

HOUSE BILL NO. 105

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES WILLIS, Bunde

Introduced: 1/29/93

Referred: Health, Education & Social Services, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act providing for incarceration for nonviolent, youthful first offenders in boot
2 camps operated by the Department of Corrections; creating the Boot Camp
3 Advisory Board in the Department of Corrections; amending Alaska Rule of
4 Criminal Procedure 35; and providing for an effective date."

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

6 * Section 1. AS 12.55.015(a) is amended by adding a new subsection to read:

7 (g) If the defendant is ordered to serve a definite term of continuous
8 imprisonment under (a) of this section, and if (1) the defendant is less than 26 years
9 of age; (2) the offense the defendant committed (A) is a first felony conviction; and
10 (B) is not a violation of AS 11.41, AS 11.46.300, 11.46.400, AS 11.56.300, 11.56.810,
11 AS 11.61.100, 11.61.190, 11.61.195, or 11.61.240, the court may recommend that the
12 defendant be incarcerated in a boot camp program established under AS 33.30.

13 * Sec. 2. AS 33.30 is amended by adding new sections to read:

14 ARTICLE 2A. BOOT CAMP PROGRAM.

1 Sec. 33.30.182. **BOOT CAMP PROGRAM.** (a) The commissioner shall
2 establish a boot camp program as a correctional facility of the state. The boot camp
3 program is an alternative correctional facility and program for young prisoners who
4 have been sentenced for a first felony conviction of a nonviolent nature. Prisoners
5 committed by the department to participate in the boot camp program shall be housed
6 separately from other prisoners committed to the custody of the commissioner who are
7 not participating in the program.

8 (b) The commissioner shall include in the boot camp program

9 (1) a militarily styled intensive physical training and discipline
10 program;

11 (2) alcohol and drug counseling, education, and treatment as an integral
12 part of the program;

13 (3) educational and vocational assessment and training program
14 emphasizing job seeking skills; and

15 (4) other educational, counseling, and treatment programs as determined
16 by the department or as ordered by a court under AS 12.55.015.

17 (c) The commissioner shall structure the boot camp program in a manner that
18 a prisoner entering the program may complete it in a period of time determined by the
19 commissioner but not greater than 150 days.

20 (d) The commissioner shall notify the sentencing court when the commissioner
21 accepts a prisoner for the boot camp program. If the prisoner successfully completes
22 the program, as determined by the commissioner, the prisoner shall be automatically
23 referred to the sentencing court so that the prisoner may make a motion for sentence
24 reduction and placement on supervised probation. A prisoner shall be removed from
25 the boot camp program and reassigned to another correctional facility if the prisoner
26 fails to successfully complete the program or otherwise fails to abide by the regulations
27 of the program.

28 (e) The commissioner shall adopt regulations to implement AS 33.30.182 -
29 33.30.184 and otherwise administer the boot camp program.

30 (f) The commissioner shall maintain records of the program and shall annually
31 report to the legislature not later than February 1 on the program and its effectiveness.

1 The report must include

2 (1) a comparison of recidivism rates between prisoners who have
3 completed the boot camp program and

4 (A) other first offenders not eligible for the program who are
5 committed to the custody of the commissioner; and

6 (B) all other prisoners committed to the custody of the
7 commissioner;

8 (2) a comparison of costs between the boot camp program and
9 traditional incarceration programs;

10 (3) a description of the number of prisoners who have participated in,
11 completed, or failed the boot camp program.

12 Sec. 33.30.183. ELIGIBILITY FOR ASSIGNMENT TO BOOT CAMP
13 PROGRAM. (a) The commissioner may not allow a prisoner to serve time in the
14 boot camp program unless the commissioner specifically finds that the prisoner meets
15 the eligibility requirements of this section.

16 (b) To be eligible to serve time in the boot camp program, the

17 (1) prisoner must be under 26 years of age;

18 (2) offense for which the prisoner is committed

19 (A) must be a first felony conviction; and

20 (B) may not be for a violation of AS 11.41, AS 11.46.300,
21 11.46.400, AS 11.56.300, 11.56.810, AS 11.61.100, 11.61.190, 11.61.195, or
22 11.61.240.

23 Sec. 33.30.184. ADVISORY BOARD. (a) The Boot Camp Program Advisory
24 Board is established in the department. The board shall review and provide advice to
25 the commissioner concerning the boot camp program. The members of the board are
26 appointed by the governor as follows:

27 (1) the commissioner or the commissioner's designee;

28 (2) the director of the division of institutions of the department;

29 (3) the director of the division of community corrections of the
30 department;

31 (4) a member of the house of representatives;

- 1 (5) a member of the senate;
2 (6) a superior court judge; and
3 (7) two public members.

4 (b) The public members of the board are entitled to per diem and travel
5 expenses authorized by law for boards and commissions under AS 39.20.180.

6 * Sec. 3. Alaska Rule of Criminal Procedure 35 is amended by adding a new subsection
7 to read:

8 (e) Notwithstanding (a) or (b) of this section, the court shall reduce a sentence,
9 by suspending the execution of any remaining term of imprisonment, even below any
10 minimum term set by law, and imposing a period of probation under conditions set by
11 the court that include a requirement for active supervision, within 180 days of the day
12 the sentence was imposed, or within 180 days of the day on which jurisdiction over
13 the case is returned to the trial court under Appellate Rule 507(b), unless the defendant
14 petitions the United States Supreme Court for certiorari, in which case the 180 days
15 commences on the day that the Alaska Supreme Court denies relief if a defendant who
16 is automatically referred to the court upon successful completion of a boot camp
17 program under AS 33.30 moves for a reduction of sentence.

18 * Sec. 4. This Act takes effect July 1, 1993.