

CS FOR HOUSE BILL NO. 105(HES)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 3/29/93

Referred: Judiciary, Finance

Sponsor(s): REPRESENTATIVES WILLIS, Bunde

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; allowing the Department of
3 Corrections to contract with a person for an alternative boot camp program;
4 creating the Boot Camp Advisory Board in the Department of Corrections;
5 amending Alaska Rule of Criminal Procedure 35; and providing for an effective
6 date."

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

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

9 (g) If the defendant is ordered to serve a definite term of continuous
10 imprisonment of at least 150 days under (a) of this section, and if (1) the defendant
11 is less than 26 years of age; (2) the offense the defendant is convicted of (A) is the
12 defendant's (i) first felony conviction; or (ii) first misdemeanor conviction; and (B) is
13 not a violation of AS 11.41, AS 11.46.300, 11.46.400, AS 11.56.300, 11.56.810,

1 AS 11.61.100, 11.61.190, 11.61.195, or 11.61.240; and (3) the defendant has not
2 previously participated in a boot camp program under AS 33.30.182, the court may
3 recommend that the defendant be incarcerated in a boot camp program established
4 under AS 33.30.

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

6 ARTICLE 2A. BOOT CAMP PROGRAM.

7 Sec. 33.30.182. BOOT CAMP PROGRAM. (a) The commissioner shall
8 establish a boot camp program as a correctional facility of the state. The boot camp
9 program is an alternative correctional facility and program for young prisoners who
10 have been sentenced for a first felony or first misdemeanor conviction of a nonviolent
11 nature and who have not previously participated in the boot camp program. Prisoners
12 committed by the department to participate in the boot camp program shall be housed
13 separately from other prisoners committed to the custody of the commissioner who are
14 not participating in the program.

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

16 (1) a militarily styled intensive physical training and discipline
17 program;

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

20 (3) educational and vocational assessment and a training program
21 emphasizing job seeking skills;

22 (4) training in personal accountability and the work ethic; and

23 (5) other educational, counseling, and treatment programs as determined
24 by the department or as ordered by a court under AS 12.55.015.

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

28 (d) The commissioner shall notify the sentencing court when the commissioner
29 accepts a prisoner for the boot camp program. If the prisoner successfully completes
30 the program, as determined by the commissioner, the prisoner shall be automatically
31 referred to the sentencing court so that the prisoner may make a motion for sentence

1 reduction and placement on supervised probation. A prisoner shall be removed from
2 the boot camp program and reassigned to another correctional facility if the prisoner
3 fails to successfully complete the program or otherwise fails to abide by the regulations
4 of the program.

5 (e) The commissioner shall adopt regulations to implement AS 33.30.182 -
6 33.30.184 and otherwise administer the boot camp program.

7 (f) Notwithstanding AS 33.30.031, the department may contract with a person
8 for an alternative boot camp program under this section. An alternative boot camp
9 program must meet all of the requirements for a boot camp under this section and
10 under the regulations adopted by the commissioner. Prisoners shall be assigned to an
11 alternative boot camp program in the manner provided under AS 33.30.183.

12 (g) The commissioner shall maintain records of the program and shall annually
13 report to the legislature not later than February 1 on the program and its effectiveness.
14 The report should include, to the extent the technological capability of the department
15 allows,

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

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

20 (B) all other prisoners committed to the custody of the
21 commissioner;

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

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

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

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

31 (1) prisoner

- 1 (A) must be under 26 years of age;
2 (B) must have been sentenced to a term of imprisonment of at
3 least 150 days;
4 (C) may not have previously participated in a boot camp
5 program under AS 33.30.182;
6 (2) offense for which the prisoner is committed
7 (A) must be a first felony conviction or a first misdemeanor
8 conviction; and
9 (B) may not be for a violation of AS 11.41, AS 11.46.300,
10 11.46.400, AS 11.56.300, 11.56.810, AS 11.61.100, 11.61.190, 11.61.195, or
11 11.61.240.

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

- 16 (1) the commissioner or the commissioner's designee;
17 (2) the director of the division of institutions of the department;
18 (3) the director of the division of community corrections of the
19 department;
20 (4) a member of the house of representatives;
21 (5) a member of the senate;
22 (6) a superior court judge; and
23 (7) two public members.

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

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

28 (e) Notwithstanding (a) or (b) of this section, the court shall reduce a sentence,
29 by suspending the execution of any remaining term of imprisonment, even below any
30 minimum term set by law, and imposing a period of probation under conditions set by
31 the court that include a requirement for active supervision, within 180 days of the day

1 the sentence was imposed, or within 180 days of the day on which jurisdiction over
2 the case is returned to the trial court under Appellate Rule 507(b), unless the defendant
3 petitions the United States Supreme Court for certiorari, in which case the 180 days
4 commences on the day that the Alaska Supreme Court denies relief if a defendant who
5 is automatically referred to the court upon successful completion of a boot camp
6 program under AS 33.30 moves for a reduction of sentence.

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