a law enforcement officer. To the extent that money  
5 is appropriated by the legislature for that purpose, the commissioner of public safety shall  
6 reimburse the municipality for reasonable costs incurred under this section.

7 (b) Notwithstanding AS 33.30.011(1) the commissioner of public safety shall provide  
8 for the custody, care, and discipline of a prisoner other than one described in (a) of this section  
9 pending commitment by a court to the custody of the commissioner of corrections or admission  
10 to a state correctional facility. The responsibility of the commissioner of public safety under this  
11 subsection does not begin until a prisoner is accepted into the custody of the commissioner of  
12 public safety, or admitted into a correctional facility or other facility designed for holding  
13 prisoners, and the commissioner of public safety is notified of the admission.

14 (c) Except as otherwise provided in this subsection, the responsibility for providing  
15 necessary non-emergency medical services for a prisoner remains with the commissioner of  
16 corrections under AS 33.30.011(4). To be reimbursable, necessary medical services provided a  
17 prisoner by a municipality must be approved in advance by the commissioner of corrections.  
18 Necessary emergency medical services provided to a prisoner by a municipality are reimbursable  
19 if the commissioner of corrections is promptly notified following delivery of the services.  
20 Medical services for a prisoner who is unconscious or in immediate need of medical attention  
21 before admission to a correctional facility or commitment by a court to the custody of the  
22 commissioner of corrections shall be provided by the law enforcement agency having custody  
23 of the prisoner. A law enforcement agency or the commissioner of corrections may require a  
24 prisoner to compensate the agency or commissioner for the cost of medical services provided for  
25 a preexisting medical condition not arising out of the prisoner's arrest.

26 (d) The commissioner of corrections and the commissioner of public safety are not  
27 responsible for providing custody, care, and discipline for a person detained under AS 47.30.705  
28 or AS 47.37.170, unless the person is admitted into a state correctional facility.

29 (e) Nothing in this section prohibits a borough and a city within its boundaries from  
30 contracting with each other to meet the obligations of (a) of this section.

31 (f) The commissioner of public safety may adopt regulations to implement this section.

1 (g) As used in this section, "municipality" means

2 (1) an organized borough that does not contain a state correctional pretrial facility;

3 and

4 (2) any city of 1,000 or more people, as determined under AS 29.60.020, located  
5 50 miles or more from a state correctional pretrial facility.

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

7 (14) "pretrial facility" means a correctional facility designated by the  
8 commissioner for the custody, care, and discipline of persons charged with violations of state law.