

HB

5411

"An Act relating to the visitation privileges of prisoners; and providing for an effective date."

COMMITTEE REPORT

1/20/76

HOUSE

Mr. Speaker:

Date 1/20/76

The Committee on JUDICIARY has had HB 541

under consideration. A Majority of the members of the Committee

recommends it DO PASS

recommends it DO NOT PASS

recommends it DO PASS WITH ATTACHED AMENDMENT(S)

recommends it BE REPLACED WITH CS FOR _____ AND THAT

CS FOR _____ DO PASS

"and" recommends it BE REFERRED TO THE _____

COMMITTEE

reports it back WITHOUT RECOMMENDATION

"other"

Members signing the Majority report:

_____	_____	<u>Gregory</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Members NOT concurring in the Majority report:

<u>J. DeLoach</u>	recommends: <u>DO NOT PASS</u>
_____	recommends:
_____	recommends:
_____	recommends:
_____	recommends:

Gregory Chairman

House Judiciary Committee
January 26, 1976

The meeting was called to order by Chairman Gardiner at 1:22 p.m.
Members present were Eliason, Bradley, Parr, Gardiner, Cotten and Brown.

First item of discussion was HB 541 regarding visitation rights of prisoners. Mr. Charles Adams, Director of the Division of Corrections explained that one of the reasons the bill was requested was because many natives in the state grow up with other than their immediate family. Therefore if and when they find themselves in prison, they are not allowed to visit with what they consider their family. He said that there was a problem with allowing visitation with "anyone" but that it is all right as long as department regulations can cover investigation and refusal of certain situations. There were only seven requests this past Christmas, and no problems resulting from any of them.

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Mr. Cotten moved the bill out as CS with the HESS amendment incorporated.

Mr. Eliason objected and withdrew his objection.

Mr. Bradley requested that Mr. Adams furnish Mr. Eliason, Mr. Gardiner and Mr. Parker with a list of how many crimes have been committed by persons on visitation furlough. And further requested that Mr. Parker not place HB 541 on the calendar until such list has been acquired.

Second item of discussion was HB 598 regarding Tort claims against the state involving motor vehicles. John Messenger of the A.G.s office was first to testify. He said that because of the large number of claims and sizeable awards, there is a huge potential liability which causes insurance companies to charge prohibitive premiums; thereby making it nearly impossible to insure the state against such claims. He stated that the State is not responsible for situations arising out of negligent design, including signs, curves etc. because they are "discretionary functions" and therefore exempt. In order for negligent maintenance to be a factor of responsibility, it is necessary to meet the four items under (B) of this bill.

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Mr. Brown pointed out that the State should be as responsible as any individual and without limitations.

Also testifying was John George of the Office of Risk Management. He stated that between 1967-1974 there were 2 to 6 suits a year against the state. In 1975 there were 4 suits each awarded \$500,000.00. The insurance company paid out but will not do so again. There have been 32 suits instigated since last February, most of which happened four years ago. The state fears the courts may award larger amounts in the future. Also contributing to the costs are the legal expenses involved in defending the state. If an insurance company cannot be found to insure the state, it will have to come out of the general fund. This bill is trying to discourage people from suing the state.

Mr. Brown stated that one problem he has was that an effective date should affect accidents and occurrences after the effective date; not action brought after the effective date.

The meeting was adjourned at 3:00 p.m.

STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

DIVISION OF CORRECTIONS

POUCH H-03 - JUNEAU 99811

file
JAY S. HAMMOND, GOVERNOR

January 28, 1976

The Honorable Terry Gardiner
Alaska State House of Representatives
Pouch "V" State Capitol Building
Juneau, Alaska 99811

Document# HJC 1

Dear Mr. Gardiner:

Re: Family Visitations

The following is a response to a request of the House Judiciary
Committee:

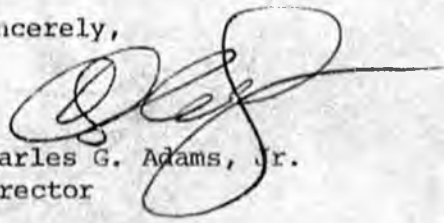
Family Visitations By Institution for 1975

Anchorage Annex	16
Eagle River	14
Anchorage-Third Avenue	4
Ketchikan	0
Juneau	0
Fairbanks	0
Palmer	17*

*Two Failures

- (1) 40 minutes late due to car trouble
- (1) 16 hours late due to alcohol, person
was picked up by Palmer Staff

Sincerely,


Charles G. Adams, Jr.
Director

CGA:cc

cc: Office of the Commissioner
Department of Health & Social
Services

ALASKA
STATE LEGISLATURE

January 28, 1976

MEMORANDUM

TO: Bill Parker, Chairman House Rules Committee

The House Judiciary Committee requests that you hold HB 541 in Rules Committee until a memo arrives to you from Mr. Charles Adams, Director of the Division of Corrections indicating how many crimes have been committed by persons out on visitation furlough.



Elston Bradley Park,
Gardiner, Cotton Down

Jan 26

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HB 541

① Charles Adams: Corrections

expand visitation rights of prisoners
to visit anyone, not just family

suggested by Kelley

Some visitors don't go with immediate
family cannot visit

Problems with anyone requiring obtaining
up on prison to be visited it is long as
dept regulations in some situations

1 Prisoner's requests

* Check to see if am 1 1985 adopted

Letter should be sent as CS with 1985 rules
Elston copy - 1/24

Today reported that California research
how many visits committed while on visitation
program and report to Elston Gardner & Barker

Letter sent for review from Bureau before
submitting to California