

COMMITTEE REPORT
HOUSE

FURTHER:

(11)

3/13/63

Date: 3/21/63

Mr. Speaker:

The Committee on FINANCE has had HE 103

An Act establishing a Department of Corrections and transferring certain functions of the Department of Health and Social Services to the Department of Corrections; and providing for an effective date.

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 103 (judiciary) same title
 new title
- and recommends do pass
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee

**MEMBERS SIGNING
DO PASS**

[Signature]
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**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

[Signature]
Duncan (Do Pass w/o
transfer juveniles)
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]

CHAIRMAN

Offered: 3/18/83
Referred: Finance

Original sponsors: Fritz, Koponen,
Furnace, et al

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 103 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act establishing a Department of Corrections and
7 transferring certain functions of the Department of
8 Health and Social Services to the Department of
9 Corrections; and providing for an effective date."

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

11 * Section 1. AS 44 is amended by adding a new chapter to read:

12 CHAPTER 30. DEPARTMENT OF CORRECTIONS.

13 Sec. 44.30.010 COMMISSIONER OF CORRECTIONS. The principal execu-
14 tive officer of the Department of Corrections is the commissioner of
15 corrections.

16 Sec. 44.30.020. DUTIES OF DEPARTMENT. The Department of Correc-
17 tions shall administer the state programs of corrections including

18 (1) state prisons and state prisoners;

19 (2) probation and parole;

20 (3) extraditions and detainers.

21 * Sec. 2. AS 11.71.305 is amended to read:

22 Sec. 11.71.305. REHABILITATION. A person convicted of violating
23 a provision of this chapter may, when the violation relates to that
24 person's own personal use of a controlled substance, be committed to
25 the custody of the Department of Corrections [HEALTH AND SOCIAL SER-
26 VICES] for rehabilitative treatment for not to exceed one year. Such
27 treatment may be imposed in place of a fine or imprisonment, but: only
28 where the imprisonment would not have exceeded one year.

29 * Sec. 3. AS 12.55.025(b) is amended to read:

1 (b) The sentencing report required under (a) of this section
2 shall be furnished within 30 days after imposition of sentence to the
3 Department of Law, the defendant, the Department of Corrections [DIVI-
4 SION OF CORRECTIONS], the state Board of Parole if the defendant will
5 be eligible for parole, and to the Alcoholic Beverage Control Board if
6 the defendant is to be sentenced for a conviction of a violation of
7 AS 04, a regulation adopted under AS 04, or an ordinance adopted under
8 AS 04.21.010.

9 * Sec. 4. AS 12.55.025(d) is amended to read:

10 (d) A sentence of imprisonment shall be stayed if an appeal is
11 taken and the defendant is admitted to bail. If an appeal is taken
12 and the defendant is not admitted to bail, the Department of Correc-
13 tions [HEALTH AND SOCIAL SERVICES] shall designate the facility in
14 which the defendant shall be detained pending appeal or admission to
15 bail.

16 * Sec. 5. AS 12.55.055(a) is amended to read:

17 (a) The court may order a defendant convicted of an offense to
18 perform community work as a condition of a suspended sentence or
19 suspended imposition of sentence, or in addition to any fine or re-
20 stitution ordered. If the defendant is also sentenced to imprison-
21 ment, the court may recommend to the Department of Corrections [HEALTH
22 AND SOCIAL SERVICES] that the defendant perform community work.

23 * Sec. 6. AS 12.70.220(b) is amended to read:

24 (b) When the return to this state is required of a person who
25 has been convicted of a crime in this state and has escaped from
26 confinement or broken the terms of [HIS] bail, probation, or parole,
27 the prosecuting attorney of the judicial district in which the offense
28 was committed, or the attorney general, the parole or probation au-
29 thority having jurisdiction over the person [HIM], or the commissioner

1 of corrections [THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES] shall
2 present to the governor a written application for a requisition for
3 the return of that person. In the application there shall be stated
4 the name of the person, the crime for which the person [HE] was con-
5 victed, the circumstances of the person's [HIS] escape from confine-
6 ment or of the breach of the terms of [HIS] bail, probation, or pa-
7 role, and the state in which the person [HE] is believed to be, in-
8 cluding the location of the person in that state [THEREIN] at the
9 time the application is made.

10 * Sec. 7. AS 12.70.220(c) is amended to read:

11 (c) The application shall be verified by affidavit, shall be
12 executed in duplicate and shall be accompanied by two certified copies
13 of the indictment returned, or information and affidavit filed, or the
14 complaint made to the superior court judge or district judge, stating
15 the offense with which the accused is charged, or of the judgment of
16 conviction or of the sentence. The attorney general or the prosecut-
17 ing attorney, the parole or probation authority, or the commissioner
18 of corrections [THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES] may also
19 attach further affidavits and other documents in duplicate considered
20 [HE DEEMS] proper to be submitted with the application. One copy of
21 the application, with the action of the governor indicated by endorse-
22 ment on the application, and one of the certified copies of the in-
23 dictment, complaint, information and affidavits, or judgment of con-
24 viction or sentence shall be filed in the office of the governor to
25 remain of record in that office. The other copies of all papers shall
26 be forwarded with the governor's requisition.

27 * Sec. 8. AS 33.05.080(2) is amended to read:

28 (2) "commissioner" means the commissioner of the Department
29 of Corrections [HEALTH AND SOCIAL SERVICES] or the designee of the

1 commissioner.

2 * Sec. 9. AS 33.15.010 is amended to read:

3 Sec. 33.15.010. STATE BOARD OF PAROLE. There is in the depart-
4 ment a board of parole consisting of five members to be appointed by
5 the governor, subject to confirmation by a majority of the members of
6 the legislature in joint session. One of the members, who shall be
7 chairman of the board, shall be a person with training or experience
8 in the field of probation and parole, [AND THAT MEMBER MAY BE AN
9 OFFICIAL OR EMPLOYEE OF THE DEPARTMENT] but that member may not be an
10 official or employee of the department [DIVISION OF CORRECTIONS]. The
11 term of each of the other four members of the board is four years and
12 until a successor is appointed and qualifies. Successors are ap-
13 pointed in the same manner as provided for the board members first
14 appointed. A vacancy shall be filled for the unexpired term.

15 * Sec. 10. AS 33.15.260(2) is amended to read:

16 (2) "commissioner" means the commissioner of the Department
17 of Corrections [HEALTH AND SOCIAL SERVICES] or the designee of the
18 commissioner;

19 * Sec. 11. AS 33.15.260(4) is amended to read:

20 (4) "department" means the Department of Corrections
21 [HEALTH AND SOCIAL SERVICES].

22 * Sec. 12. AS 33.30.130(a) is amended to read:

23 (a) The commissioner of public safety shall provide for the
24 subsistence, care and safekeeping in suitable quarters of a person
25 arrested or held under the authority of state law pending arraignment
26 or commitment by a court to the custody of the commissioner of correc-
27 tions [HEALTH AND SOCIAL SERVICES] or to the custody of the keeper or
28 person in charge of a prison facility designated in advance by the
29 commissioner of corrections [HEALTH AND SOCIAL SERVICES].

1 * Sec. 13. AS 33.30.900(1) is amended to read:

2 (1) "commissioner" means the commissioner of the Department
3 of Corrections [HEALTH AND SOCIAL SERVICES] or the commissioner's
4 designee;

5 * Sec. 14. AS 33.30.900(3) is amended to read:

6 (3) "department" means the Department of Corrections
7 [HEALTH AND SOCIAL SERVICES];

8 * Sec. 15. AS 33.32.010(1) is amended to read:

9 (1) develop and operate agricultural, industrial, and ser-
10 vice enterprises employing prisoners under the jurisdiction of the
11 commissioner of corrections [HEALTH AND SOCIAL SERVICES];

12 * Sec. 16. AS 33.32.015 is amended to read:

13 Sec. 33.32.015. POWERS AND DUTIES OF THE COMMISSIONER OF CORREC-
14 TIONS [HEALTH AND SOCIAL SERVICES]. (a) The commissioner of correc-
15 tions [HEALTH AND SOCIAL SERVICES] may establish and administer a
16 correctional industries program that is based on voluntary prisoner
17 participation.

18 (b) The commissioner of corrections [HEALTH AND SOCIAL SERVICES]
19 may

20 (1) subject to the Fiscal Procedures Act (AS 37.05), use,
21 purchase, lease, equip, and maintain buildings, machinery, and other
22 equipment, and may purchase materials and enter into contracts, which
23 may be necessary for the correctional industries program;

24 (2) provide for prisoners to be employed in rendering ser-
25 vices and producing articles, materials, and supplies needed by a
26 state agency, a political subdivision of the state, an agency of the
27 federal government, other states or their political subdivisions, or
28 for use by nonprofit organizations;

29 (3) if the Correctional Industries Commission established

1 in AS 33.32.070 approves, employ prisoners to provide services or
2 products as needed by private industry if the services or products
3 have potential for contributing to the economy of the state and will
4 have minimal negative impact on an existing private industry or labor
5 force in the state.

6 * Sec. 17. AS 33.32.020(a) is amended to read:

7 (a) There is established in the Department of Corrections
8 [HEALTH AND SOCIAL SERVICES] a fund to be known as the correctional
9 industries fund. All expenses of the correctional industries program,
10 except salaries and benefits of state employees, are to be financed
11 from the correctional industries fund and budgeted in accordance with
12 the Executive Budget Act (AS 37.07). The commissioner of corrections
13 [HEALTH AND SOCIAL SERVICES TO] shall report annually to the legisla-
14 ture all activities and balances of the fund.

15 * Sec. 18. AS 33.32.030 is amended to read:

16 Sec. 33.32.030. MARKETING OF CORRECTIONAL INDUSTRIES PRODUCTS.
17 (a) The commissioner of corrections [HEALTH AND SOCIAL SERVICES]
18 shall market correctional industries products to appropriate entities
19 as provided for in AS 33.32.015(b)(2). Because of the potential for
20 contributing to the economy of the state, agricultural produce may be
21 sold to commercial processors, wholesalers, or distributors, in addi-
22 tion to the entities provided for in AS 33.32.015(b)(2).

23 (b) The commissioner of corrections [HEALTH AND SOCIAL SERVICES]
24 may sell a product or service of a correctional industries program to
25 a private industry, subject to the approval of the Correctional Indus-
26 tries Commission established in AS 33.32.070. Before giving its ap-
27 proval, the Correctional Industries Commission must determine that the
28 product or service has potential for contributing to the economy of
29 the state and will have minimal negative impact on an existing private

1 industry or labor force in the state.

2 (c) A product or service provided by correctional industries
3 that meets marketable standards of quality and that meets the needs of
4 state agencies at reasonable cost, as determined by the commissioner
5 of administration, shall be purchased by state agencies through proce-
6 dures established by the Department of Administration in such a manner
7 as to facilitate the purchase. A product or service of the type and
8 quality of that supplied by the correctional industries may not be ob-
9 tained from a source outside correctional industries unless the com-
10 missioner of corrections [HEALTH AND SOCIAL SERVICES] certifies to the
11 Department of Administration that correctional industries is not able
12 to provide the product or service on a basis that is competitive with
13 other sources. State agencies shall make maximum use of the resources
14 of the correctional industries program both in the purchase of exist-
15 ing products and by assisting in the development of new products or
16 adaptation of existing products to meet future needs.

17 (d) The commissioner of corrections [HEALTH AND SOCIAL SERVICES]
18 shall periodically determine the prices at which products and services
19 will be sold. Prices must approximate the fair market value of prod-
20 ucts and services of comparable quality offered by commercial sources.

21 (e) The commissioner of administration shall establish suitable
22 methods of accounting and purchasing to facilitate the production and
23 marketing of correctional industries products and to assure accurate
24 cost data.

25 * Sec. 19. AS 33.32.040(a) is amended to read:

26 (a) In administering the correctional industries program, the
27 Department of Corrections [HEALTH AND SOCIAL SERVICES] shall comply
28 with federal and state health and safety regulations, except for the
29 provision of workers' compensation under AS 23.30.

1 * Sec. 20. AS 33.32.050 is amended to read:

2 Sec. 33.32.050. WAGES OF CORRECTIONAL INDUSTRIES WORKERS; FOR-
3 FEITURE. (a) The commissioner of corrections [HEALTH AND SOCIAL
4 SERVICES] shall establish a pay plan for prisoners working in correc-
5 tional industries based on the quantity and quality of work performed
6 and the skill required. A wage established under the pay plan may not
7 exceed 50 percent of the minimum wage established under AS 23.10.065.
8 Wage incentive plans to increase productivity may be included in the
9 pay plan. The commissioner of corrections [HEALTH AND SOCIAL SER-
10 VICES] shall determine the amount to be credited to the prisoner after
11 disbursements made under (c) of this section.

12 (b) The commissioner of corrections [HEALTH AND SOCIAL SERVICES]
13 may establish a wage for work performed in the production of a product
14 that is higher than the maximum wage authorized under (a) of this sec-
15 tion to comply with federal law or regulation if that compliance is
16 required before the product may be sold to the federal government.

17 (c) The commissioner of corrections [HEALTH AND SOCIAL SERVICES]
18 shall disburse prisoners' payments in amounts determined to be appro-
19 priate under procedures adopted by the commissioner based on the fol-
20 lowing order of priority:

21 (1) for support of the prisoner's dependents, if any;

22 (2) to reimburse the state for compensation awarded under
23 AS 18.67 resulting from the prisoner's criminal conduct;

24 (3) to pay a civil judgment resulting from the prisoner's
25 criminal conduct;

26 (4) for the purchase of clothing and commissary items for
27 the prisoner's personal use;

28 (5) to pay a restitution or fine of the prisoner ordered by
29 a sentencing court.

1 (d) Money credited to a prisoner must be retained by the commis-
2 sioner of corrections [HEALTH AND SOCIAL SERVICES] for the primary
3 purpose of being available to the prisoner at the time of release.
4 The commissioner of corrections [HEALTH AND SOCIAL SERVICES] may, how-
5 ever, permit the prisoner to draw upon a portion of the money for oth-
6 er purposes that the commissioner of corrections [HEALTH AND SOCIAL
7 SERVICES] considers appropriate.

8
9 (e) If a prisoner escapes, a portion of the earnings of the pri-
10 soner, as determined by the commissioner of corrections [HEALTH AND
11 SOCIAL SERVICES], is to be forfeited. The commissioner of corrections
12 [HEALTH AND SOCIAL SERVICES] shall deposit forfeited earnings in the
13 general fund.

14 * Sec. 21. AS 33.32.060 is amended to read:

15 Sec. 33.32.060. LIMITATION ON ATTACHMENT, ETC., OF WAGES. Only
16 the prisoner payments retained by the commissioner of corrections
17 [HEALTH AND SOCIAL SERVICES] under AS 33.32.050(d) are subject to
18 lien, attachment, garnishment, execution, or similar procedures to
19 encumber funds or property.

20 * Sec. 22. AS 33.32.070(a) is amended to read:

21 (a) The Correctional Industries Commission is established to
22 provide general policy direction to the correctional industries pro-
23 gram through the commissioner of corrections [HEALTH AND SOCIAL SER-
24 VICES]. The commission consists of seven members, five of whom are to
25 be appointed by the governor to serve staggered terms of four years.
26 The appointed members must include a representative of private indus-
27 try, organized labor, agriculture, and the general public, and one
28 ex-offender. The commissioner of administration is also a member, as
29 is the commissioner of corrections [HEALTH AND SOCIAL SERVICES] who is

1 to serve as chairperson.

2 * Sec. 23. AS 33.32.080(a) is amended to read:

3 (a) The Correctional Industries Commission shall monitor the
4 correctional industries program, annually review the proposed budget
5 of the program, and make appropriate recommendations to the commis-
6 sioner of corrections [HEALTH AND SOCIAL SERVICES]. This budget must
7 be transmitted in the normal budgetary process to the legislature as
8 part of the governor's budget.

9 * Sec. 24. AS 33.32.080(c) is amended to read:

10 (c) The Correctional Industries Commission shall recommend to
11 the commissioner of corrections [HEALTH AND SOCIAL SERVICES] the ad-
12 visability of establishing, expanding, diminishing, or discontinuing
13 industrial, agricultural, or service activities to enable the program
14 to operate as nearly as possible in a self-supporting manner, to pro-
15 vide as much employment for prisoners as is feasible, to provide di-
16 versified work activities with minimal negative impact on an existing
17 private industry or labor force in the state, and contribute to the
18 economy of the state. In making recommendations, the Correctional In-
19 dustries Commission shall consider testimony received at public hear-
20 ings.

21 * Sec. 25. AS 33.32.090 is amended to read:

22 Sec. 33.32.090. COOPERATION WITH STATE AGENCIES. With the
23 approval of the commissioner of corrections [HEALTH AND SOCIAL SER-
24 VICES], a state agency may, without charge, transfer to the Department
25 of Corrections [HEALTH AND SOCIAL SERVICES] for the correctional
26 industries program any property or equipment suitable for the purposes
27 of that program.

28 * Sec. 26. AS 33.35.010 (Article III(b) of the Agreement on Detainers)
29 is amended to read:

1 (b) The written notice and request for final disposition re-
2 ferred to in paragraph (a) of this article shall be given or sent by
3 the prisoner to the warden, commissioner of corrections [HEALTH AND
4 SOCIAL SERVICES] or other official having custody of the prisoner
5 [HIM], who shall promptly forward it together with the certificate to
6 the appropriate prosecuting official and court by registered or certi-
7 fied mail, return receipt requested.

8 * Sec. 27. AS 33.35.010 (Article III(c) of the Agreement on Detainers)
9 is amended to read:

10 (c) The warden, commissioner of corrections [HEALTH AND SOCIAL
11 SERVICES] or other official having custody of the prisoner shall
12 promptly inform the prisoner [HIM] of the source and contents of any
13 detainer against the prisoner [HIM], and shall also inform the pri-
14 soner [HIM] of the [HIS] right to make a request for final disposition
15 of the indictment, information or complaint on which the detainer is
16 based.

17 * Sec. 28. AS 33.35.010 (Article III(d) of the Agreement on Detainers)
18 is amended to read:

19 (d) Any request for final disposition made by a prisoner under
20 paragraph (a) of this article shall operate as a request for final
21 disposition of all untried indictments, informations or complaints on
22 the basis of which detainers have been lodged against the prisoner
23 from the state to whose prosecuting official the request for final
24 disposition is specifically directed." The warden, commissioner of
25 corrections [HEALTH AND SOCIAL SERVICES] or other official having
26 custody of the prisoner shall notify all appropriate prosecuting
27 officers and courts in the several jurisdictions within the state to
28 which the prisoner's request for final disposition is being sent of
29 the proceeding being initiated by the prisoner. Any notification sent

1 under this paragraph shall be accompanied by copies of the prisoner's
2 written notice, request, and the certificate. If trial is not had on
3 any indictment, information or complaint contemplated by this article
4 before the return of the prisoner to the original place of imprison-
5 ment, that indictment, information or complaint is of no further force
6 or effect, and the court shall enter an order dismissing it with
7 prejudice.

8 * Sec. 29. AS 33.35.040 is amended to read:

9 Sec. 33.35.040. CENTRAL ADMINISTRATOR AND INFORMATION AGENT.
10 The commissioner of corrections [HEALTH AND SOCIAL SERVICES] or the
11 designee of the commissioner of corrections [HEALTH AND SOCIAL SER-
12 VICES] is the central administrator of and information agent for the
13 Agreement on Detainers under AS 33.35.010.

14 * Sec. 30. AS 33.36.040 is amended to read:

15 Sec. 33.36.040. IMPLEMENTATION. The commissioner of corrections
16 [HEALTH AND SOCIAL SERVICES] or the commissioner's designee shall do
17 all things necessary or incidental to the carrying out of the Inter-
18 state Corrections Compact. However, no contract is of any force or
19 effect until approved by the commissioner of administration.

20 * Sec. 31. AS 33.36.100 is amended to read:

21 Sec. 33.36.100. IMPLEMENTATION OF COMPACT. The commissioner of
22 corrections [HEALTH AND SOCIAL SERVICES] may enter into such contracts
23 on behalf of the State of Alaska as may be appropriate to implement
24 the participation of this state in the Western Interstate Corrections
25 Compact under art. III of the compact. No contract is of any force or
26 effect until approved by the commissioner of administration.

27 * Sec. 32. AS 41.20.110(b) is amended to read:

28 (b) As an aid to the construction and maintenance of trails and
29 campsites under (a) of this section the commissioner of corrections

1 [HEALTH AND SOCIAL SERVICES] is authorized to establish a program that
2 would allow prisoners to volunteer for work on the trails and camp-
3 sites. The commissioner is authorized to grant remuneration for the
4 work, either in money or reduction of sentence, which the commissioner
5 [HE] considers sufficient.

6 * Sec. 33. AS 44.17.005 is amended by adding a new paragraph to read:
7 (18) Department of Corrections.

8 * Sec. 34. AS 44.29.020(9) is amended to read:
9 (9) management of state institutions other than correction-
10 al institutions;

11 * Sec. 35. AS 47.08.050(8) is amended to read:
12 (8) medical services currently provided to persons in the
13 custody of the Department of Corrections [DIVISION OF CORRECTIONS];

14 * Sec. 36. AS 47.10.060(d) is amended to read:
15 (d) A minor is unamenable to treatment under this chapter if the
16 minor [HE] probably cannot be rehabilitated by treatment under this
17 chapter before reaching [HE REACHES] 20 years of age. In determining
18 whether a minor is unamenable to treatment, the court may consider the
19 seriousness of the offense the minor is alleged to have committed, the
20 minor's history of delinquency, the probable cause of the minor's
21 delinquent behavior, and the facilities available to the Department of
22 Corrections [DIVISION OF YOUTH AND ADULT AUTHORITY] for treating the
23 minor.

24 * Sec. 37. AS 47.10.060(e) is amended to read:
25 (e) If a person who has been tried as an adult under this sec-
26 tion has completed the [HIS] sentence and five years have elapsed, the
27 person [HE] may petition (or the Department of Corrections [HEALTH AND
28 SOCIAL SERVICES] may petition [FOR HIM]) the superior court to seal
29 the records of all criminal proceedings against the person [HIM] and

1 all punishments assessed [AGAINST HIM], except for traffic offenses,
2 while the person [HE] was a minor. If the superior court finds that
3 the punishment assessed against the person has had its intended reha-
4 bilitative effect, the superior court shall order the record of pro-
5 ceedings and the record of punishments sealed. Sealing the records
6 restores civil rights removed because of a conviction. A [NO] person
7 may not use records so sealed for any purpose except that the court
8 may order their use for good cause shown or may order their use by an
9 officer of the court in making a presentencing report for the court.

10 * Sec. 38. AS 47.10.070 is amended to read:

11 Sec. 47.10.070. HEARINGS. The court may conduct the hearing in
12 an informal manner in the courtroom or in chambers. A hearing may be
13 held before a young adult advisory panel in accordance with AS 47.-
14 10.075. The court shall give notice of the hearing to the appropriate
15 department and it may send a representative to the hearing. The court
16 shall also transmit a copy of the petition to that [THE] department. A
17 [THE] representative of the department may also be heard at the hear-
18 ing. The public shall be excluded from the hearing, but the court, in
19 its discretion, may permit individuals to attend a hearing, if their
20 attendance is compatible with the best interests of the minor. Nothing
21 in this section may be applied in such a way as to deny a child [HIS]
22 rights to a public trial and to a trial by jury.

23 * Sec. 39. AS 47.10.080(b) is amended to read:

24 (b) If the court finds that the minor is delinquent, it shall
25 (1) order the minor committed to the Department of Correc-
26 tions [HEALTH AND SOCIAL SERVICES] for a period of time not to exceed
27 two years or in any event extend past the day the minor becomes 19,
28 except that the Department of Corrections [DEPARTMENT] may petition
29 for and the court may grant in a hearing (A) two-year extensions of

1 commitment which do not extend beyond the child's 19th birthday if the
2 extension is in the best interests of the minor and the public; and
3 (B) an additional one-year period of supervision past age 19 if con-
4 tinued supervision is in the best interests of the person and the
5 person consents to it; the Department of Corrections [DEPARTMENT]
6 shall place the minor in the juvenile facility that [WHICH] the de-
7 partment considers appropriate and which may include a juvenile cor-
8 rectional school, detention home, or detention facility; the minor may
9 be released from placement or detention and placed on probation on
10 order of the court and may also be released by the Department of
11 Corrections [DEPARTMENT], in its discretion, under AS 47.10.200;

12 (2) order the minor placed on probation, to be supervised
13 by the Department of Corrections [DEPARTMENT], and released [RELEASE
14 HIM] to the minor's [HIS] parents, guardian, or a suitable person; if
15 the court orders the minor placed on probation, it may specify the
16 terms and conditions of probation; the probation may be for a period
17 of time, not to exceed two years and in no event extend past the day
18 the minor becomes 19, except that the Department of Corrections
19 [DEPARTMENT] may petition for and the court may grant in a hearing

20 (A) two-year extensions of supervision that [WHICH] do
21 not extend beyond the child's 19th birthday if the extension is
22 in the best interests of the minor and the public; and

23 (B) an additional one-year period of supervision past
24 age 19 if the continued supervision is in the best interests of
25 the person and the person consents to it;

26 (3) order the minor committed to the Department of Correc-
27 tions [DEPARTMENT] and placed on probation, to be supervised by that
28 [THE] department, and released [RELEASE HIM] to the minor's [HIS]
29 parents, guardian, other suitable person, or suitable nondetention

1 setting such as a family home, group care facility, or child care
2 facility, whichever the Department of Corrections [DEPARTMENT] con-
3 siders appropriate to implement the treatment plan of the predisposi-
4 tion report; if the court orders the minor placed on probation, it may
5 specify the terms and conditions of probation; the Department of
6 Corrections [DEPARTMENT] may transfer the minor, in the minor's [HIS]
7 best interests, from one of the probationary placement settings listed
8 in this paragraph to another, and the minor, and the minor's [HIS]
9 parents or guardian and attorney are entitled to reasonable notice of
10 the transfer; the probation may be for a period of time, not to exceed
11 two years and in no event extend past the day the minor becomes 19,
12 except that the Department of Corrections [DEPARTMENT] may petition
13 for and the court may grant in a hearing

14 (A) two-year extensions of commitment that [WHICH] do
15 not extend beyond the child's 19th birthday if the extension is
16 in the best interests of the minor and the public; and

17 (B) an additional one-year period of supervision past
18 age 19 if the continued supervision is in the best interests of
19 the person and the person consents to it; or

20 (4) order the minor to make suitable restitution in lieu of
21 or in addition to the court's order under (1), (2) or (3) of this
22 subsection; [.]

23 (5) order the minor committed to the Department of Cor-
24 rections [HEALTH AND SOCIAL SERVICES] for placement in an adventure-
25 based education program established under AS 47.21 [AS 47.21.020] with
26 conditions the court considers appropriate concerning release upon
27 satisfactory completion of the program or commitment under (1) of this
28 subsection if the program is not satisfactorily completed.

29 * Sec. 40. AS 47.10.080(c) is amended to read:

1 (c) If the court finds that the minor is a child in need of aid,
2 it shall

3 (1) order the minor committed to the Department of Health
4 and Social Services [DEPARTMENT] for placement in an appropriate
5 setting for a period of time not to exceed two years or in any event
6 past the date the minor becomes 19 years of age, except that the
7 Department of Health and Social Services [DEPARTMENT] may petition for
8 and the court may grant in a hearing (A) two-year extensions of com-
9 mitment that [WHICH] do not extend beyond the child's 19th birthday if
10 the extension is in the best interests of the minor and the public;
11 and (B) an additional one-year period of supervision past age 19 if
12 the continued supervision is in the best interests of the person and
13 the person consents to it; the Department of Health and Social Ser-
14 vices [DEPARTMENT] may transfer the minor, in the minor's [HIS] best
15 interests, from one placement setting to another, and the minor, and
16 the minor's [HIS] parents or guardian and attorney are entitled to
17 reasonable notice of the transfer;

18 (2) order the minor released to the minor's [HIS] parents,
19 guardian, or some other suitable person, and, in appropriate cases,
20 order the parents, guardian, or other person to provide medical or
21 other care and treatment; if the court releases the minor, it shall
22 direct the Department of Health and Social Services [DEPARTMENT] to
23 supervise the care and treatment given to the minor, but the court may
24 dispense with that [THE] department's supervision if the court finds
25 that the adult to whom the minor is released will adequately care for
26 the minor without supervision; the [DEPARTMENT'S] supervision of the
27 Department of Health and Social Services may not exceed two years or
28 in any event extend past the date the minor reaches age 19, except
29 that the Department of Health and Social Services [DEPARTMENT] may

1 petition for and the court may grant in a hearing

2 (A) two-year extensions of supervision that [WHICH] do
3 not extend beyond the child's 19th birthday if the extension is
4 in the best interests of the minor and the public; and

5 (B) an additional one-year period of supervision past
6 age 19 if the continued supervision is in the best interests of
7 the person and the person consents to it; or

8 (3) by order, upon a showing in the adjudication by clear
9 and convincing evidence that there is a child in need of aid under
10 AS 47.10.010(a)(2) as a result of parental conduct and upon a showing
11 in the disposition by clear and convincing evidence that the parental
12 conduct is likely to continue to exist if there is no termination of
13 parental rights, terminate parental rights and responsibilities of one
14 or both parents and commit the child to the Department of Health and
15 Social Services [DEPARTMENT] or to a legally appointed guardian of the
16 person of the child, and the Department of Health and Social Services
17 [DEPARTMENT] or guardian shall report annually to the court on efforts
18 being made to find a permanent placement for the child.

19 * Sec. 41. AS 47.10.080(e) is amended to read:

20 (e) If the court finds that the minor is not delinquent or a
21 child in need of aid, it shall immediately order the minor's [HIS]
22 release from [THE DEPARTMENT'S] custody and the minor's [HIS] return
23 to the [HIS] parents, guardian, or custodian, and dismiss the case.

24 * Sec. 42. AS 47.10.080(f) is amended to read:

25 (f) A minor found to be delinquent or a child in need of aid is
26 a ward of the state as long as the minor [HE] is committed to the
27 Department of Corrections or the Department of Health and Social
28 Services [DEPARTMENT] or either [THE] department has the power to
29 supervise the minor's [HIS] actions. The court shall review an order

1 made under (b) or (c)(1) or (2) of this section annually, and may
2 review the order more frequently to determine if continued placement,
3 probation, or supervision, as it is being provided, is in the best
4 interest of the minor and the public. The affected department, the
5 minor, the minor's parents, guardian, or custodian are entitled, when
6 good cause is shown, to a review on application. If the application
7 is granted, the court shall afford these parties and their counsel
8 reasonable notice in advance of the review and hold a hearing where
9 these parties and their counsel shall be afforded an opportunity to be
10 heard. The minor shall be afforded the opportunity to be present at
11 the review.

12 * Sec. 43. AS 47.10.080(h) is amended to read:

13 (h) The Department of Corrections [DEPARTMENT] shall pay all
14 court costs incurred in all proceedings in connection with an [THE]
15 adjudication of delinquency under this chapter, including hearings
16 that [WHICH] result in the release of the minor.

17 * Sec. 44. AS 47.10.080(i) is amended to read:

18 (i) A minor, the minor's [HIS] parents or guardian acting on the
19 minor's [HIS] behalf, [OR] the Department of Corrections, or the
20 Department of Health and Social Services [DEPARTMENT] may appeal a
21 judgment or order, or the stay, modification, setting aside, revoca-
22 tion, or enlargement of a judgment or order issued by the court under
23 this chapter.

24 * Sec. 45. AS 47.10.081(a) is amended to read:

25 (a) Before the disposition hearing of a delinquent minor the
26 Department of Corrections [DEPARTMENT] shall submit a predisposition
27 report with a recommended plan of treatment to aid the court in its
28 selection of a disposition, and any further information that [WHICH]
29 the court may request.

1 * Sec. 46. AS 47.10.081(b) is amended to read:

2 (b) Before the disposition hearing of a child in need of aid the
3 Department of Health and Social Services [DEPARTMENT] shall submit a
4 predisposition report to aid the court in its selection of a disposi-
5 tion. This report shall include, but is not limited to, the following:

6 (1) a statement of changes in the child's or parent's
7 behavior, that [WHICH] will aid the court in determining that super-
8 vision of the family or placement is no longer necessary;

9 (2) if removal from the home is recommended, a description
10 of the reasons the child cannot be protected or rehabilitated ade-
11 quately in the home, including a description of any previous efforts
12 to work with the parents and the child in the home and the parents'
13 attitude toward placement of the child;

14 (3) a description of the potential harm to the child that
15 [WHICH] may result from removal from the home and any efforts that
16 [WHICH] can be made to minimize the [SUCH] harm; and

17 (4) any further information that [WHICH] the court may
18 request.

19 * Sec. 47. AS 47.10.084(a) is amended to read:

20 (a) When a child is committed under AS 47.10.080(b)(1) or (c)(1)
21 to the Department of Corrections or to the Department of Health and
22 Social Services [DEPARTMENT] or released under AS 47.10.080(b)(2) or
23 (3) or (c)(2) to the child's [HIS] parents, guardian, or other suit-
24 able person, a relationship of legal custody exists. This relationship
25 imposes on the custodial department and its authorized agents or the
26 parents, guardian, or other suitable person the responsibility of
27 physical care and control of the child, the determination of where and
28 with whom the child shall live, the right and duty to protect, train
29 and discipline the child, and the duty of providing the child with

1 food, shelter, education, and medical care. These obligations are
2 subject to any residual parental rights and responsibilities and
3 rights and responsibilities of a guardian if one has been appointed.
4 When parental rights have been terminated, or there are no living
5 parents and a [NO] guardian has not been appointed, the responsibil-
6 ities of legal custody include those in (b) and (c) of this section.
7 The custodial department or person having legal custody of the child
8 may delegate any of the responsibilities under this section, except
9 authority to consent to marriage, adoption, and military enlistment
10 may not be delegated. For purposes of this chapter a person in charge
11 of a placement setting is an agent of the department.

12 * Sec. 48. AS 47.10.100 is amended to read:

13 Sec. 47.10.100. RETENTION OF JURISDICTION OVER MINOR. (a) The
14 court retains jurisdiction over the case and may at any time stay
15 execution, modify, set aside, revoke, or enlarge a judgment or order,
16 or grant a new hearing, in the exercise of its power of protection
17 over the minor and for the minor's [HIS] best interest, for [A PERIOD
18 OF TIME NOT TO EXCEED] two years or until [IN ANY EVENT EXTEND PAST
19 THE DAY] the minor becomes 19, whichever occurs first, unless sooner
20 discharged by the court, except that the affected department may apply
21 for and the court may grant an additional one-year period of super-
22 vision past age 19 if continued supervision is in the best interests
23 of the person and the person consents to it. An application for any of
24 these purposes may be made by the parent, guardian, or custodian
25 acting in behalf of the minor, or the court may, on its own motion,
26 and after reasonable notice to interested parties and the appropriate
27 department, take action that [WHICH] it considers appropriate.

28 (b) If the court determines at a rehearing that it is for the
29 best interests of the minor that the minor [HE] be released to the

1 care or custody of a [HIS] parent, guardian, or custodian, it may
2 enter an order to that effect and the minor is discharged from the
3 control of the custodial department.

4 (c) If a minor is adjudicated a delinquent or a child in need of
5 aid before the minor's [HIS] 18th birthday, the court may retain
6 jurisdiction over the minor [HIM] after that [HIS 18TH] birthday for
7 the purpose of supervising the minor's [HIS] rehabilitation, but the
8 court's jurisdiction over the minor [HIM] under this chapter does not
9 extend [NEVER EXTENDS] beyond the [HIS] 19th birthday, except that the
10 appropriate department may apply for and the court may grant an addi-
11 tional one-year period of supervision past age 19 if continued super-
12 vision is in the best interests of the person and the person consents
13 to it. The supervising department may retain jurisdiction over a child
14 between the child's [HIS] 18th and 19th birthdays for the purpose of
15 supervising the child's [HIS] rehabilitation, if the child [HE] has
16 been placed under the supervision of that [THE] department before
17 reaching the age of 18 [HIS 18TH BIRTHDAY], except that the supervis-
18 ing department may apply for and the court may grant an additional
19 one-year period of supervision past age 19 if continued supervision is
20 in the best interests of the person and the person consents to it.

21 * Sec. 49. AS 47.10.140(b) is amended to read:

22 (b) A peace officer who has a minor detained under (a) of this
23 section shall immediately, and in no event more than 12 hours later,
24 notify the court, the minor's parents or guardian, and the Department
25 of Health and Social Services of the officer's action. The Department
26 of Health and Social Services [DEPARTMENT] may file with the court a
27 petition alleging delinquency before the detention hearing.

28 * Sec. 50. AS 47.10.140(g) is amended to read:

29 (g) A [NO] minor who is detained under (f) of this section may

1 not be detained in a jail or other facility unless kept out of contact
2 with adult persons convicted or accused of a crime. A [NO] minor may
3 not be detained in a jail or other detention facility that [WHICH] has
4 not been approved by the Department of Corrections [HEALTH AND SOCIAL
5 SERVICES] before detention of the minor.

6 * Sec. 51. AS 47.10.142(b) is amended to read:

7 (b) A minor who has left home and is evading the person having
8 legal custody [OF HIM] may obtain the services of the Department of
9 Health and Social Services [DEPARTMENT]. That [THE] department shall
10 assess the situation and furnish the minor with the social services it
11 considers appropriate to protect the well-being of the minor and to
12 preserve the minor's [HIS] family life if preserving it is considered
13 desirable under the circumstances. If, after assessing the situation,
14 considering the wishes of the minor, and furnishing appropriate social
15 services, the Department of Health and Social Services [DEPARTMENT]
16 considers it necessary, it [THE DEPARTMENT] may take emergency custody
17 of the minor.

18 * Sec. 52. AS 47.10.142(c) is amended to read:

19 (c) When a child is taken into custody under (a) or (b) of this
20 section, the Department of Health and Social Services [DEPARTMENT]
21 shall immediately, and in no event more than 12 hours later unless
22 prevented by lack of communication facilities, notify the parents or
23 the person [OR PERSONS] having custody of the child and the court of
24 the action and file with the court a petition alleging that the child
25 is a child in need of aid.

26 * Sec. 53. AS 47.10.142(e) is amended to read:

27 (e) If the court finds that probable cause exists it shall order
28 the minor committed to the Department of Health and Social Services
29 [DEPARTMENT] for temporary placement, or order the minor [HIM]

1 returned to the custody of the [HIS] parents or guardian subject to
2 Department of Health and Social Services [THE DEPARTMENT'S] super-
3 vision of the minor's [HIS] care and treatment. If the court finds no
4 probable cause it shall order the minor returned to the custody of the
5 [HIS] parents or guardian.

6 * Sec. 54. AS 47.10.150 is repealed and reenacted to read:

7 Sec. 47.10.150. GENERAL POWERS OF DEPARTMENTS OVER JUVENILE
8 INSTITUTIONS. (a) The Department of Corrections may

9 (1) purchase, lease or construct buildings or other facil-
10 ities for the care, detention, rehabilitation and education of delin-
11 quent minors;

12 (2) adopt plans for construction of juvenile facilities
13 under its jurisdiction;

14 (3) adopt standards and regulations under this chapter for
15 the design, construction, repair, maintenance and operation of juve-
16 nile facilities under its jurisdiction;

17 (4) inspect periodically each juvenile facility under its
18 jurisdiction to insure that the standards and regulations adopted are
19 being maintained;

20 (5) reimburse cities maintaining and operating juvenile
21 facilities for the Department of Corrections;

22 (6) enter into contracts and arrangements with cities and
23 state and federal agencies to carry out the purposes of this chapter;

24 (7) do all acts necessary to carry out the purposes of this
25 chapter;

26 (8) adopt the regulations necessary to carry out this
27 chapter;

28 (9) accept donations, gifts or bequests of money or other
29 property for use in construction of juvenile facilities under its

1 jurisdiction;

2 (10) operate juvenile facilities under its jurisdiction when
3 municipalities are unable to do so;

4 (11) receive, care for, and place all minors committed to
5 its custody under this chapter.

6 (b) The Department of Health and Social Services may

7 (1) purchase, lease or construct buildings or other facil-
8 ities for the care, detention, rehabilitation and education of chil-
9 dren in need of aid;

10 (2) adopt plans for construction of juvenile facilities
11 under its jurisdiction;

12 (3) adopt standards and regulations under this chapter for
13 the design, construction, repair, maintenance and operation of juve-
14 nile facilities under its jurisdiction;

15 (4) inspect periodically each juvenile facility under its
16 jurisdiction to insure that the standards and regulations adopted are
17 being maintained;

18 (5) reimburse cities maintaining and operating juvenile
19 facilities for the Department of Health and Social Services;

20 (6) enter into contracts and arrangements with cities and
21 state and federal agencies to carry out the purposes of this chapter;

22 (7) do all acts necessary to carry out the purposes of this
23 chapter;

24 (8) adopt the regulations necessary to carry out this
25 chapter;

26 (9) accept donations, gifts or bequests of money or other
27 property for use in construction of juvenile facilities under its
28 jurisdiction;

29 (10) operate juvenile facilities under its jurisdiction when

1 municipalities are unable to do so;

2 (11) receive, care for, and place all minors committed to
3 its custody under this chapter.

4 * Sec. 55. AS 47.10.160 is repealed and reenacted to read:

5 Sec. 47.10.160. DUTIES OF DEPARTMENTS. (a) The Department of
6 Corrections shall

7 (1) accept all minors committed to the custody of the
8 Department of Corrections and provide for the welfare, control, care,
9 custody, and placement of these minors in accordance with the pro-
10 visions of this chapter;

11 (2) require and collect statistics on juvenile offenses and
12 offenders in Alaska;

13 (3) conduct studies and prepare findings and recommenda-
14 tions on the need, number, type, construction, maintenance, and opera-
15 ting costs of juvenile facilities under its jurisdiction, and adopt
16 and submit a plan for construction of facilities when needed, together
17 with a plan for financing the construction programs;

18 (4) examine, where possible, all facilities, institutions,
19 and places of juvenile detention in Alaska and inquire into their
20 methods and the management of juveniles in them.

21 (b) The Department of Health and Social Services shall

22 (1) accept all minors committed to the custody of the
23 Department of Health and Social Services and all minors who are in-
24 volved in a written agreement under AS 47.10.230(c), and provide for
25 the welfare, control, care, custody, and placement of these children
26 in accordance with the provisions of this chapter;

27 (2) conduct studies and prepare findings and recommenda-
28 tions on the need, number, type, construction, maintenance, and op-
29 erating costs of juvenile facilities under its jurisdiction and adopt

1 and submit a plan for construction of the facilities when needed,
2 together with a plan for financing the construction programs.

3 * Sec. 56. AS 47.10.170(a) is amended to read:

4 (a) A city having a population of 1700 or more, according to the
5 latest decennial census, or found by the Department of Corrections or
6 the Department of Health and Social Services [DEPARTMENT] to have a
7 present population of 1700 or more may maintain and operate a juvenile
8 detention home or facility.

9 * Sec. 57. AS 47.10.180 is amended to read:

10 Sec. 47.10.180. OPERATION OF HOMES AND FACILITIES. (a) The
11 Department of Corrections [HEALTH AND SOCIAL SERVICES] shall adopt
12 standards and regulations for the operation of juvenile detention
13 homes and juvenile detention facilities in the state.

14 (b) The appropriate department may enter into contracts with
15 cities and other governmental agencies for the detention of juveniles
16 before and after commitment by juvenile authorities. A [NO] contract
17 may not be made for longer than one year.

18 * Sec. 58. AS 47.10.190 is amended to read:

19 Sec. 47.10.190. CONDITIONS GOVERNING DETENTION. When the court
20 commits a minor to the custody of a [THE] department, that [THE]
21 department shall arrange to place the juvenile in a [DETENTION HOME,]
22 facility or another suitable place that [WHICH] the department desig-
23 nates for that purpose. A juvenile detained in a jail or similar
24 institution at the request of the department shall be held in custody
25 in a room or other place apart and separate from adults.

26 * Sec. 59. AS 47.100.200 is amended to read:

27 Sec. 47.10.200. RELEASING JUVENILES AFTER COMMITMENT. A juve-
28 nile delinquent who by [HIS] conduct gives sufficient evidence of
29 reform [THAT HE HAS REFORMED] may be released at any time under the

1 conditions and regulations that [WHICH] the Department of Corrections
2 [DEPARTMENT] considers proper, if it appears to the satisfaction of
3 the Department of Corrections [DEPARTMENT] that there is a reasonable
4 probability that the juvenile will remain at liberty without violating
5 the law.

6 * Sec. 60. AS 47.10.210 is amended to read:

7 Sec. 47.10.210. YOUTH COUNSELLORS. The Department of Correc-
8 tions [DEPARTMENT] may employ youth counsellors. Youth counsellors
9 shall exercise the duties of probation officers and shall prepare
10 preliminary investigations for the information of the court. They
11 shall also carry out other duties in the care and treatment of minors
12 that [WHICH] are consistent with the intent of this chapter. Youth
13 counsellors have the powers of a peace officer with respect to the
14 service of process, the making of arrests of minors who violate state
15 or municipal law, and the execution of orders of the court relating to
16 juveniles. The youth counsellors shall assist and advise the courts in
17 the furtherance of the welfare and control of minors under the court's
18 jurisdiction.

19 * Sec. 61. AS 47.10.220 is amended to read:

20 Sec. 47.10.220. GRANTS-IN-AID. The Department of Health and
21 Social Services and the Department of Corrections may accept grants-
22 in-aid from the federal government or private foundations and may
23 accept other gifts consistent with the purposes of this chapter.

24 * Sec. 62. AS 47.10.230 is amended to read:

25 Sec. 47.10.230. POWERS AND DUTIES OF DEPARTMENT OF HEALTH AND
26 SOCIAL SERVICES OVER CARE OF CHILD. (a) Subject to (e) and (f) of
27 this section, the Department of Health and Social Services shall
28 arrange for the care of every child committed to its custody by plac-
29 ing the child [HIM] in a foster home or in the care of an agency or

1 institution providing care for children inside or outside the state.
2 The Department of Health and Social Services [DEPARTMENT] may place a
3 child in a suitable family home, with or without compensation, and may
4 place a child released to it, in writing verified by the parent, or
5 guardian or other person having legal custody, for adoptive purposes,
6 in a home for adoption in accordance with existing law.

7 (b) The Department of Health and Social Services [DEPARTMENT]
8 may pay the costs of maintenance that [WHICH] are necessary to assure
9 adequate care of the child, and may accept funds from the federal
10 government that [WHICH] are granted to assist in carrying out the
11 purposes of this chapter, or that [WHICH] are paid under contract
12 entered into with a federal department or agency. A [NO] child under
13 the care of the Department of Health and Social Services [DEPARTMENT]
14 may not be placed in a family home or institution that does not main-
15 tain adequate standards of care.

16 (c) The Department of Health and Social Services [DEPARTMENT]
17 may receive, care for, and make appropriate placement of minors ac-
18 cepted for care for a period of up to six months on the basis of an
19 individual voluntary written agreement between the minor's parent,
20 legal guardian, or other person having legal custody and the Depart-
21 ment of Health and Social Services [DEPARTMENT]. The agreement may
22 include provisions for payment, in whole or in part, to the Department
23 of Health and Social Services [DEPARTMENT] for the minor's care and
24 treatment. The agreement entered into shall not operate to prohibit a
25 minor's parent, legal guardian, or other person who had legal custody
26 from regaining care of the minor at any time.

27 (d) In addition to funds paid for the maintenance of foster
28 children under (b) of this section, the Department of Health and
29 Social Services [DEPARTMENT] shall pay the costs of caring for

1 physically or mentally handicapped foster children, including the
2 additional costs of medical care, habilitative and rehabilitative
3 treatment, services and equipment, special clothing, and the indirect
4 costs of medical care, including child care, transportation expenses,
5 and respite care. In this subsection "respite care" means child care
6 not to exceed 12 hours in any 30-day period; it also means child care
7 for a period not to exceed seven days in a year for the purpose of
8 providing emergency protection for the child when the foster parent is
9 away from the home because of an emergency and no other care is avail-
10 able for the child or when the foster parent is on vacation and the
11 child, because of age or infirmity, cannot be placed in any other type
12 of temporary care facility.

13 (e) A child may not be placed in a foster home or in the care of
14 an agency or institution providing care for children if a blood rela-
15 tive exists who requests custody of the child. However, the Department
16 of Health and Social Services [DEPARTMENT] may retain custody of the
17 child and provide for its placement in the same manner as for other
18 children if it makes a determination, supported by clear and convinc-
19 ing evidence, that the custody of the child by the blood relative will
20 result in physical or emotional damage. In making that determination,
21 poverty, including inadequate or crowded housing, on the part of the
22 blood relative, is not considered prima facie evidence that physical
23 or emotional damage to the child will occur. This determination may be
24 appealed to the superior court to hear the matter de novo.

25 (f) If a blood relative of the child specified under (e) of this
26 section exists and agrees that the child should be placed elsewhere,
27 before placement elsewhere the Department of Health and Social Ser-
28 vices [DEPARTMENT] shall fully communicate the nature of the placement
29 proceedings to the relative. Communication under this section shall

1 be made in the relative's native language, if necessary. Nothing in
2 this section or in (e) of this section applies to child placement for
3 adoptive purposes.

4 * Sec. 63. AS 47.10.240 is amended to read:

5 Sec. 47.10.240. ADEQUACY OF HOME OR INSTITUTION. (a) A repre-
6 sentative of the Department of Health and Social Services [DEPARTMENT]
7 shall visit, as often as is considered necessary, every foster home or
8 institution in which a child is placed, and if not satisfied as to the
9 care given, may remove the child from the foster home or institution
10 and place the child [HIM] elsewhere.

11 (b) The person or institution receiving a child shall submit the
12 reports the Department of Health and Social Services [DEPARTMENT]
13 requires as to the education, health and welfare of the child and the
14 conditions under which the child [HE] is living.

15 * Sec. 64. AS 47.10.260 is amended to read:

16 Sec. 47.10.260. PAYMENT OF COSTS. The Department of Health and
17 Social Services [DEPARTMENT] shall pay the proper and necessary costs
18 of the court and witnesses and other expenses necessarily incurred in
19 the enforcement of AS 47.10.230 - 47.10.260.

20 * Sec. 65. AS 47.17.020(a)(4) is amended to read:

21 (4) peace officers, and officers of the Department of
22 Corrections [DIVISION OF CORRECTIONS];

23 * Sec. 66. AS 47.21.010(b)(1) is amended to read:

24 (1) certain delinquent juveniles in the custody of the
25 Department of Corrections [DIVISION OF CORRECTIONS];

26 * Sec. 67. AS 47.30.845(5) is amended to read:

27 (5) the Department of Corrections [DIVISION OF CORRECTIONS]
28 in a case in which a prisoner confined to the state prison is a pa-
29 tient in the state hospital on authorized transfer either by voluntary

1 admission or by court order;

2 * Sec. 68. AS 47.37.040(3) is amended to read:

3 (3) cooperate with the Department of Corrections [DIVISION
4 OF CORRECTIONS] in establishing and conducting programs to provide
5 treatment for alcoholics and intoxicated persons in or on parole from
6 penal institutions;

7 * Sec. 69. The following laws are repealed: AS 12.55.185(2), AS 44.-
8 29.020(17).

9 * Sec. 70. On the effective date of this section the Department of
10 Health and Social Services shall transfer facilities, supplies, equipment
11 and other assets relating to its adult corrections function to the Depart-
12 ment of Corrections to enable the Department of Corrections to perform the
13 duties imposed by this Act.

14 * Sec. 71. On the effective date of this section the Department of
15 Health and Social Services shall transfer facilities, supplies, equipment
16 and other assets relating to its juvenile corrections function to the
17 Department of Corrections to enable the Department of Corrections to per-
18 form the duties imposed by this Act.

19 * Sec. 72. Secs. 1 - 35, 65, and 67 - 70 of this Act take effect imme-
20 diately in accordance with AS 01.10.070(c).

21 * Sec. 73. Secs. 36 - 64, 66, and 71 of this Act take effect July 1,
22 1983.

THIRTEENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS HB 103 (Judiciary)

Title An Act Establishing a Department of Corrections

Requested by House Finance Committee Date 3/21/83

II. FISCAL DETAIL

Agency Affected DHSS/ Dept. of Corrections

Program Category Affected Corrections

BRU, Program, Or Subprogram(s) Affected Adult Confinement, etc.

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES	129.7					
200 TRAVEL	45.0					
300 CONTRACTUAL	63.3					
400 COMMODITIES	4.0					
500 EQUIPMENT	8.0					
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	250.0					

FUNDING (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
GENERAL FUND	250.0					
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

10

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

Passage of this bill would have fiscal impact in years beyond FY 83. Because the bill establishes a new department and has fiscal impact on at least two divisions of an existing department, it is the intent of the House Finance Committee to provide for the FY 84 fiscal impact through the FY 84 budget process.

The amount provided for FY 83 is a DHSS estimate. This funding will be combined with existing Division of Corrections dollars to start up the new Department. Together, the funding will provide for 10 new positions; moving costs for some personnel, leasing of a Department building, and other costs associated with establishing a new department.

IV. DATE 3/21/83

PREPARED BY Bob Bettisworth, Vice Chair

AGENCY House Finance Committee

Original: Legislative Finance
cc: Budget and Management

PHONE 465-4967

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/82)

RHB

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 103
 Title Creating a Department of Corrections
 Requested by House HESS Committee Date Feb. 9, 1983

II. FISCAL DETAIL Department of Corrections

Agency Affected _____
 Program Category Affected Administration of Justice
 BRU, Program, Or Subprogram(s) Affected Director's office
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		951.6	1008.7	1069.3		

FUNDING (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
GENERAL FUND		951.6	1008.7	1069.3		
FEDERAL FUNDS		0	0	0		
OTHER (Specify Source)		0	0	0		
		0	0	0		

POSITIONS

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

Functions of the department of corrections under HB 103 are essentially identical to Executive Order 54. This note is based on the fiscal note prepared for EO 54 and precedes the Dept. of Health and Social Services note, which is not expected to arrive for the hearing.

IV. DATE February 9, 1983 PREPARED BY Dave Palmer
 AGENCY House HESS committee
 Original: Legislative Finance PHONE 665-3777
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

TOTAL REQUEST

I. REQUEST
 BILL/Resolution No.: CS for HB 103 (Jud.)
 Title: "An Act Establishing a Dept. of Corr."
 Sponsor: Judiciary Committee
 Requestor: House Judiciary

II. FISCAL DETAIL
 Agency Affected: Dept. of Corrections
 Program Category Affected: Admin. of Justice
 BRU, Program of Subprogram(s) Affected: Adult Confinement, Probation & Community Programs, Admin. & Support, Youth Correctional Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES		9596.3	10172.1	10782.4	11429.4	12115.1
200 TRAVEL		213.1	225.9	239.5	253.8	269.0
300 CONTRACTUAL		1365.5	1447.4	1534.3	1626.3	1723.9
400 COMMODITIES		586.0	621.1	658.4	697.9	739.7
500 EQUIPMENT		12.7	13.5	14.3	15.1	16.0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC		4961.1	5258.8	5574.3	5908.7	6263.3
TOTAL OPERATING		16734.7	17738.8	18803.2	19931.2	21127.0
CAPITAL		16376.2	9111.7			7870.2
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		33110.9	26850.5	18803.2	19931.2	28997.2
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME		231.0	231.0	231.0	231.0	231.0
PART-TIME		1.0	1.0	1.0	1.0	1.0
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Source of funds to offset fiscal impact of CS for House Bill No. 103 (Judiciary) has not been identified by the sponsor.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Division of Budget & Finance, DH&SS *W. Hubbard* Phone: 465-3331
 Division: _____ Date: March 18, 1983
 Approved by Commissioner: *Robert Gordon Smith, Ph.D.* Date: 3/19/83
 Department: Health & Social Services

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

ADULT

STATE OF ALASKA
FISCAL NOTE

Revision Date: _____

I. REQUEST

Bill/Resolution No.: CS for HB 103 (Jud.)
Title: "An Act establishing a Dept. of Corr."
Sponsor: Judiciary Committee
Requestor: House Judiciary

II. FISCAL DETAIL

Agency Affected: Health & Social Servs.
Program Category Affected: Admin. of Justice
BRU, Program of Subprogram(s) Affected: Adult Confinement; Probation & Community Programs; Administration & Support

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES		530.1	561.9	595.6	631.4	669.2
200 TRAVEL		48.0	50.9	54.0	57.2	60.6
300 CONTRACTUAL		356.5	377.9	400.6	424.6	450.1
400 COMMODITIES		17.0	18.0	19.7	20.2	21.4
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	*	951.6	1008.7	1069.3	1133.4	1201.3
CAPITAL		-0-	-0-	-0-	-0-	-0-
REVENUE		-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND	*	951.6	1008.7	1069.3	1133.4	1201.3
FEDERAL FUNDS		-0-	-0-	-0-	-0-	-0-
OTHER (Specify Source)		-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	10.0	10.0	10.0	10.0	10.0	10.0
PART-TIME		-0-	-0-	-0-	-0-	-0-
TEMPORARY		-0-	-0-	-0-	-0-	-0-

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Source of funds to offset fiscal impact of CS for House Bill No. 103 (Judiciary) has not been identified by the sponsor. *FY 1983 funding has been identified in Senate Bill No. 158 as a delete/add supplemental of \$250,000.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Roger C. Lange *Roger C. Lange* Phone: 465-3376
 Division: Adult Corrections Date: March 17, 1983
 Approved by Commissioner: Robert London Smith (H.D.) *Robert London Smith (H.D.)* Date: 3/18/83
 Department: Health & Social Services

Distribution:

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3/8/83

IV. ANALYSIS

A. Assumptions:

1. C.S. for House Bill No. 103 (Judiciary) creates a Department of Corrections to include juvenile corrections, which were added in this committee substitute.
2. The transfer of juvenile corrections entails (Governor's budget level) 221 permanent full time positions and an appropriation of \$11,270,900. This does not include a pro rata share for corrections juveniles of the foster care/private institutional care request of \$16,399,500. Since the administrative support for these positions and processing of purchase/expenditure documents already exists in the Department of Health and Social Services, it is assumed no new positions will be required for these functions. However, an additional four positions should be identified for transfer from the Department of Health and Social Services to the Department of Corrections for processing personnel documents, purchase requisitions, billings, etc. If positions are not transferred, additional resources would be needed.
3. No additional central administration positions above those identified in the fiscal note for House Bill No. 103 would be needed.

B. Program Summary

1. Positions

Ten new positions are required to implement C.S. for House Bill No. 103 (Judiciary), as follows:

- a. Special Assistant to the Commissioner II
- b. Regional Director - Rural
- c. Executive Secretary II
- d. Programmer/Analyst V
- e. Personnel Officer III
- f. Administrative Officer I
- g. Secretary II
- h. Information Officer II
- i. Secretary I
- j. Clerk-Typist III

2. Other Expenditures

- a. Travel - Administrative and field travel for Commissioner, Assistant Commissioners, Regional Directors and Special Assistants.
- b. Contractual Services - Space lease costs approximate \$250,000. The remainder is for increases in telephone charges, office equipment rentals (postage meters, word processing), janitorial services.
- c. Commodities - Office supplies, departmental forms, etc.

C. Impact

This bill will have no impact on the State's economy or local government units.

STATE OF ALASKA
Office of the Governor
Budget & Management Div.

REVISED PROGRAM
REQUEST FOR NEW POSITION

CATEGORY	Admin. of Justice
COVER PROGRAM	Offend. Conf. Reform. & Supv.
AGENCY	Dept. of Health & Social Services
DIVISION	Adult Corrections
BUDGET REQUEST UNIT	Admin & Support
BUDGET COMPONENT	Director's Office

POSITION TITLE Special Assistant to the Commissioner II		JUSTIFICATION: CS for H.B. #103 (Jud.) creates a new Department of Corrections. The requested position will provide direct support to the Commissioner in the form of project assignments, as appropriate.
LOCATION Juneau		
TYPE (FULL OR PART-TIME) <u> PET </u>		
NUMBER REQUESTED <u> 1 </u>		
RANGE 23A	BARGAINING UNIT PX	
MONTHLY SALARY 4,149	# MONTHS (CY) 3	
DETAIL OF RELATED EXPENSES		
01 PERSONAL SERVICES	16.5	Salary 12,447 Benefits 2,126 Supplemental Benefits 763 Fixed Benefits 720
02 TRAVEL	15.0	Travel 15,000 (relocation expenses)
03 CONTRACTUAL	1.5	Contractual 1,544
04 COMMODITIES	4	Commodities 400
05 EQUIPMENT	8	Equipment 800
08 OTHER		
TOTAL	33.8	
1002 FEDERAL		
1003 G/F MATCH		
1004 GENERAL FUND	33.8	
1005 I/A RECEIPTS		
1028 PROGRAM RECEIPTS		

STATE OF ALASKA
Office of the Governor
Budget & Management Div.

REVISED PROGRAM
REQUEST FOR NEW POSITION

CATEGORY	Admin. of Justice
COVER PROGRAM	Offend. Conf. Reform & Supv.
AGENCY	Dept. of Health & Social Services
DIVISION	Adult Corrections
BUDGET REQUEST UNIT	Admin. & Support
BUDGET COMPONENT	Director's Office

POSITION TITLE Regional Director - Rural		JUSTIFICATION: CS for H.B. #103 (Jud.) creates a new Department of Corrections. The requested position will provide services to rural Alaska which are currently not available in the existing organizational structures. The incumbent will be in contact with village councils, Public Safety and all other agencies involved in the criminal justice system in rural Alaska. The incumbent will also negotiate and administer the local jail contracts
LOCATION Anchorage		
TYPE (FULL OR PART-TIME) <u>PFT</u>		
NUMBER REQUESTED <u>1</u>		
RANGE 24A	BARGAINING UNIT PX	
MONTHLY SALARY 4441	# MONTHS (CY) 3	
DETAIL OF RELATED EXPENSES		
01 PERSONAL SERVICES	17,100	Salary 13,323 Benefits 2,277 Supplemental Benefits 81/ Fixed Benefits 720
02 TRAVEL	15,000	Travel 15,000 (relocation expenses)
03 CONTRACTUAL	1,600	Contractual 1,563
04 COMMODITIES	400	Commodities 400
05 EQUIPMENT	800	Equipment 800
08 OTHER		
TOTAL		
1002 FEDERAL	34,900	
1003 G/F MATCH		
1004 GENERAL FUND	34,900	
1005 I/A RECEIPTS		
1028 PROGRAM RECEIPTS		

STATE OF ALASKA
Office of the Governor
Budget & Management Div.

REVISED PROGRAM
REQUEST FOR NEW POSITION

CATEGORY	Admin. of Justice
COVER PROGRAM	Offend. Conf. Reform & Supv.
AGENCY	Dept. of Health & Social Services
DIVISION	Adult Corrections
BUDGET REQUEST UNIT	Admin. & Support
BUDGET COMPONENT	Director's Office

POSITION TITLE Executive Secretary II		JUSTIFICATION: CS for H.B. #103 (Jud.) creates a new Department of Corrections. The requested position is to provide direct secretarial support to the Commissioner. This is a new function resulting from the organizational change.
LOCATION Juneau		
TYPE (FULL OR PART-TIME) <u>PFT</u>		
NUMBER REQUESTED <u>1</u>		
RANGE 14A	BARGAINING UNIT PX	
MONTHLY SALARY 2241	# MONTHS (CY) 3	
		DETAIL OF RELATED EXPENSES
01 PERSONAL SERVICES	9.0	salary 6723 Benefits 1148 Supplemental Benefits 412 Fixed Benefits 720
02 TRAVEL	..	
03 CONTRACTUAL	1.2	Contractual 1197
04 COMMODITIES	.4	Commodities 400
05 EQUIPMENT	.8	Equipment 800
08 OTHER		
TOTAL	11.4	
1002 FEDERAL		
1003 G/F MATCH		
1004 GENERAL FUND	11.4	
1005 I/A RECEIPTS		
1028 PROGRAM RECEIPTS		

REVISED PROGRAM
REQUEST FOR NEW POSITION

CATEGORY	Admin. of Justice
COVER PROGRAM	Offend. Conf. Reform. & Supv.
AGENCY	Dept. of Health & Social Services
DIVISION	Adult Corrections
BUDGET REQUEST UNIT	Admin. & Support
BUDGET COMPONENT	Director's Office

POSITION TITLE Programer Analyst V		JUSTIFICATION: CS for H.B. #103 (Jud.) created the new Department of Corrections. Within existing staff, there are no programming/Analyst capabilities as these had been furnished through the Office of Information Systems, Dept. of Health & Social Services. No resources in this area of expertise is being transferred. The incumbent in this position will be responsible for the maintenance and development of systems for the new Department (OBSCIS, AJIS, turn-around document, etc.)
LOCATION Juneau		
TYPE (FULL OR PART-TIME) <u>PFT</u>		
NUMBER REQUESTED <u>1</u>		
RANGE 21A	BARGAINING UNIT GGU'	
MONTHLY SALARY 3630	# MONTHS (CY) 3	
DETAIL OF RELATED EXPENSES		
01 PERSONAL SERVICES	14.1	Salary 10,890 Benefits 1861 Supplemental Benefits 667 Fixed Benefits 720
02 TRAVEL	1.0	Travel 1,000
03 CONTRACTUAL	1.2	Contractual 1,562
04 COMMODITIES	.4	Commodities 400
05 EQUIPMENT	.8	Equipment 800
08 OTHER		
TOTAL		
1002 FEDERAL	17.9	
1003 G/F MATCH		
1004 GENERAL FUND	17.9	
1005 I/A RECEIPTS		
1028 PROGRAM RECEIPTS		

STATE OF ALASKA
Office of the Governor
Budget & Management Div.

CATEGORY	Admin. Of Justice
COVER PROGRAM	Offend. Conf. Reform. & Supy.
AGENCY	Dept. of Health & Social Services
DIVISION	Adult Corrections
BUDGET REQUEST UNIT	Admin. & Support
BUDGET COMPONENT	Director's Office

REVISED PROGRAM
REQUEST FOR NEW POSITION

POSITION TITLE Personnel Officer III		JUSTIFICATION: CS for H.B. #103 (Jud.) creates a new Department of Corrections. The existing Div. of Adult Corrections does not have the responsibility, nor staff, to carry out the duties of a Departmental personnel officer. The incumbent in this position would have the first line responsibility for all personnel matters in the Department of Corrections.
LOCATION Juneau		
TYPE (FULL OR PART-TIME) <u> PFT </u>		
NUMBER REQUESTED <u> 1 </u>		
RANGE 20A	BARGAINING UNIT S	
MONTHLY SALARY 3469	# MONTHS (CY) 3	
DETAIL OF RELATED EXPENSES		
01 PERSONAL SERVICES	13.5	Salary 10407 Benefits 1779 Supplemental Benefits 639 Fixed Benefits 720
02 TRAVEL	1.0	Travel 1000
03 CONTRACTUAL	1.5	Contractual 1555
04 COMMODITIES	.4	Commodities 400
05 EQUIPMENT	.8	Equipment 800
08 OTHER		
TOTAL	17.3	
1002 FEDERAL		
1003 G/F MATCH		
1004 GENERAL FUND	17.3	
1005 I/A RECEIPTS		
1028 PROGRAM RECEIPTS		

STATE OF ALASKA
Office of the Governor
Budget & Management Div.

REVISED PROGRAM
REQUEST FOR NEW POSITION

CATEGORY	Admin of Justice
COVER PROGRAM	Offend. Conf. Reform. & Supv.
AGENCY	Dept. of Health & Social Services
DIVISION	Adult Corrections
BUDGET REQUEST UNIT	Admin. & Support
BUDGET COMPONENT	Director's Office

POSITION TITLE Administrative Officer I		JUSTIFICATION: CS for H.B. #103 (Jud.) creates a new Department of Corrections. The working title of the incumbent of this position will be contract officer. The Department of Corrections has numerous contracts for medical, dental and counseling services, half-way house beds for persons on furlough status, leases, local jail facilities, etc. The incumbent will assist in preparing contracts and authority to negotiate documents; assure compliance to state regulations and laws regarding letting of contract awards, etc.
LOCATION Juneau		
TYPE (FULL OR PART-TIME) <u>PFT</u>		
NUMBER REQUESTED <u>1</u>		
RANGE 17A	BARGAINING UNIT S	
MONTHLY SALARY 2824	# MONTHS (CY) 3	
DETAIL OF RELATED EXPENSES		
01 PERSONAL SERVICES	11.2	Salary 8472 Benefits 1449 Supplemental Benefits 519 Fixed Benefits 720
02 TRAVEL		
03 CONTRACTUAL	1.5	Contractual 1540
04 COMMODITIES	.4	Commodities 400
05 EQUIPMENT	.8	Equipment 800
08 OTHER		
TOTAL	13.9	
1002 FEDERAL		
1003 G/F MATCH		
1004 GENERAL FUND	13.9	
1005 I/A RECEIPTS		
1028 PROGRAM RECEIPTS		

REVISED PROGRAM
REQUEST FOR NEW POSITION

CATEGORY	Admin. of Justice
COVER PROGRAM	Offend. Conf. Reform. & Supervision
AGENCY	Dept. of Health & Social Services
DIVISION	Adult Corrections
BUDGET REQUEST UNIT	Admin & Support
BUDGET COMPONENT	Director's Office

POSITION TITLE Secretary II		JUSTIFICATION: CS for H.B. #103 (Jud.) creates a new Department of Corrections. The requested position will provide secretarial support to the Assistant Commissioner of Operations.
LOCATION Anchorage		
TYPE (FULL OR PART-TIME) <u>PFT</u>		
NUMBER REQUESTED <u>1</u>		
RANGE 11A	BARGAINING UNIT GGU	
MONTHLY SALARY \$1,862	# MONTHS (CY) 3	
DETAIL OF RELATED EXPENSES		
01 PERSONAL SERVICES	7.6	Salary 5586 Benefits 954 Supplemental Benefits 342 Fixed Benefits 720
02 TRAVEL	.0	
03 CONTRACTUAL	1.2	Contractual 1198
04 COMMODITIES	.4	Commodities 400
05 EQUIPMENT	.8	Equipment 800
08 OTHER		
TOTAL	10.0	
1002 FEDERAL		
1003 G/F MATCH		
1004 GENERAL FUND	10.0	
1005 I/A RECEIPTS		
1028 PROGRAM RECEIPTS		

CATEGORY	Administration of Justice
COVER PROGRAM	Offend. Conf. Reform. & Supervision
AGENCY	Dept. of Health & Social Services
DIVISION	Adult Corrections
BUDGET REQUEST UNIT	Admin. & Support
BUDGET COMPONENT	Director's Office

REVISED PROGRAM
REQUEST FOR NEW POSITION

POSITION TITLE Information Officer II		JUSTIFICATION: CS for H.B. No. 103(Jud) creates a new Department of Corrections. The requested position will perform as a public information source for the department.
LOCATION Juneau		
TYPE (FULL OR PART-TIME) <u> PET </u>		
NUMBER REQUESTED <u> 1 </u>		
RANGE 17A	BARGAINING UNIT GGU	
MONTHLY SALARY \$2,757	# MONTHS (CY) 3	
DETAIL OF RELATED EXPENSES		
01 PERSONAL SERVICES	10.9	Salary 8271 Benefits 1413 Supplemental Benefits 507 Fixed Benefits 720
02 TRAVEL	1.0	Travel 1000
03 CONTRACTUAL	1.5	Contractual 1489
04 COMMODITIES	.4	Commodities 400
05 EQUIPMENT	.8	Equipment 800
08 OTHER		
TOTAL		
		14.6
1002 FEDERAL		
1003 G/F MATCH		
1004 GENERAL FUND	14.6	
1005 I/A RECEIPTS		
1028 PROGRAM RECEIPTS		

REVISED PROGRAM
REQUEST FOR NEW POSITION

CATEGORY	Administration of Justice
COVER PROGRAM	Offend. Conf. Reform. & Supervision
AGENCY	Dept. of Health & Social Services
DIVISION	Adult Corrections
BUDGET REQUEST UNIT	Admin. & Support
BUDGET COMPONENT	Director's Office

POSITION TITLE Secretary I		JUSTIFICATION: CS for H.B. #103 (Jud.) creates a new Department of Corrections. The incumbent in this position will provide the secretarial support to the Rural Regional Director.
LOCATION Anchorage		
TYPE (FULL OR PART-TIME) <u>PFT</u>		
NUMBER REQUESTED <u>1</u>		
RANGE 10B	BARGAINING UNIT GGU	
MONTHLY SALARY \$1,803	# MONTHS (CY) 3	
DETAIL OF RELATED EXPENSES		
01 PERSONAL SERVICES	7.4	Salary 5409 Benefits 924 Supplemental Benefits 333 Fixed Benefits 720
02 TRAVEL		
03 CONTRACTUAL	1.1	Contractual 1114
04 COMMODITIES	.4	Commodities 400
05 EQUIPMENT	.8	Equipment 800
08 OTHER		
TOTAL		
		9.7
1002 FEDERAL		
1003 G/F MATCH		
1004 GENERAL FUND	9.7	
1005 I/A RECEIPTS		
1028 PROGRAM RECEIPTS		

STATE OF ALASKA
Office of the Governor
Budget & Management Div.

CATEGORY	Administration of Justice
COVER PROGRAM	Offend. Conf. Reform. & Supervision
AGENCY	Dept. of Health & Social Services
DIVISION	Adult Corrections
BUDGET REQUEST UNIT	Admin. & Support
BUDGET COMPONENT	Director's Office

REVISED PROGRAM
REQUEST FOR NEW POSITION

POSITION TITLE Clerk Typist III		JUSTIFICATION: C9 for H.B. #103 (Jud.) creates a new Department of Corrections. The requested position will provide clerical support to the Special Assistant to the Commissioner and Information Officer positions in the Commissioner's Office.
LOCATION Juneau		
TYPE (FULL OR PART-TIME) <u> PFT </u>		
NUMBER REQUESTED <u> 1 </u>		
RANGE :8A	BARGAINING UNIT GGU	
MONTHLY SALARY \$1,553	# MONTHS (CY) 3	
DETAIL OF RELATED EXPENSES		
01 PERSONAL SERVICES	6.5	Salary 4659 Benefits 794 Supplemental Benefits 286 Fixed Benefits 720
02 TRAVEL		
03 CONTRACTUAL	1.1	Contractual 1141
04 COMMODITIES	.4	Commodities 400
05 EQUIPMENT	.8	Equipment 800
08 OTHER		
TOTAL		
	8.8	
1002 FEDERAL		
1003 G/F MATCH		
1004 GENERAL FUND	8.8	
1005 I/A RECEIPTS		
1028 PROGRAM RECEIPTS		

YOUTH transfer

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

Bill/Resolution No.: CS for HB 103
Title: Establishing a Dept. of Corrections
Sponsor: Fritz
Requestor: _____

II. FISCAL DETAIL

Agency Affected: H&SS
Program Category Affected: Adm. of Justice
BRU, Program of Subprogram(s) Affected:
Juvenile Custody & Youth Corr. Svcs.

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES		9,066.2)				
200 TRAVEL		165.1)				
300 CONTRACTUAL		1,009.0)				
400 COMMODITIES		569.0)				
500 EQUIPMENT		12.7)				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC		4,961.1)				
TOTAL OPERATING		(15,783.1)	0	0	0	0
CAPITAL		(16,376.2)	(9,111.7)	0	0	(7,870.2)
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	(32,159.3)	(9,111.7)	0	0	7,870.2)
FEDERAL FUNDS					
OTHER (Specify Source)					

POSITIONS:

FULL-TIME	(221.0)	0	0	0	0
PART-TIME	(1.0)				
TEMPORARY					

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Funds would transfer from the Division of Family and Youth Services for existing Youth Services programs only, and could not be utilized to meet the increased administrative costs of a new Department of Corrections; the same source was not identified by the sponsors of the Bill.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Michael L. Price *Michael L. Price*
Division: Family and Youth Services

Phone: 465-3170

Date: 3-18-83

Approved by Commissioner: Robert London Smith, Ph.D.
Department: Health & Social Services

Date: 3/19/83

Distribution:

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3/8/83

507

"An Act establishing a Department of Corrections."

Division of Family and Youth Services

A. Assumptions

While the Department does not support the transfer of the youth services programs to the Department of Corrections, this fiscal note is based upon the assumption that if passed, the Bill would require the transfer of all funds in the FY 84 Governor's Budget for delinquent youth to that department.

B. Program Summary

All positions and related support costs in the Youth Correctional Services BRU, which includes the youth facilities, would transfer. Included are costs for treatment of delinquent youth. Funds for the purchase of foster and residential care for delinquent youth would also transfer.

C. Computations

Funds for the Youth Correctional Services BRU are taken from the Governor's Budget. Funds for Foster and Residential Care are based upon the FY 82 history and 7/1/82 - 1/31/83 actual expenditures, plus inflation for FY 84. (See the attachment for a detailed breakout.)

D. Economic Impact

Current programs provide intensive rehabilitative treatment and preventive programs for youth. Transfer of these programs to another department could result in a breakdown of the concurrent treatment efforts of social workers and probation officers for youth of the Division of Family and Youth Services, resulting in an adverse effect on the youth and their families and the continued or recurring need for state intervention.

E. Impact on Local Governments

Enactment of this Bill should not have an impact.

CS FOR HOUSE BILL NO. 103

ATTACHMENT
DIVISION OF FAMILY AND YOUTH SERVICES
PAGE 3

C. Computations - continued

FY 84 GOVERNOR'S BUDGET

JUVENILE CUSTODY

<u>OPERATING</u>	<u>YOUTH CORR. SVCS</u>	<u>FOSTER CARE</u>	<u>INSTITU- TION CARE</u>	<u>TOTAL</u>	<u>PCN'S</u>
100	9,066.2			9,066.2	221 1
200	165.1			165.1	
300	1,009.0			1,009.0	
400	569.0			569.0	
500	12.7			12.7	
700	<u>448.9</u>	<u>487.6</u>	<u>4,024.6</u>	<u>4,961.1</u>	<u> </u> <u> </u>
TOTAL	11,270.9	487.6	4,024.6	15,783.1	221 1

Foster Care: 20,785 days (57 FTEs) at \$18.75 x
average daily rate x 365 = \$ 413,206

Other Costs (medical, travel,
clothing, special needs) = 74,377
SUBTOTAL \$ 487,583

Residential Care: 34,055 days (93 FTEs) at \$111.49 x
average daily rate x 365 = \$3,796,792

Other Costs (medical, travel,
clothing, special needs) = \$ 227,808
SUBTOTAL \$4,024,600

TOTAL JUVENILE CUSTODY \$4,512,183

CAPITAL

<u>FY 84</u>	Rank 05 Youth Corrections Facility Repairs	
	Project 1506	\$ 3,376,200
	Project 1507	2,807,500
	Rank 06 Fairbanks Y.F. Wing - Proj. 1508	<u>10,192,500</u>
		16,376,200
<u>FY 85</u>	Rank 40 Southeast Y.F. Project 1590	9,111,700
<u>FY 88</u>	N/A Bethel Y. F. N/A	7,870,200

CS FOR HOUSE BILL NO. 103
FISCAL NOTE

ATTACHMENT
PAGE 4

Division of Family and Youth Services, continued

The removal of programs for delinquents from administration by the Division of Corrections, and the organization of all juvenile services within one agency was recommended by the Division of Legislative Audit in its September 1979 report on a performance review of juvenile confinement programs. The advantages of placing responsibility for all juveniles services in the Division of Family and Youth Services are several:

1. Improved coordination and efficiency of efforts to provide a continuum of services to youth and families;
2. Increased efficiency and effectiveness in the development and utilization of private resources;
3. Improved coordination and efficiency in the development of policy and procedures affecting services for youth;
4. Improved staff development through the utilization of combined training programs for social services' workers and juvenile corrections' personnel;
5. Greater capacity to provide a range of services, particularly in rural areas, with greater cost effectiveness through cross training of staff;
6. Development of comprehensive planning for children, youth, and families;
7. Development of a singular program budget for services to youth and families; and
8. Increased cost effectiveness of single administrative responsibility for development of regulations, and licensing of foster homes and child care facilities.

Relevant sections of SB 158

1 * Sec. 8. The sum of \$90,700 is appropriated from the general fund to
2 the Department of Education to pay for FY 83 capital project support costs.

3 * Sec. 9. The sum of \$305,900 is appropriated from the general fund to
4 the Department of Health and Social Services to pay for FY 83 increased
5 staff support for the Alaska Psychiatric Institute.

6 * Sec. 10. The sum of \$250,000 is appropriated from the general fund to
7 the Department of Health and Social Services to pay for FY 83 costs of
8 establishing the Department of Corrections.

9 * Sec. 11. The sum of \$70,900 is appropriated from the general fund to
10 the Department of Natural Resources to pay for outstanding obligations owed
11 to the United States Department of Agriculture.

12 * Sec. 12. The sum of \$150,000 is appropriated from the general fund to
13 the Department of Natural Resources to pay for costs of moving to new
14 office space in the Frontier building during FY 83.

15 * Sec. 13. The sum of \$4,200,000 is appropriated from the general fund
16 to the Department of Natural Resources to pay for the University of Alaska
17 land settlement agreement.

18 * Sec. 14. The sum of \$250,000 is appropriated from the general fund to
19 the Department of Natural Resources to pay for a study of hard rock mining.

20 * Sec. 15. The sum of \$210,000 is appropriated from the general fund to
21 the Department of Public Safety to pay for increased FY 83 operating costs
22 of the Violent Crimes Compensation Board.

23 * Sec. 16. The sum of \$130,200 is appropriated from the general fund to
24 the Department of Public Safety to pay for costs of arbitrated grievances.

25 * Sec. 17. The sum of \$138,000 is appropriated from the general fund to
26 the Department of Public Safety to pay for increased FY 83 operating costs
27 in personal services.

* add
250,000

1 Education Program 12,314,800 9,431,300 2,883,500
 2 Administration [12,450,100] [9,566,600]

3 * Sec. 23. Section 79, ch. 101, SLA 1982, page 28, line 16, is amended
 4 to read:

5 Allocations

6 Planning Information and Research 1,733,000 [1,868,300]
 7 (12 positions)

8 * Sec. 24. Section 2, ch. 3, SSLA 1980, is amended to read:

9 * Sec. 2. The sum of 66,500,000 [73,500,000] is appropriated from
 10 the general fund to the Department of Revenue for refunds to individu-
 11 als and fiduciaries of estimated income taxes paid and income taxes
 12 withheld after December 31, 1978 for tax years for which a year-end
 13 return has not been filed under AS 43.20.030.

14 * Sec. 25. Section 79, ch. 101, SLA 1982, page 30, line 18, is amended
 15 to read:

16	Appropriation	Appropriation Fund Sources	
17	Items	General Fund	Other Funds
18	Public Assistance <u>49,357,400</u>	<u>31,572,400</u>	<u>17,785,000</u>
19	Services [55,677,800]	[34,832,600]	[20,845,200]

20 * Sec. 26. Section 79, ch. 101, SLA 1982, page 30, lines 19 -- 22, are
 21 amended to read:

22 Allocations

23 Aid to Families with Dependent Children 35,570,000 [41,690,400]
 24 Aid to the Blind 179,500
 25 Aid to the Disabled 7,118,800
 26 General Relief 700,000 [900,000]

27 * Sec. 27. Section 14, ch. 139, SLA 1982, page 14, lines 11 -- 14, are
 28 amended to read:

29	Appropriation	Appropriation Fund Sources	
----	---------------	----------------------------	--

where
250.0
is deleted
from total
deletion of
1,901.2

1		Items	General Fund	Other Funds
2	SB 842 Providing for	<u>10,965,300</u>	<u>10,897,000</u>	68,300
3	Permanent Fund Divi-	[12,866,500]	[12,798,200]	
4	dends -- Appropriated			
5	to the Department of			
6	Health & Social Services			

7 * Sec. 28. Section 14, ch. 139, SLA 1982, page 4, lines 19 -- 23 are
8 amended to read:

9		Appropriation Item	General Fund
10	[HB 174 RELATING TO PUBLIC	[159,000]	[159,000]
11	EMPLOYEES SUBJECT TO COL-		
12	LECTIVE BARGAINING --		
13	APPROPRIATED TO THE DEPART-		
14	MENT OF LABOR]		

15 * Sec. 29. Section 29, ch. 82, SLA 1981, page 108, line 19, is amended
16 to read:

17		Appropriation Item	General Fund
18	HB 31 Relating to	<u>14,403,000</u> [15,000,000]	<u>14,403,000</u> [15,000,000]
19	Management of State		
20	Land		

21 * Sec. 30. Section 79, ch. 101, SLA 1982, page 62, line 20, is amended
22 to read:

23		Appropriation Item	General Fund
24	Courts, Administra-		
25	tion and Support	<u>32,981,100</u> [33,953,100]	<u>32,981,100</u> [33,953,100]

26 * Sec. 31. Section 79, ch. 101, SLA 1982, page 62, line 22, is amended
27 to read:

28		Allocations
29	Trial Courts (463 positions)	<u>26,154,200</u> [27,126,200]

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY


POUCH Y. STATE CAPITOL
JUNEAU ALASKA 99811
907-465-3600

M E M O R A N D U M

March 18, 1983

SUBJECT: Creation of a Department of Corrections
(CSHB 103 (Judiciary))

TO: Representative Charlie Bussell
Chairman, House Judiciary Committee

FROM:  Linn H. Asper
Legislative Counsel

You have requested a sectional analysis of CSHB 103 (Judiciary) concerning the transfer of corrections function from the Department of Health and Social Services to a new Department of Corrections.

Section 1 establishes the new Department of Corrections and summarizes its duties.

Section 2 makes a change in the state drug laws to substitute the new Department of Corrections for the Department of Health and Social Services to supervise certain rehabilitative treatment.

Sections 3 through 5 make changes relating to criminal sentencing and probation procedure to transfer Department of Health and Social Services functions to the new Department of Corrections.

Sections 6 and 7 make changes in the Uniform Criminal Extradition Act (AS 12.70) to transfer supervision of extradition matters to the new Department of Corrections.

Section 8 transfers supervision of probation functions to the new Department of Corrections.

Sections 9 through 11 transfer supervision of state prisons and prisoners to the new Department of Corrections.

Sections 15 through 25 transfer supervision of the correctional industries program to the new Department of Corrections.

Sections 26 through 29 transfer supervision of the Interstate Agreement on Detainers to the new Department of Corrections.

Sections 30 and 31 transfer supervision of the Interstate Corrections Compact to the new Department of Corrections.

Section 32 makes a change in a voluntary prisoner work program under the Department of Natural Resources to transfer supervision of the prisoners in the program from the Department of Health and Social Services to the new Department of Corrections.

Section 33 adds the Department of Corrections to the list of departments in the executive branch of state government.

Section 34 deletes management of correctional institutions from a list of the functions of the Department of Health and Social Services.

Section 35 makes a technical change in the catastrophic illness assistance program to reflect the transfer of corrections functions from the Department of Health and Social Services to the new Department of Corrections.

Sections 36 through 64 make numerous changes in AS 47.10 (DELINQUENT MINORS AND CHILDREN IN NEED OF AID) to divide functions pertaining to minors between the Department of Health and Social Services and the new Department of Corrections. The distinction that is drawn in dividing these functions is between delinquent minors and children in need of aid, as determined by state courts under the provisions of AS 47.10. Functions pertaining to the care, supervision, or custody of delinquent minors have been transferred to the new Department of Corrections. Functions pertaining to minors found to be children in need of aid are retained by the Department of Health and Social Services. The basic change is found in AS 47.10.080(b) and (c) [secs. 39 and 40 of the bill] in which the duties of the two departments are detailed depending on whether the minor is determined to be a delinquent or a child in need of aid.

Representative Charlie Bussell
Page 3
March 18, 1983

Sections 65 through 68 each change the former "division of corrections" designation to "Department of Corrections" in different chapters as a technical amendment reflecting the creation of the new department.

Section 69 repeals two paragraphs that are no longer needed in the statutes on establishment of the Department of Corrections.

Section 70 provides that on the effective date of the section the Department of Health and Social Services will transfer facilities and other assets relating to adult corrections functions to the new Department of Corrections. Sec. 72 makes this section effective immediately.

Section 71, when read with sec. 73, provides a July 1, 1983, date for the transfer of juvenile corrections facilities and other assets pertaining to juvenile corrections from the Department of Health and Social Services to the new Department of Corrections.

Section 72 provides an immediate effective date for those bill sections that have to do with adult corrections.

Section 73 provides a July 1, 1983, effective date for those bill sections having to do with juvenile corrections.

LHA:ljb
10/020

STATE OF ALASKA

WILL SHEFFIELD, GOVERNOR

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF CORRECTIONS
CENTRAL OFFICE ANCHORAGE

2200 East 42nd Avenue
Anchorage, AK 99508
(907) 561-4426

March 18, 1983

The Honorable Representatives
Ramona Barnes
Charles Russell
Mae Fisher
Don Clocksin
House of Representatives
Pouch 7
Juneau, AK 99801

Dear Representatives:

I hope you will excuse this rather unorthodox method of communicating with you from my Anchorage office via this telecopied letter. We have a major and continuing overcrowding problem in the Anchorage area which demands that I be here as much as possible.

I am writing to clarify my previous testimony in regard to your questions about the potential transfer of Youth Corrections to the new Department of Corrections. In my testimony, I made clear that I was not expressing the official administrative views of the Department of Health and Social Services or Governor Sheffield's administration and that I was expressing only my personal views. I erred in expressing my personal views.

It is quite clear that we need to have the new Department of Corrections established as expeditiously as possible. It is not clear, however, that the question of the placement of Youth Corrections needs the same expeditious attention. In fact, the opposite is true. The Youth Corrections issue should be decided only after careful public exposure, discussion, and deliberation. I recognize that the legislature is in the best position to hold such hearings and make the appropriate decision. However, I think it is extremely important that the Youth Corrections placement not be considered at the present time.

The critical pressures are in the adult area. The Department of Corrections issue is demanding more of my time than I can possibly afford if I am to keep control of a potentially explosive situation related to serious overcrowding and understaffing.

Attachment 1

The Honorable Representatives

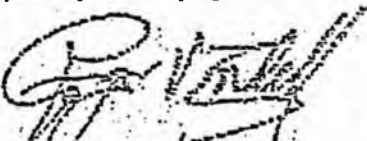
March 10, 1953

Page 2

I need to boost the morale of approximately 650 meritorious personnel, reassure 1,500 inmates that we are working long hours to bring improvements about, satisfy the courts that we are doing what needs to be done in a constitutional sense, locate, acquire and modify new sites for correctional use, and set firm policy directions for a struggling agency of state government — all while trying to literally find new bunks every day of the week for the continuing influx of prisoners. When our adult correctional house is in order, I will then be ready to discuss other issues with you.

My appeal to you is that you take every possible step to expedite the creation of the new department and that we not jeopardize or slow that process by debates which will not assist me in my efforts to straighten out a very hazardous and precarious situation. I am using spit and balling wire and encouraging our personnel to hang on for just a little longer in order to hold the system together. With all due respect for your good intentions and encouragement — it can't hold together for very much longer. I need space, personnel, and programs and I need them quickly. I don't need Youth Corrections. I thank you for whatever expeditious assistance you can provide to me and my efforts.

Very truly yours,



Roger V. Bushell
Director

RVE:dw

Introduced: 1/21/83
Referred: Health, Education &
Social Services, Judiciary and
Finance

BY FRITZ, KOPONEN, FURNACE,
GOLL AND DAVIS

1 IN THE HOUSE

2 HOUSE BILL NO. 103

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act establishing a Department of Corrections and
7 transferring certain functions of the Department of
8 Health and Social Services to the Department of
9 Corrections; and providing for an effective date."

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

11 * Section 1. AS 44 is amended by adding a new chapter to read:

12 CHAPTER 30. DEPARTMENT OF CORRECTIONS.

13 Sec. 44.30.010 COMMISSIONER OF CORRECTIONS. The principal execu-
14 tive officer of the Department of Corrections is the commissioner of
15 corrections.

16 Sec. 44.30.020. DUTIES OF DEPARTMENT. The Department of Correc-
17 tions shall administer the state programs of corrections including

- 18 (1) state prisons and state prisoners;
19 (2) probation and parole;
20 (3) extraditions and detainers.

21 * Sec. 2. AS 11.71.305 is amended to read:

22 Sec. 11.71.305. REHABILITATION. A person convicted of violating
23 a provision of this chapter may, when the violation relates to that
24 person's own personal use of a controlled substance, be committed to
25 the custody of the Department of Corrections [HEALTH AND SOCIAL SER-
26 VICES] for rehabilitative treatment for not to exceed one year. Such
27 treatment may be imposed in place of a fine or imprisonment, but only
28 where the imprisonment would not have exceeded one year.

29 * Sec. 3. AS 12.55.025(b) is amended to read:

1 (b) The sentencing report required under (a) of this section
2 shall be furnished within 30 days after imposition of sentence to the
3 Department of Law, the defendant, the Department of Corrections [DIVI-
4 SION OF CORRECTIONS], the state Board of Parole if the defendant will
5 be eligible for parole, and to the Alcoholic Beverage Control Board if
6 the defendant is to be sentenced for a conviction of a violation of
7 AS 04, a regulation adopted under AS 04, or an ordinance adopted under
8 AS 04.21.010.

9 * Sec. 4. AS 12.55.025(d) is amended to read:

10 (d) A sentence of imprisonment shall be stayed if an appeal is
11 taken and the defendant is admitted to bail. If an appeal is taken
12 and the defendant is not admitted to bail, the Department of Correc-
13 tions [HEALTH AND SOCIAL SERVICES] shall designate the facility in
14 which the defendant shall be detained pending appeal or admission to
15 bail.

16 * Sec. 5. AS 12.55.055(a) is amended to read:

17 (a) The court may order a defendant convicted of an offense to
18 perform community work as a condition of a suspended sentence or
19 suspended imposition of sentence, or in addition to any fine or re-
20 stitution ordered. If the defendant is also sentenced to imprison-
21 ment, the court may recommend to the Department of Corrections [HEALTH
22 AND SOCIAL SERVICES] that the defendant perform community work.

23 * Sec. 6. AS 12.70.220(b) is amended to read:

24 (b) When the return to this state is required of a person who
25 has been convicted of a crime in this state and has escaped from
26 confinement or broken the terms of [HIS] bail, probation, or parole,
27 the prosecuting attorney of the judicial district in which the offense
28 was committed, or the attorney general, the parole or probation au-
29 thority having jurisdiction over the person [HIM], or the commissioner

1 of the Department of Corrections [HEALTH AND SOCIAL SERVICES] shall
2 present to the governor a written application for a requisition for
3 the return of that person. In the application there shall be stated
4 the name of the person, the crime for which the person [HE] was con-
5 victed, the circumstances of the person's [HIS] escape from confine-
6 ment or of the breach of the terms of [HIS] bail, probation, or pa-
7 role, and the state in which the person [HE] is believed to be, in-
8 cluding the location of the person in that state [THEREIN] at the
9 time the application is made.

10 * Sec. 7. AS 12.70.220(c) is amended to read:

11 (c) The application shall be verified by affidavit, shall be
12 executed in duplicate and shall be accompanied by two certified copies
13 of the indictment returned, or information and affidavit filed, or the
14 complaint made to the superior court judge or district judge, stating
15 the offense with which the accused is charged, or of the judgment of
16 conviction or of the sentence. The attorney general or the prosecut-
17 ing attorney, the parole or probation authority, or the commissioner
18 of the Department of Corrections [HEALTH AND SOCIAL SERVICES] may also
19 attach further affidavits and other documents in duplicate considered
20 [HE DEEMS] proper to be submitted with the application. One copy of
21 the application, with the action of the governor indicated by endorse-
22 ment on the application, and one of the certified copies of the in-
23 dictment, complaint, information and affidavits, or judgment of con-
24 viction or sentence shall be filed in the office of the governor to
25 remain of record in that office. The other copies of all papers shall
26 be forwarded with the governor's requisition.

27 * Sec. 8. AS 33.05.080(2) is amended to read:

28 (2) "commissioner" means the commissioner of the Department
29 of Corrections [HEALTH AND SOCIAL SERVICES] or the designee of the

1 commissioner.

2 * Sec. 9. AS 33.15.260(2) is amended to read:

3 (2) "commissioner" means the commissioner of the Department
4 of Corrections [HEALTH AND SOCIAL SERVICES] or the designee of the
5 commissioner;

6 * Sec. 10. AS 33.15.260(4) is amended to read:

7 (4) "department" means the Department of Corrections
8 [HEALTH AND SOCIAL SERVICES].

9 * Sec. 11. AS 33.30.130(a) is amended to read:

10 (a) The commissioner of public safety shall provide for the
11 subsistence, care and safekeeping in suitable quarters of a person
12 arrested or held under the authority of state law pending arraignment
13 or commitment by a court to the custody of the commissioner of correc-
14 tions [HEALTH AND SOCIAL SERVICES] or to the custody of the keeper or
15 person in charge of a prison facility designated in advance by the
16 commissioner of corrections [HEALTH AND SOCIAL SERVICES].

17 * Sec. 12. AS 33.30.900(1) is amended to read:

18 (1) "commissioner" means the commissioner of the Department
19 of Corrections [HEALTH AND SOCIAL SERVICES] or the commissioner's
20 designee;

21 * Sec. 13. AS 33.30.900(3) is amended to read:

22 (3) "department" means the Department of Corrections
23 [HEALTH AND SOCIAL SERVICES];

24 * Sec. 14. AS 33.32.070(a) is amended to read:

25 (a) The Correctional Industries Commission is established to
26 provide general policy direction to the correctional industries pro-
27 gram through the commissioner of corrections [HEALTH AND SOCIAL SER-
28 VICES]. The commission consists of seven members, five of whom are to
29 be appointed by the governor to serve staggered terms of four years.

1 The appointed members must include a representative of private indus-
2 try, organized labor, agriculture, and the general public, and one ex-
3 offender. The commissioner of administration is also a member, as is
4 the commissioner of corrections [HEALTH AND SOCIAL SERVICES] who is to
5 serve as chairperson.

6 * Sec. 15. AS 33.35.010 (Article III(b) of the Agreement on Detainers)
7 is amended to read:

8 (b) The written notice and request for final disposition re-
9 ferred to in paragraph (a) of this article shall be given or sent by
10 the prisoner to the warden, commissioner of corrections [HEALTH AND
11 SOCIAL SERVICES] or other official having custody of the prisoner
12 [HIM], who shall promptly forward it together with the certificate to
13 the appropriate prosecuting official and court by registered or certi-
14 fied mail, return receipt requested.

15 * Sec. 16. AS 33.35.010 (Article III(c) of the Agreement on Detainers)
16 is amended to read:

17 (c) The warden, commissioner of corrections [HEALTH AND SOCIAL
18 SERVICES] or other official having custody of the prisoner shall
19 promptly inform the prisoner [HIM] of the source and contents of any
20 detainer against the prisoner [HIM], and shall also inform the pri-
21 soner [HIM] of the [HIS] right to make a request for final disposition
22 of the indictment, information or complaint on which the detainer is
23 based.

24 * Sec. 17. AS 33.35.010 (Article III(d) of the Agreement on Detainers)
25 is amended to read:

26 (d) Any request for final disposition made by a prisoner under
27 paragraph (a) of this article shall operate as a request for final
28 disposition of all untried indictments, informations or complaints on
29 the basis of which detainers have been lodged against the prisoner

1 from the state to whose prosecuting official the request for final
2 disposition is specifically directed. The warden, commissioner of
3 corrections [HEALTH AND SOCIAL SERVICES] or other official having
4 custody of the prisoner shall notify all appropriate prosecuting
5 officers and courts in the several jurisdictions within the state to
6 which the prisoner's request for final disposition is being sent of
7 the proceeding being initiated by the prisoner. Any notification sent
8 under this paragraph shall be accompanied by copies of the prisoner's
9 written notice, request, and the certificate. If trial is not had on
10 any indictment, information or complaint contemplated by this article
11 before the return of the prisoner to the original place of imprison-
12 ment, that indictment, information or complaint is of no further force
13 or effect, and the court shall enter an order dismissing it with
14 prejudice.

15 * Sec. 18. AS 33.35.040 is amended to read:

16 Sec. 33.35.040. CENTRAL ADMINISTRATOR AND INFORMATION AGENT.
17 The commissioner of corrections [HEALTH AND SOCIAL SERVICES] or the
18 designee of the commissioner of corrections [HEALTH AND SOCIAL SER-
19 VICES] is the central administrator of and information agent for the
20 Agreement on Detainers under AS 33.35.010.

21 * Sec. 19. AS 33.36.040 is amended to read:

22 Sec. 33.36.040. IMPLEMENTATION. The commissioner of corrections
23 [HEALTH AND SOCIAL SERVICES] or the commissioner's designee shall do
24 all things necessary or incidental to the carrying out of the Inter-
25 state Corrections Compact. However, no contract is of any force or
26 effect until approved by the commissioner of administration.

27 * Sec. 20. AS 33.36.100 is amended to read:

28 Sec. 33.36.100. IMPLEMENTATION OF COMPACT. The commissioner of
29 corrections [HEALTH AND SOCIAL SERVICES] may enter into such contracts

1 on behalf of the State of Alaska as may be appropriate to implement
2 the participation of this state in the Western Interstate Corrections
3 Compact under art. III of the compact. No contract is of any force or
4 effect until approved by the commissioner of administration.

5 * Sec. 21. AS 41.20.110(b) is amended to read:

6 (b) As an aid to the construction and maintenance of trails and
7 campsites under (a) of this section the commissioner of corrections
8 [HEALTH AND SOCIAL SERVICES] is authorized to establish a program that
9 would allow prisoners to volunteer for work on the trails and camp-
10 sites. The commissioner is authorized to grant remuneration for the
11 work, either in money or reduction of sentence, which the commissioner
12 [HE] considers sufficient.

13 * Sec. 22. AS 44.17.005 is amended by adding a new paragraph to read:

14 (18) Department of Corrections.

15 * Sec. 23. AS 44.29.020(9) is amended to read:

16 (9) management of state institutions other than correction-
17 al institutions;

18 * Sec. 24. AS 47.08.050(8) is amended to read:

19 (8) medical services currently provided to persons in the
20 custody of the Department of Corrections [DIVISION OF CORRECTIONS];

21 * Sec. 25. AS 47.17.020(a)(4) is amended to read:

22 (4) peace officers, and officers of the Department of
23 Corrections [DIVISION OF CORRECTIONS];

24 * Sec. 26. AS 47.21.010(b)(1) is amended to read:

25 (1) certain delinquent juveniles in the custody of the
26 Department of Health and Social Services [DIVISION OF CORRECTIONS];

27 * Sec. 27. AS 47.30.845(5) is amended to read:

28 (5) the Department of Corrections [DIVISION OF CORRECTIONS]
29 in a case in which a prisoner confined to the state prison is a

1 patient in the state hospital on authorized transfer either by volun-
2 tary admission or by court order;

3 * Sec. 28. AS 47.37.040(3) is amended to read:

4 (3) cooperate with the Department of Corrections [DIVISION
5 OF CORRECTIONS] in establishing and conducting programs to provide
6 treatment for alcoholics and intoxicated persons in or on parole from
7 penal institutions;

8 * Sec. 29. The following laws are repealed: AS 12.55.185(2), AS 44.-
9 29.020(17).

10 * Sec. 30. On the effective date of this Act the Department of Health
11 and Social Services shall transfer facilities, supplies, equipment and
12 other assets relating to its corrections function to the Department of
13 Corrections to enable the Department of Corrections to perform the duties
14 imposed by this Act.

15 * Sec. 31. This Act takes effect July 1, 1983.

Offered: 2/14/83
Referred: Judiciary and Finance

Original sponsors: Fritz, Koponen,
Furnace, et al

1 IN THE HOUSE BY THE HEALTH, EDUCATION
AND SOCIAL SERVICES COMMITTEE

2 CS FOR HOUSE BILL NO. 103 (HESS)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - FIRST SESSION
5 A BILL

6 For an Act entitled: "An Act establishing a Department of Corrections and
7 transferring certain functions of the Department of
8 Health and Social Services to the Department of
9 Corrections; and providing for an effective date."

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

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14 tive officer of the Department of Corrections is the commissioner of
15 corrections.

16 Sec. 44.30.020. DUTIES OF DEPARTMENT. The Department of Correc-
17 tions shall administer the state programs of corrections including

- 18 (1) state prisons and state prisoners;
19 (2) probation and parole;
20 (3) extraditions and detainers.

21 * Sec. 2. AS 11.71.305 is amended to read:

22 Sec. 11.71.305. REHABILITATION. A person convicted of violating
23 a provision of this chapter may, when the violation relates to that
24 person's own personal use of a controlled substance, be committed to
25 the custody of the Department of Corrections [HEALTH AND SOCIAL SER-
26 VICES] for rehabilitative treatment for not to exceed one year. Such
27 treatment may be imposed in place of a fine or imprisonment, but only
28 where the imprisonment would not have exceeded one year.

29 * Sec. 3. AS 12.55.025(b) is amended to read:

1 (b) The sentencing report required under (a) of this section
2 shall be furnished within 30 days after imposition of sentence to the
3 Department of Law, the defendant, the Department of Corrections [DIVI-
4 SION OF CORRECTIONS], the state Board of Parole if the defendant will
5 be eligible for parole, and to the Alcoholic Beverage Control Board if
6 the defendant is to be sentenced for a conviction of a violation of
7 AS 04, a regulation adopted under AS 04, or an ordinance adopted under
8 AS 04.21.010.

9 * Sec. 4. AS 12.55.025(d) is amended to read:

10 (d) A sentence of imprisonment shall be stayed if an appeal is
11 taken and the defendant is admitted to bail. If an appeal is taken
12 and the defendant is not admitted to bail, the Department of Correc-
13 tions [HEALTH AND SOCIAL SERVICES] shall designate the facility in
14 which the defendant shall be detained pending appeal or admission to
15 bail.

16 * Sec. 5. AS 12.55.055(a) is amended to read:

17 (a) The court may order a defendant convicted of an offense to
18 perform community work as a condition of a suspended sentence or
19 suspended imposition of sentence, or in addition to any fine or re-
20 stitution ordered. If the defendant is also sentenced to imprison-
21 ment, the court may recommend to the Department of Corrections [HEALTH
22 AND SOCIAL SERVICES] that the defendant perform community work.

23 * Sec. 6. AS 12.70.220(b) is amended to read:

24 (b) When the return to this state is required of a person who
25 has been convicted of a crime in this state and has escaped from
26 confinement or broken the terms of [HIS] bail, probation, or parole,
27 the prosecuting attorney of the judicial district in which the offense
28 was committed, or the attorney general, the parole or probation au-
29 thority having jurisdiction over the person [HIM], or the commissioner

1 of the Department of Corrections [HEALTH AND SOCIAL SERVICES] shall
2 present to the governor a written application for a requisition for
3 the return of that person. In the application there shall be stated
4 the name of the person, the crime for which the person [HE] was con-
5 victed, the circumstances of the person's [HIS] escape from confine-
6 ment or of the breach of the terms of [HIS] bail, probation, or pa-
7 role, and the state in which the person [HE] is believed to be, in-
8 cluding the location of the person in that state [THEREIN] at the
9 time the application is made.

10 * Sec. 7. AS 12.70.220(c) is amended to read:

11 (c) The application shall be verified by affidavit, shall be
12 executed in duplicate and shall be accompanied by two certified copies
13 of the indictment returned, or information and affidavit filed, or the
14 complaint made to the superior court judge or district judge, stating
15 the offense with which the accused is charged, or of the judgment of
16 conviction or of the sentence. The attorney general or the prosecut-
17 ing attorney, the parole or probation authority, or the commissioner
18 of the Department of Corrections [HEALTH AND SOCIAL SERVICES] may also
19 attach further affidavits and other documents in duplicate considered
20 [HE DEEMS] proper to be submitted with the application. One copy of
21 the application, with the action of the governor indicated by endorse-
22 ment on the application, and one of the certified copies of the in-
23 dictment, complaint, information and affidavits, or judgment of con-
24 viction or sentence shall be filed in the office of the governor to
25 remain of record in that office. The other copies of all papers shall
26 be forwarded with the governor's requisition.

27 * Sec. 8. AS 33.05.080(2) is amended to read:

28 (2) "commissioner" means the commissioner of the Department
29 of Corrections [HEALTH AND SOCIAL SERVICES] or the designee of the

1 commissioner.

2 * Sec. 9. AS 33.15.010 is amended to read:

3 Sec. 33.15.010. STATE BOARD OF PAROLE. There is in the depart-
4 ment a board of parole consisting of five members to be appointed by
5 the governor, subject to confirmation by a majority of the members of
6 the legislature in joint session. One of the members, who shall be
7 chairman of the board, shall be a person with training or experience
8 in the field of probation and parole, [AND THAT MEMBER MAY BE AN
9 OFFICIAL OR EMPLOYEE OF THE DEPARTMENT] but that member may not be an
10 official or employee of the department [DIVISION OF CORRECTIONS]. The
11 term of each of the other four members of the board is four years and
12 until a successor is appointed and qualifies. Successors are ap-
13 pointed in the same manner as provided for the board members first
14 appointed. A vacancy shall be filled for the unexpired term.

15 * Sec. 10. AS 33.15.260(2) is amended to read:

16 (2) "commissioner" means the commissioner of the Department
17 of Corrections [HEALTH AND SOCIAL SERVICES] or the designee of the
18 commissioner;

19 * Sec. 11. AS 33.15.260(4) is amended to read:

20 (4) "department" means the Department of Corrections
21 [HEALTH AND SOCIAL SERVICES].

22 * Sec. 12. AS 33.30.130(a) is amended to read:

23 (a) The commissioner of public safety shall provide for the
24 subsistence, care and safekeeping in suitable quarters of a person
25 arrested or held under the authority of state law pending arraignment
26 or commitment by a court to the custody of the commissioner of correc-
27 tions [HEALTH AND SOCIAL SERVICES] or to the custody of the keeper or
28 person in charge of a prison facility designated in advance by the
29 commissioner of corrections [HEALTH AND SOCIAL SERVICES].

1 * Sec. 13. AS 33.30.900(1) is amended to read:

2 (1) "commissioner" means the commissioner of the Department
3 of Corrections [HEALTH AND SOCIAL SERVICES] or the commissioner's
4 designee;

5 * Sec. 14. AS 33.30.900(3) is amended to read:

6 (3) "department" means the Department of Corrections
7 [HEALTH AND SOCIAL SERVICES];

8 * Sec. 15. AS 33.32.070(a) is amended to read:

9 (a) The Correctional Industries Commission is established to
10 provide general policy direction to the correctional industries pro-
11 gram through the commissioner of corrections [HEALTH AND SOCIAL SER-
12 VICES]. The commission consists of seven members, five of whom are to
13 be appointed by the governor to serve staggered terms of four years.
14 The appointed members must include a representative of private indus-
15 try, organized labor, agriculture, and the general public, and one ex-
16 offender. The commissioner of administration is also a member, as is
17 the commissioner of corrections [HEALTH AND SOCIAL SERVICES] who is to
18 serve as chairperson.

19 * Sec. 16. AS 33.35.010 (Article III(b) of the Agreement on Detainers)
20 is amended to read:

21 (b) The written notice and request for final disposition re-
22 ferred to in paragraph (a) of this article shall be given or sent by
23 the prisoner to the warden, commissioner of corrections [HEALTH AND
24 SOCIAL SERVICES] or other official having custody of the prisoner
25 [HIM], who shall promptly forward it together with the certificate to
26 the appropriate prosecuting official and court by registered or certi-
27 fied mail, return receipt requested.

28 * Sec. 17. AS 33.35.010 (Article III(c) of the Agreement on Detainers)
29 is amended to read:

1 (c) The warden, commissioner of corrections [HEALTH AND SOCIAL
2 SERVICES] or other official having custody of the prisoner shall
3 promptly inform the prisoner [HIM] of the source and contents of any
4 detainer against the prisoner [HIM], and shall also inform the pri-
5 soner [HIM] of the [HIS] right to make a request for final disposition
6 of the indictment, information or complaint on which the detainer is
7 based.

8 * Sec. 18. AS 33.35.010 (Article III(d) of the Agreement on Detainers)
9 is amended to read:

10 (d) Any request for final disposition made by a prisoner under
11 paragraph (a) of this article shall operate as a request for final
12 disposition of all untried indictments, informations or complaints on
13 the basis of which detainers have been lodged against the prisoner
14 from the state to whose prosecuting official the request for final
15 disposition is specifically directed. The warden, commissioner of
16 corrections [HEALTH AND SOCIAL SERVICES] or other official having
17 custody of the prisoner shall notify all appropriate prosecuting
18 officers and courts in the several jurisdictions within the state to
19 which the prisoner's request for final disposition is being sent of
20 the proceeding being initiated by the prisoner. Any notification sent
21 under this paragraph shall be accompanied by copies of the prisoner's
22 written notice, request, and the certificate. If trial is not had on
23 any indictment, information or complaint contemplated by this article
24 before the return of the prisoner to the original place of imprison-
25 ment, that indictment, information or complaint is of no further force
26 or effect, and the court shall enter an order dismissing it with
27 prejudice.

28 * Sec. 19. AS 33.35.040 is amended to read:

29 Sec. 33.35.040. CENTRAL ADMINISTRATOR AND INFORMATION AGENT.

1 The commissioner of corrections [HEALTH AND SOCIAL SERVICES] or the
2 designee of the commissioner of corrections [HEALTH AND SOCIAL SER-
3 VICES] is the central administrator of and information agent for the
4 Agreement on Detainers under AS 33.35.010.

5 * Sec. 20. AS 33.36.040 is amended to read:

6 Sec. 33.36.040. IMPLEMENTATION. The commissioner of corrections
7 [HEALTH AND SOCIAL SERVICES] or the commissioner's designee shall do
8 all things necessary or incidental to the carrying out of the Inter-
9 state Corrections Compact. However, no contract is of any force or
10 effect until approved by the commissioner of administration.

11 * Sec. 21. AS 33.36.100 is amended to read:

12 Sec. 33.36.100. IMPLEMENTATION OF COMPACT. The commissioner of
13 corrections [HEALTH AND SOCIAL SERVICES] may enter into such contracts
14 on behalf of the State of Alaska as may be appropriate to implement
15 the participation of this state in the Western Interstate Corrections
16 Compact under art. III of the compact. No contract is of any force or
17 effect until approved by the commissioner of administration.

18 * Sec. 22. AS 41.20.110(b) is amended to read:

19 (b) As an aid to the construction and maintenance of trails and
20 campsites under (a) of this section the commissioner of corrections
21 [HEALTH AND SOCIAL SERVICES] is authorized to establish a program that
22 would allow prisoners to volunteer for work on the trails and camp-
23 sites. The commissioner is authorized to grant remuneration for the
24 work, either in money or reduction of sentence, which the commissioner
25 [HE] considers sufficient.

26 * Sec. 23. AS 44.17.005 is amended by adding a new paragraph to read:

27 (18) Department of Corrections.

28 * Sec. 24. AS 44.29.020(9) is amended to read:

29 (9) management of state institutions other than correction-

1 al institutions;

2 * Sec. 25. AS 47.08.050(8) is amended to read:

3 (8) medical services currently provided to persons in the
4 custody of the Department of Corrections [DIVISION OF CORRECTIONS];

5 * Sec. 26. AS 47.17.020(a)(4) is amended to read:

6 (4) peace officers, and officers of the Department of
7 Corrections [DIVISION OF CORRECTIONS];

8 * Sec. 27. AS 47.21.010(b)(1) is amended to read:

9 (1) certain delinquent juveniles in the custody of the
10 Department of Health and Social Services [DIVISION OF CORRECTIONS];

11 * Sec. 28. AS 47.30.845(5) is amended to read:

12 (5) the Department of Corrections [DIVISION OF CORRECTIONS]
13 in a case in which a prisoner confined to the state prison is a pa-
14 tient in the state hospital on authorized transfer either by voluntary
15 admission or by court order;

16 * Sec. 29. AS 47.37.040(3) is amended to read:

17 (3) cooperate with the Department of Corrections [DIVISION
18 OF CORRECTIONS] in establishing and conducting programs to provide
19 treatment for alcoholics and intoxicated persons in or on parole from
20 penal institutions;

21 * Sec. 30. The following laws are repealed: AS 12.55.185(2), AS 44.-
22 29.020(17).

23 * Sec. 31. On the effective date of this Act the Department of Health
24 and Social Services shall transfer facilities, supplies, equipment and
25 other assets relating to its corrections function to the Department of
26 Corrections to enable the Department of Corrections to perform the duties
27 imposed by this Act.

28 * Sec. 32. This Act takes effect July 1, 1983.

Offered: 3/18/83
Referred: Finance

Original sponsors: Fritz, Koponen,
Furnace, et al

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 103 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act establishing a Department of Corrections and
7 transferring certain functions of the Department of
8 Health and Social Services to the Department of
9 Corrections; and providing for an effective date."

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

11 * Section 1. AS 44 is amended by adding a new chapter to read:

12 CHAPTER 30. DEPARTMENT OF CORRECTIONS.

13 Sec. 44.30.010 COMMISSIONER OF CORRECTIONS. The principal execu-
14 tive officer of the Department of Corrections is the commissioner of
15 corrections.

16 Sec. 44.30.020. DUTIES OF DEPARTMENT. The Department of Correc-
17 tions shall administer the state programs of corrections including

- 18 (1) state prisons and state prisoners;
19 (2) probation and parole;
20 (3) extraditions and detainers.

21 * Sec. 2. AS 11.71.305 is amended to read:

22 Sec. 11.71.305. REHABILITATION. A person convicted of violating
23 a provision of this chapter may, when the violation relates to that
24 person's own personal use of a controlled substance, be committed to
25 the custody of the Department of Corrections [HEALTH AND SOCIAL SER-
26 VICES] for rehabilitative treatment for not to exceed one year. Such
27 treatment may be imposed in place of a fine or imprisonment, but only
28 where the imprisonment would not have exceeded one year.

29 * Sec. 3. AS 12.55.025(b) is amended to read:

1 (b) The sentencing report required under (a) of this section
2 shall be furnished within 30 days after imposition of sentence to the
3 Department of Law, the defendant, the Department of Corrections [DIVI-
4 SION OF CORRECTIONS], the state Board of Parole if the defendant will
5 be eligible for parole, and to the Alcoholic Beverage Control Board if
6 the defendant is to be sentenced for a conviction of a violation of
7 AS 04, a regulation adopted under AS 04, or an ordinance adopted under
8 AS 04.21.010.

9 * Sec. 4. AS 12.55.025(d) is amended to read:

10 (d) A sentence of imprisonment shall be stayed if an appeal is
11 taken and the defendant is admitted to bail. If an appeal is taken
12 and the defendant is not admitted to bail, the Department of Correc-
13 tions [HEALTH AND SOCIAL SERVICES] shall designate the facility in
14 which the defendant shall be detained pending appeal or admission to
15 bail.

16 * Sec. 5. AS 12.55.055(a) is amended to read:

17 (a) The court may order a defendant convicted of an offense to
18 perform community work as a condition of a suspended sentence or
19 suspended imposition of sentence, or in addition to any fine or re-
20 stitution ordered. If the defendant is also sentenced to imprison-
21 ment, the court may recommend to the Department of Corrections [HEALTH
22 AND SOCIAL SERVICES] that the defendant perform community work.

23 * Sec. 6. AS 12.70.220(b) is amended to read:

24 (b) When the return to this state is required of a person who
25 has been convicted of a crime in this state and has escaped from
26 confinement or broken the terms of [HIS] bail, probation, or parole,
27 the prosecuting attorney of the judicial district in which the offense
28 was committed, or the attorney general, the parole or probation au-
29 thority having jurisdiction over the person [HIM], or the commissioner

1 of corrections [THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES] shall
2 present to the governor a written application for a requisition for
3 the return of that person. In the application there shall be stated
4 the name of the person, the crime for which the person [HE] was con-
5 victed, the circumstances of the person's [HIS] escape from confine-
6 ment or of the breach of the terms of [HIS] bail, probation, or pa-
7 role, and the state in which the person [HE] is believed to be, in-
8 cluding the location of the person in that state [THEREIN] at the
9 time the application is made.

10 * Sec. 7. AS 12.70.220(c) is amended to read:

11 (c) The application shall be verified by affidavit, shall be
12 executed in duplicate and shall be accompanied by two certified copies
13 of the indictment returned, or information and affidavit filed, or the
14 complaint made to the superior court judge or district judge, stating
15 the offense with which the accused is charged, or of the judgment of
16 conviction or of the sentence. The attorney general or the prosecut-
17 ing attorney, the parole or probation authority, or the commissioner
18 of corrections [THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES] may also
19 attach further affidavits and other documents in duplicate considered
20 [HE DEEMS] proper to be submitted with the application. One copy of
21 the application, with the action of the governor indicated by endorse-
22 ment on the application, and one of the certified copies of the in-
23 dictment, complaint, information and affidavits, or judgment of con-
24 viction or sentence shall be filed in the office of the governor to
25 remain of record in that office. The other copies of all papers shall
26 be forwarded with the governor's requisition.

27 * Sec. 8. AS 33.05.080(2) is amended to read:

28 (2) "commissioner" means the commissioner of the Department
29 of Corrections [HEALTH AND SOCIAL SERVICES] or the designee of the

1 commissioner.

2 * Sec. 9. AS 33.15.010 is amended to read:

3 Sec. 33.15.010. STATE BOARD OF PAROLE. There is in the depart-
4 ment a board of parole consisting of five members to be appointed by
5 the governor, subject to confirmation by a majority of the members of
6 the legislature in joint session. One of the members, who shall be
7 chairman of the board, shall be a person with training or experience
8 in the field of probation and parole, [AND THAT MEMBER MAY BE AN
9 OFFICIAL OR EMPLOYEE OF THE DEPARTMENT] but that member may not be an
10 official or employee of the department [DIVISION OF CORRECTIONS]. The
11 term of each of the other four members of the board is four years and
12 until a successor is appointed and qualifies. Successors are ap-
13 pointed in the same manner as provided for the board members first
14 appointed. A vacancy shall be filled for the unexpired term.

15 * Sec. 10. AS 33.15.260(2) is amended to read:

16 (2) "commissioner" means the commissioner of the Department
17 of Corrections [HEALTH AND SOCIAL SERVICES] or the designee of the
18 commissioner;

19 * Sec. 11. AS 33.15.260(4) is amended to read:

20 (4) "department" means the Department of Corrections
21 [HEALTH AND SOCIAL SERVICES].

22 * Sec. 12. AS 33.30.130(a) is amended to read:

23 (a) The commissioner of public safety shall provide for the
24 subsistence, care and safekeeping in suitable quarters of a person
25 arrested or held under the authority of state law pending arraignment
26 or commitment by a court to the custody of the commissioner of correc-
27 tions [HEALTH AND SOCIAL SERVICES] or to the custody of the keeper or
28 person in charge of a prison facility designated in advance by the
29 commissioner of corrections [HEALTH AND SOCIAL SERVICES].

1 * Sec. 13. AS 33.30.900(1) is amended to read:

2 (1) "commissioner" means the commissioner of the Department
3 of Corrections [HEALTH AND SOCIAL SERVICES] or the commissioner's
4 designee;

5 * Sec. 14. AS 33.30.900(3) is amended to read:

6 (3) "department" means the Department of Corrections
7 [HEALTH AND SOCIAL SERVICES];

8 * Sec. 15. AS 33.32.010(1) is amended to read:

9 (1) develop and operate agricultural, industrial, and ser-
10 vice enterprises employing prisoners under the jurisdiction of the
11 commissioner of corrections [HEALTH AND SOCIAL SERVICES];

12 * Sec. 16. AS 33.32.015 is amended to read:

13 Sec. 33.32.015. POWERS AND DUTIES OF THE COMMISSIONER OF CORREC-
14 TIONS [HEALTH AND SOCIAL SERVICES]. (a) The commissioner of correc-
15 tions [HEALTH AND SOCIAL SERVICES] may establish and administer a
16 correctional industries program that is based on voluntary prisoner
17 participation.

18 (b) The commissioner of corrections [HEALTH AND SOCIAL SERVICES]
19 may

20 (1) subject to the Fiscal Procedures Act (AS 37.05), use,
21 purchase, lease, equip, and maintain buildings, machinery, and other
22 equipment, and may purchase materials and enter into contracts, which
23 may be necessary for the correctional industries program;

24 (2) provide for prisoners to be employed in rendering ser-
25 vices and producing articles, materials, and supplies needed by a
26 state agency, a political subdivision of the state, an agency of the
27 federal government, other states or their political subdivisions, or
28 for use by nonprofit organizations;

29 (3) if the Correctional Industries Commission established

1 in AS 33.32.070 approves, employ prisoners to provide services or
2 products as needed by private industry if the services or products
3 have potential for contributing to the economy of the state and will
4 have minimal negative impact on an existing private industry or labor
5 force in the state.

6 * Sec. 17. AS 33.32.020(a) is amended to read:

7 (a) There is established in the Department of Corrections
8 [HEALTH AND SOCIAL SERVICES] a fund to be known as the correctional
9 industries fund. All expenses of the correctional industries program,
10 except salaries and benefits of state employees, are to be financed
11 from the correctional industries fund and budgeted in accordance with
12 the Executive Budget Act (AS 37.07). The commissioner of corrections
13 [HEALTH AND SOCIAL SERVICES TO] shall report annually to the legisla-
14 ture all activities and balances of the fund.

15 * Sec. 18. AS 33.32.030 is amended to read:

16 Sec. 33.32.030. MARKETING OF CORRECTIONAL INDUSTRIES PRODUCTS.

17 (a) The commissioner of corrections [HEALTH AND SOCIAL SERVICES]
18 shall market correctional industries products to appropriate entities
19 as provided for in AS 33.32.015(b)(2). Because of the potential for
20 contributing to the economy of the state, agricultural produce may be
21 sold to commercial processors, wholesalers, or distributors, in addi-
22 tion to the entities provided for in AS 33.32.015(b)(2).

23 (b) The commissioner of corrections [HEALTH AND SOCIAL SERVICES]
24 may sell a product or service of a correctional industries program to
25 a private industry, subject to the approval of the Correctional Indus-
26 tries Commission established in AS 33.32.070. Before giving its ap-
27 proval, the Correctional Industries Commission must determine that the
28 product or service has potential for contributing to the economy of
29 the state and will have minimal negative impact on an existing private

1 industry or labor force in the state.

2 (c) A product or service provided by correctional industries
3 that meets marketable standards of quality and that meets the needs of
4 state agencies at reasonable cost, as determined by the commissioner
5 of administration, shall be purchased by state agencies through proce-
6 dures established by the Department of Administration in such a manner
7 as to facilitate the purchase. A product or service of the type and
8 quality of that supplied by the correctional industries may not be ob-
9 tained from a source outside correctional industries unless the com-
10 missioner of corrections [HEALTH AND SOCIAL SERVICES] certifies to the
11 Department of Administration that correctional industries is not able
12 to provide the product or service on a basis that is competitive with
13 other sources. State agencies shall make maximum use of the resources
14 of the correctional industries program both in the purchase of exist-
15 ing products and by assisting in the development of new products or
16 adaptation of existing products to meet future needs.

17 (d) The commissioner of corrections [HEALTH AND SOCIAL SERVICES]
18 shall periodically determine the prices at which products and services
19 will be sold. Prices must approximate the fair market value of prod-
20 ucts and services of comparable quality offered by commercial sources.

21 (e) The commissioner of administration shall establish suitable
22 methods of accounting and purchasing to facilitate the production and
23 marketing of correctional industries products and to assure accurate
24 cost data.

25 * Sec. 19. AS 33.32.040(a) is amended to read:

26 (a) In administering the correctional industries program, the
27 Department of Corrections [HEALTH AND SOCIAL SERVICES] shall comply
28 with federal and state health and safety regulations, except for the
29 provision of workers' compensation under AS 23.30.

1 * Sec. 20. AS 33.32.050 is amended to read:

2 Sec. 33.32.050. WAGES OF CORRECTIONAL INDUSTRIES WORKERS; FOR-
3 FEITURE. (a) The commissioner of corrections [HEALTH AND SOCIAL
4 SERVICES] shall establish a pay plan for prisoners working in correc-
5 tional industries based on the quantity and quality of work performed
6 and the skill required. A wage established under the pay plan may not
7 exceed 50 percent of the minimum wage established under AS 23.10.065.
8 Wage incentive plans to increase productivity may be included in the
9 pay plan. The commissioner of corrections [HEALTH AND SOCIAL SER-
10 VICES] shall determine the amount to be credited to the prisoner after
11 disbursements made under (c) of this section.

12 (b) The commissioner of corrections [HEALTH AND SOCIAL SERVICES]
13 may establish a wage for work performed in the production of a product
14 that is higher than the maximum wage authorized under (a) of this sec-
15 tion to comply with federal law or regulation if that compliance is
16 required before the product may be sold to the federal government.

17 (c) The commissioner of corrections [HEALTH AND SOCIAL SERVICES]
18 shall disburse prisoners' payments in amounts determined to be appro-
19 priate under procedures adopted by the commissioner based on the fol-
20 lowing order of priority:

21 (1) for support of the prisoner's dependents, if any;

22 (2) to reimburse the state for compensation awarded under
23 AS 18.67 resulting from the prisoner's criminal conduct;

24 (3) to pay a civil judgment resulting from the prisoner's
25 criminal conduct;

26 (4) for the purchase of clothing and commissary items for
27 the prisoner's personal use;

28 (5) to pay a restitution or fine of the prisoner ordered by
29 a sentencing court.

1 (d) Money credited to a prisoner must be retained by the commis-
2 sioner of corrections [HEALTH AND SOCIAL SERVICES] for the primary
3 purpose of being available to the prisoner at the time of release.
4 The commissioner of corrections [HEALTH AND SOCIAL SERVICES] may, how-
5 ever, permit the prisoner to draw upon a portion of the money for oth-
6 er purposes that the commissioner of corrections [HEALTH AND SOCIAL
7 SERVICES] considers appropriate.

8
9 (e) If a prisoner escapes, a portion of the earnings of the pri-
10 soner, as determined by the commissioner of corrections [HEALTH AND
11 SOCIAL SERVICES], is to be forfeited. The commissioner of corrections
12 [HEALTH AND SOCIAL SERVICES] shall deposit forfeited earnings in the
13 general fund.

14 * Sec. 21. AS 33.32.060 is amended to read:

15 Sec. 33.32.060. LIMITATION ON ATTACHMENT, ETC., OF WAGES. Only
16 the prisoner payments retained by the commissioner of corrections
17 [HEALTH AND SOCIAL SERVICES] under AS 33.32.050(d) are subject to
18 lien, attachment, garnishment, execution, or similar procedures to
19 encumber funds or property.

20 * Sec. 22. AS 33.32.070(a) is amended to read:

21 (a) The Correctional Industries Commission is established to
22 provide general policy direction to the correctional industries pro-
23 gram through the commissioner of corrections [HEALTH AND SOCIAL SER-
24 VICES]. The commission consists of seven members, five of whom are to
25 be appointed by the governor to serve staggered terms of four years.
26 The appointed members must include a representative of private indus-
27 try, organized labor, agriculture, and the general public, and one
28 ex-offender. The commissioner of administration is also a member, as
29 is the commissioner of corrections [HEALTH AND SOCIAL SERVICES] who is

1 to serve as chairperson.

2 * Sec. 23. AS 33.32.080(a) is amended to read:

3 (a) The Correctional Industries Commission shall monitor the
4 correctional industries program, annually review the proposed budget
5 of the program, and make appropriate recommendations to the commis-
6 sioner of corrections [HEALTH AND SOCIAL SERVICES]. This budget must
7 be transmitted in the normal budgetary process to the legislature as
8 part of the governor's budget.

9 * Sec. 24. AS 33.32.080(c) is amended to read:

10 (c) The Correctional Industries Commission shall recommend to
11 the commissioner of corrections [HEALTH AND SOCIAL SERVICES] the ad-
12 visability of establishing, expanding, diminishing, or discontinuing
13 industrial, agricultural, or service activities to enable the program
14 to operate as nearly as possible in a self-supporting manner, to pro-
15 vide as much employment for prisoners as is feasible, to provide di-
16 versified work activities with minimal negative impact on an existing
17 private industry or labor force in the state, and contribute to the
18 economy of the state. In making recommendations, the Correctional In-
19 dustries Commission shall consider testimony received at public hear-
20 ings.

21 * Sec. 25. AS 33.32.090 is amended to read:

22 Sec. 33.32.090. COOPERATION WITH STATE AGENCIES. With the
23 approval of the commissioner of corrections [HEALTH AND SOCIAL SER-
24 VICES], a state agency may, without charge, transfer to the Department
25 of Corrections [HEALTH AND SOCIAL SERVICES] for the correctional
26 industries program any property or equipment suitable for the purposes
27 of that program.

28 * Sec. 26. AS 33.35.010 (Article III(b) of the Agreement on Detainers)
29 is amended to read:

1 (b) The written notice and request for final disposition re-
2 ferred to in paragraph (a) of this article shall be given or sent by
3 the prisoner to the warden, commissioner of corrections [HEALTH AND
4 SOCIAL SERVICES] or other official having custody of the prisoner
5 [HIM], who shall promptly forward it together with the certificate to
6 the appropriate prosecuting official and court by registered or certi-
7 fied mail, return receipt requested.

8 * Sec. 27. AS 33.35.010 (Article III(c) of the Agreement on Detainers)
9 is amended to read:

10 (c) The warden, commissioner of corrections [HEALTH AND SOCIAL
11 SERVICES] or other official having custody of the prisoner shall
12 promptly inform the prisoner [HIM] of the source and contents of any
13 detainer against the prisoner [HIM], and shall also inform the pri-
14 soner [HIM] of the [HIS] right to make a request for final disposition
15 of the indictment, information or complaint on which the detainer is
16 based.

17 * Sec. 28. AS 33.35.010 (Article III(d) of the Agreement on Detainers)
18 is amended to read:

19 (d) Any request for final disposition made by a prisoner under
20 paragraph (a) of this article shall operate as a request for final
21 disposition of all untried indictments, informations or complaints on
22 the basis of which detainers have been lodged against the prisoner
23 from the state to whose prosecuting official the request for final
24 disposition is specifically directed. The warden, commissioner of
25 corrections [HEALTH AND SOCIAL SERVICES] or other official having
26 custody of the prisoner shall notify all appropriate prosecuting
27 officers and courts in the several jurisdictions within the state to
28 which the prisoner's request for final disposition is being sent of
29 the proceeding being initiated by the prisoner. Any notification sent

1 under this paragraph shall be accompanied by copies of the prisoner's
2 written notice, request, and the certificate. If trial is not had on
3 any indictment, information or complaint contemplated by this article
4 before the return of the prisoner to the original place of imprison-
5 ment, that indictment, information or complaint is of no further force
6 or effect, and the court shall enter an order dismissing it with
7 prejudice.

8 * Sec. 29. AS 33.35.040 is amended to read:

9 Sec. 33.35.040. CENTRAL ADMINISTRATOR AND INFORMATION AGENT.
10 The commissioner of corrections [HEALTH AND SOCIAL SERVICES] or the
11 designee of the commissioner of corrections [HEALTH AND SOCIAL SER-
12 VICES] is the central administrator of and information agent for the
13 Agreement on Detainers under AS 33.35.010.

14 * Sec. 30. AS 33.36.040 is amended to read:

15 Sec. 33.36.040. IMPLEMENTATION. The commissioner of corrections
16 [HEALTH AND SOCIAL SERVICES] or the commissioner's designee shall do
17 all things necessary or incidental to the carrying out of the Inter-
18 state Corrections Compact. However, no contract is of any force or
19 effect until approved by the commissioner of administration.

20 * Sec. 31. AS 33.36.100 is amended to read:

21 Sec. 33.36.100. IMPLEMENTATION OF COMPACT. The commissioner of
22 corrections [HEALTH AND SOCIAL SERVICES] may enter into such contracts
23 on behalf of the State of Alaska as may be appropriate to implement
24 the participation of this state in the Western Interstate Corrections
25 Compact under art. III of the compact. No contract is of any force or
26 effect until approved by the commissioner of administration.

27 * Sec. 32. AS 41.20.110(b) is amended to read:

28 (b) As an aid to the construction and maintenance of trails and
29 campsites under (a) of this section the commissioner of corrections

1 [HEALTH AND SOCIAL SERVICES] is authorized to establish a program that
2 would allow prisoners to volunteer for work on the trails and camp-
3 sites. The commissioner is authorized to grant remuneration for the
4 work, either in money or reduction of sentence, which the commissioner
5 [HE] considers sufficient.

6 * Sec. 33. AS 44.17.005 is amended by adding a new paragraph to read:

7 (18) Department of Corrections.

8 * Sec. 34. AS 44.29.020(9) is amended to read:

9 (9) management of state institutions other than correction-
10 al institutions;

11 * Sec. 35. AS 47.08.050(8) is amended to read:

12 (8) medical services currently provided to persons in the
13 custody of the Department of Corrections [DIVISION OF CORRECTIONS];

14 * Sec. 36. AS 47.10.060(d) is amended to read:

15 (d) A minor is unamenable to treatment under this chapter if the
16 minor [HE] probably cannot be rehabilitated by treatment under this
17 chapter before reaching [HE REACHES] 20 years of age. In determining
18 whether a minor is unamenable to treatment, the court may consider the
19 seriousness of the offense the minor is alleged to have committed, the
20 minor's history of delinquency, the probable cause of the minor's
21 delinquent behavior, and the facilities available to the Department of
22 Corrections [DIVISION OF YOUTH AND ADULT AUTHORITY] for treating the
23 minor.

24 * Sec. 37. AS 47.10.060(e) is amended to read:

25 (e) If a person who has been tried as an adult under this sec-
26 tion has completed the [HIS] sentence and five years have elapsed, the
27 person [HE] may petition (or the Department of Corrections [HEALTH AND
28 SOCIAL SERVICES] may petition [FOR HIM]) the superior court to seal
29 the records of all criminal proceedings against the person [HIM] and

1 all punishments assessed [AGAINST HIM], except for traffic offenses,
2 while the person [HE] was a minor. If the superior court finds that
3 the punishment assessed against the person has had its intended reha-
4 bilitative effect, the superior court shall order the record of pro-
5 ceedings and the record of punishments sealed. Sealing the records
6 restores civil rights removed because of a conviction. A [NO] person
7 may not use records so sealed for any purpose except that the court
8 may order their use for good cause shown or may order their use by an
9 officer of the court in making a presentencing report for the court.

10 * Sec. 38. AS 47.10.070 is amended to read:

11 Sec. 47.10.070. HEARINGS. The court may conduct the hearing in
12 an informal manner in the courtroom or in chambers. A hearing may be
13 held before a young adult advisory panel in accordance with AS 47.-
14 10.075. The court shall give notice of the hearing to the appropriate
15 department and it may send a representative to the hearing. The court
16 shall also transmit a copy of the petition to that [THE] department. A
17 [THE] representative of the department may also be heard at the hear-
18 ing. The public shall be excluded from the hearing, but the court, in
19 its discretion, may permit individuals to attend a hearing, if their
20 attendance is compatible with the best interests of the minor. Nothing
21 in this section may be applied in such a way as to deny a child [HIS]
22 rights to a public trial and to a trial by jury.

23 * Sec. 39. AS 47.10.080(b) is amended to read:

24 (b) If the court finds that the minor is delinquent, it shall

25 (1) order the minor committed to the Department of Correc-
26 tions [HEALTH AND SOCIAL SERVICES] for a period of time not to exceed
27 two years or in any event extend past the day the minor becomes 19,
28 except that the Department of Corrections [DEPARTMENT] may petition
29 for and the court may grant in a hearing (A) two-year extensions of

1 commitment which do not extend beyond the child's 19th birthday if the
2 extension is in the best interests of the minor and the public; and
3 (B) an additional one-year period of supervision past age 19 if con-
4 tinued supervision is in the best interests of the person and the
5 person consents to it; the Department of Corrections [DEPARTMENT]
6 shall place the minor in the juvenile facility that [WHICH] the de-
7 partment considers appropriate and which may include a juvenile cor-
8 rectional school, detention home, or detention facility; the minor may
9 be released from placement or detention and placed on probation on
10 order of the court and may also be released by the Department of
11 Corrections [DEPARTMENT], in its discretion, under AS 47.10.200;

12 (2) order the minor placed on probation, to be supervised
13 by the Department of Corrections [DEPARTMENT], and released [RELEASE
14 HIM] to the minor's [HIS] parents, guardian, or a suitable person; if
15 the court orders the minor placed on probation, it may specify the
16 terms and conditions of probation; the probation may be for a period
17 of time, not to exceed two years and in no event extend past the day
18 the minor becomes 19, except that the Department of Corrections
19 [DEPARTMENT] may petition for and the court may grant in a hearing

20 (A) two-year extensions of supervision that [WHICH] do
21 not extend beyond the child's 19th birthday if the extension is
22 in the best interests of the minor and the public; and

23 (B) an additional one-year period of supervision past
24 age 19 if the continued supervision is in the best interests of
25 the person and the person consents to it;

26 (3) order the minor committed to the Department of Correc-
27 tions [DEPARTMENT] and placed on probation, to be supervised by that
28 [THE] department, and released [RELEASE HIM] to the minor's [HIS]
29 parents, guardian, other suitable person, or suitable nondetention

1 setting such as a family home, group care facility, or child care
2 facility, whichever the Department of Corrections [DEPARTMENT] con-
3 siders appropriate to implement the treatment plan of the predisposi-
4 tion report; if the court orders the minor placed on probation, it may
5 specify the terms and conditions of probation; the Department of
6 Corrections [DEPARTMENT] may transfer the minor, in the minor's [HIS]
7 best interests, from one of the probationary placement settings listed
8 in this paragraph to another, and the minor, and the minor's [HIS]
9 parents or guardian and attorney are entitled to reasonable notice of
10 the transfer; the probation may be for a period of time, not to exceed
11 two years and in no event extend past the day the minor becomes 19,
12 except that the Department of Corrections [DEPARTMENT] may petition
13 for and the court may grant in a hearing

14 (A) two-year extensions of commitment that [WHICH] do
15 not extend beyond the child's 19th birthday if the extension is
16 in the best interests of the minor and the public; and

17 (B) an additional one-year period of supervision past
18 age 19 if the continued supervision is in the best interests of
19 the person and the person consents to it; or

20 (4) order the minor to make suitable restitution in lieu of
21 or in addition to the court's order under (1), (2) or (3) of this
22 subsection; [.]

23 (5) order the minor committed to the Department of Cor-
24 rections [HEALTH AND SOCIAL SERVICES] for placement in an adventure-
25 based education program established under AS 47.21 [AS 47.21.020] with
26 conditions the court considers appropriate concerning release upon
27 satisfactory completion of the program or commitment under (1) of this
28 subsection if the program is not satisfactorily completed.

29 * Sec. 40. AS 47.10.080(c) is amended to read:

1 (c) If the court finds that the minor is a child in need of aid,
2 it shall

3 (1) order the minor committed to the Department of Health
4 and Social Services [DEPARTMENT] for placement in an appropriate
5 setting for a period of time not to exceed two years or in any event
6 past the date the minor becomes 19 years of age, except that the
7 Department of Health and Social Services [DEPARTMENT] may petition for
8 and the court may grant in a hearing (A) two-year extensions of com-
9 mitment that [WHICH] do not extend beyond the child's 19th birthday if
10 the extension is in the best interests of the minor and the public;
11 and (B) an additional one-year period of supervision past age 19 if
12 the continued supervision is in the best interests of the person and
13 the person consents to it; the Department of Health and Social Ser-
14 vices [DEPARTMENT] may transfer the minor, in the minor's [HIS] best
15 interests, from one placement setting to another, and the minor, and
16 the minor's [HIS] parents or guardian and attorney are entitled to
17 reasonable notice of the transfer;

18 (2) order the minor released to the minor's [HIS] parents,
19 guardian, or some other suitable person, and, in appropriate cases,
20 order the parents, guardian, or other person to provide medical or
21 other care and treatment; if the court releases the minor, it shall
22 direct the Department of Health and Social Services [DEPARTMENT] to
23 supervise the care and treatment given to the minor, but the court may
24 dispense with that [THE] department's supervision if the court finds
25 that the adult to whom the minor is released will adequately care for
26 the minor without supervision; the [DEPARTMENT'S] supervision of the
27 Department of Health and Social Services may not exceed two years or
28 in any event extend past the date the minor reaches age 19, except
29 that the Department of Health and Social Services [DEPARTMENT] may

1 petition for and the court may grant in a hearing

2 (A) two-year extensions of supervision that [WHICH] do
3 not extend beyond the child's 19th birthday if the extension is
4 in the best interests of the minor and the public; and

5 (B) an additional one-year period of supervision past
6 age 19 if the continued supervision is in the best interests of
7 the person and the person consents to it; or

8 (3) by order, upon a showing in the adjudication by clear
9 and convincing evidence that there is a child in need of aid under
10 AS 47.10.010(a)(2) as a result of parental conduct and upon a showing
11 in the disposition by clear and convincing evidence that the parental
12 conduct is likely to continue to exist if there is no termination of
13 parental rights, terminate parental rights and responsibilities of one
14 or both parents and commit the child to the Department of Health and
15 Social Services [DEPARTMENT] or to a legally appointed guardian of the
16 person of the child, and the Department of Health and Social Services
17 [DEPARTMENT] or guardian shall report annually to the court on efforts
18 being made to find a permanent placement for the child.

19 * Sec. 41. AS 47.10.080(e) is amended to read:

20 (e) If the court finds that the minor is not delinquent or a
21 child in need of aid, it shall immediately order the minor's [HIS]
22 release from [THE DEPARTMENT'S] custody and the minor's [HIS] return
23 to the [HIS] parents, guardian, or custodian, and dismiss the case.

24 * Sec. 42. AS 47.10.080(f) is amended to read:

25 (f) A minor found to be delinquent or a child in need of aid is
26 a ward of the state as long as the minor [HE] is committed to the
27 Department of Corrections or the Department of Health and Social
28 Services [DEPARTMENT] or either [THI] department has the power to
29 supervise the minor's [HIS] actions. The court shall review an order

1 made under (b) or (c)(1) or (2) of this section annually, and may
2 review the order more frequently to determine if continued placement,
3 probation, or supervision, as it is being provided, is in the best
4 interest of the minor and the public. The affected department, the
5 minor, the minor's parents, guardian, or custodian are entitled, when
6 good cause is shown, to a review on application. If the application
7 is granted, the court shall afford these parties and their counsel
8 reasonable notice in advance of the review and hold a hearing where
9 these parties and their counsel shall be afforded an opportunity to be
10 heard. The minor shall be afforded the opportunity to be present at
11 the review.

12 * Sec. 43. AS 47.10.080(h) is amended to read:

13 (h) The Department of Corrections [DEPARTMENT] shall pay all
14 court costs incurred in all proceedings in connection with an [THE]
15 adjudication of delinquency under this chapter, including hearings
16 that [WHICH] result in the release of the minor.

17 * Sec. 44. AS 47.10.080(i) is amended to read:

18 (i) A minor, the minor's [HIS] parents or guardian acting on the
19 minor's [HIS] behalf, [OR] the Department of Corrections, or the
20 Department of Health and Social Services [DEPARTMENT] may appeal a
21 judgment or order, or the stay, modification, setting aside, revoca-
22 tion, or enlargement of a judgment or order issued by the court under
23 this chapter.

24 * Sec. 45. AS 47.10.081(a) is amended to read:

25 (a) Before the disposition hearing of a delinquent minor the
26 Department of Corrections [DEPARTMENT] shall submit a predisposition
27 report with a recommended plan of treatment to aid the court in its
28 selection of a disposition, and any further information that [WHICH]
29 the court may request.

1 * Sec. 46. AS 47.10.081(b) is amended to read:

2 (b) Before the disposition hearing of a child in need of aid the
3 Department of Health and Social Services [DEPARTMENT] shall submit a
4 predisposition report to aid the court in its selection of a disposi-
5 tion. This report shall include, but is not limited to, the following:

6 (1) a statement of changes in the child's or parent's
7 behavior, that [WHICH] will aid the court in determining that super-
8 vision of the family or placement is no longer necessary;

9 (2) if removal from the home is recommended, a description
10 of the reasons the child cannot be protected or rehabilitated ade-
11 quately in the home, including a description of any previous efforts
12 to work with the parents and the child in the home and the parents'
13 attitude toward placement of the child;

14 (3) a description of the potential harm to the child that
15 [WHICH] may result from removal from the home and any efforts that
16 [WHICH] can be made to minimize the [SUCH] harm; and

17 (4) any further information that [WHICH] the court may
18 request.

19 * Sec. 47. AS 47.10.084(a) is amended to read:

20 (a) When a child is committed under AS 47.10.080(b)(1) or (c)(1)
21 to the Department of Corrections or to the Department of Health and
22 Social Services [DEPARTMENT] or released under AS 47.10.080(b)(2) or
23 (3) or (c)(2) to the child's [HIS] parents, guardian, or other suit-
24 able person, a relationship of legal custody exists. This relationship
25 imposes on the custodial department and its authorized agents or the
26 parents, guardian, or other suitable person the responsibility of
27 physical care and control of the child, the determination of where and
28 with whom the child shall live, the right and duty to protect, train
29 and discipline the child, and the duty of providing the child with

1 food, shelter, education, and medical care. These obligations are
2 subject to any residual parental rights and responsibilities and
3 rights and responsibilities of a guardian if one has been appointed.
4 When parental rights have been terminated, or there are no living
5 parents and a [NO] guardian has not been appointed, the responsibil-
6 ities of legal custody include those in (b) and (c) of this section.
7 The custodial department or person having legal custody of the child
8 may delegate any of the responsibilities under this section, except
9 authority to consent to marriage, adoption, and military enlistment
10 may not be delegated. For purposes of this chapter a person in charge
11 of a placement setting is an agent of the department.

12 * Sec. 48. AS 47.10.100 is amended to read:

13 Sec. 47.10.100. RETENTION OF JURISDICTION OVER MINOR. (a) The
14 court retains jurisdiction over the case and may at any time stay
15 execution, modify, set aside, revoke, or enlarge a judgment or order,
16 or grant a new hearing, in the exercise of its power of protection
17 over the minor and for the minor's [HIS] best interest, for [A PERIOD
18 OF TIME NOT TO EXCEED] two years or until [IN ANY EVENT EXTEND PAST
19 THE DAY] the minor becomes 19, whichever occurs first, unless sooner
20 discharged by the court, except that the affected department may apply
21 for and the court may grant an additional one-year period of super-
22 vision past age 19 if continued supervision is in the best interests
23 of the person and the person consents to it. An application for any of
24 these purposes may be made by the parent, guardian, or custodian
25 acting in behalf of the minor, or the court may, on its own motion,
26 and after reasonable notice to interested parties and the appropriate
27 department, take action that [WHICH] it considers appropriate.

28 (b) If the court determines at a rehearing that it is for the
29 best interests of the minor that the minor [HE] be released to the

1 care or custody of a [HIS] parent, guardian, or custodian, it may
2 enter an order to that effect and the minor is discharged from the
3 control of the custodial department.

4 (c) If a minor is adjudicated a delinquent or a child in need of
5 aid before the minor's [HIS] 18th birthday, the court may retain
6 jurisdiction over the minor [HIM] after that [HIS 18TH] birthday for
7 the purpose of supervising the minor's [HIS] rehabilitation, but the
8 court's jurisdiction over the minor [HIM] under this chapter does not
9 extend [NEVER EXTENDS] beyond the [HIS] 19th birthday, except that the
10 appropriate department may apply for and the court may grant an addi-
11 tional one-year period of supervision past age 19 if continued super-
12 vision is in the best interests of the person and the person consents
13 to it. The supervising department may retain jurisdiction over a child
14 between the child's [HIS] 18th and 19th birthdays for the purpose of
15 supervising the child's [HIS] rehabilitation, if the child [HE] has
16 been placed under the supervision of that [THE] department before
17 reaching the age of 18 [HIS 18TH BIRTHDAY], except that the supervis-
18 ing department may apply for and the court may grant an additional
19 one-year period of supervision past age 19 if continued supervision is
20 in the best interests of the person and the person consents to it.

21 * Sec. 49. AS 47.10.140(b) is amended to read:

22 (b) A peace officer who has a minor detained under (a) of this
23 section shall immediately, and in no event more than 12 hours later,
24 notify the court, the minor's parents or guardian, and the Department
25 of Health and Social Services of the officer's action. The Department
26 of Health and Social Services [DEPARTMENT] may file with the court a
27 petition alleging delinquency before the detention hearing.

28 * Sec. 50. AS 47.10.140(g) is amended to read:

29 (g) A [NO] minor who is detained under (f) of this section may

1 not be detained in a jail or other facility unless kept out of contact
2 with adult persons convicted or accused of a crime. A [NO] minor may
3 not be detained in a jail or other detention facility that [WHICH] has
4 not been approved by the Department of Corrections [HEALTH AND SOCIAL
5 SERVICES] before detention of the minor.

6 * Sec. 51. AS 47.10.142(b) is amended to read:

7 (b) A minor who has left home and is evading the person having
8 legal custody [OF HIM] may obtain the services of the Department of
9 Health and Social Services [DEPARTMENT]. That [THE] department shall
10 assess the situation and furnish the minor with the social services it
11 considers appropriate to protect the well-being of the minor and to
12 preserve the minor's [HIS] family life if preserving it is considered
13 desirable under the circumstances. If, after assessing the situation,
14 considering the wishes of the minor, and furnishing appropriate social
15 services, the Department of Health and Social Services [DEPARTMENT]
16 considers it necessary, it [THE DEPARTMENT] may take emergency custody
17 of the minor.

18 * Sec. 52. AS 47.10.142(c) is amended to read:

19 (c) When a child is taken into custody under (a) or (b) of this
20 section, the Department of Health and Social Services [DEPARTMENT]
21 shall immediately, and in no event more than 12 hours later unless
22 prevented by lack of communication facilities, notify the parents or
23 the person [OR PERSONS] having custody of the child and the court of
24 the action and file with the court a petition alleging that the child
25 is a child in need of aid.

26 * Sec. 53. AS 47.10.142(e) is amended to read:

27 (e) If the court finds that probable cause exists it shall order
28 the minor committed to the Department of Health and Social Services
29 [DEPARTMENT] for temporary placement, or order the minor [HIM]

1 returned to the custody of the [HIS] parents or guardian subject to
2 Department of Health and Social Services [THE DEPARTMENT'S] super-
3 vision of the minor's [HIS] care and treatment. If the court finds no
4 probable cause it shall order the minor returned to the custody of the
5 [HIS] parents or guardian.

6 * Sec. 54. AS 47.10.150 is repealed and reenacted to read:

7 Sec. 47.10.150. GENERAL POWERS OF DEPARTMENTS OVER JUVENILE
8 INSTITUTIONS. (a) The Department of Corrections may

9 (1) purchase, lease or construct buildings or other facil-
10 ities for the care, detention, rehabilitation and education of delin-
11 quent minors;

12 (2) adopt plans for construction of juvenile facilities
13 under its jurisdiction;

14 (3) adopt standards and regulations under this chapter for
15 the design, construction, repair, maintenance and operation of juve-
16 nile facilities under its jurisdiction;

17 (4) inspect periodically each juvenile facility under its
18 jurisdiction to insure that the standards and regulations adopted are
19 being maintained;

20 (5) reimburse cities maintaining and operating juvenile
21 facilities for the Department of Corrections;

22 (6) enter into contracts and arrangements with cities and
23 state and federal agencies to carry out the purposes of this chapter;

24 (7) do all acts necessary to carry out the purposes of this
25 chapter;

26 (8) adopt the regulations necessary to carry out this
27 chapter;

28 (9) accept donations, gifts or bequests of money or other
29 property for use in construction of juvenile facilities under its

1 jurisdiction;

2 (10) operate juvenile facilities under its jurisdiction when
3 municipalities are unable to do so;

4 (11) receive, care for, and place all minors committed to
5 its custody under this chapter.

6 (b) The Department of Health and Social Services may

7 (1) purchase, lease or construct buildings or other facil-
8 ities for the care, detention, rehabilitation and education of chil-
9 dren in need of aid;

10 (2) adopt plans for construction of juvenile facilities
11 under its jurisdiction;

12 (3) adopt standards and regulations under this chapter for
13 the design, construction, repair, maintenance and operation of juve-
14 nile facilities under its jurisdiction;

15 (4) inspect periodically each juvenile facility under its
16 jurisdiction to insure that the standards and regulations adopted are
17 being maintained;

18 (5) reimburse cities maintaining and operating juvenile
19 facilities for the Department of Health and Social Services;

20 (6) enter into contracts and arrangements with cities and
21 state and federal agencies to carry out the purposes of this chapter;

22 (7) do all acts necessary to carry out the purposes of this
23 chapter;

24 (8) adopt the regulations necessary to carry out this
25 chapter;

26 (9) accept donations, gifts or bequests of money or other
27 property for use in construction of juvenile facilities under its
28 jurisdiction;

29 (10) operate juvenile facilities under its jurisdiction when

1 municipalities are unable to do so;

2 (11) receive, care for, and place all minors committed to
3 its custody under this chapter.

4 * Sec. 55. AS 47.10.160 is repealed and reenacted to read:

5 Sec. 47.10.160. DUTIES OF DEPARTMENTS. (a) The Department of
6 Corrections shall

7 (1) accept all minors committed to the custody of the
8 Department of Corrections and provide for the welfare, control, care,
9 custody, and placement of these minors in accordance with the pro-
10 visions of this chapter;

11 (2) require and collect statistics on juvenile offenses and
12 offenders in Alaska;

13 (3) conduct studies and prepare findings and recommenda-
14 tions on the need, number, type, construction, maintenance, and opera-
15 ting costs of juvenile facilities under its jurisdiction, and adopt
16 and submit a plan for construction of facilities when needed, together
17 with a plan for financing the construction programs;

18 (4) examine, where possible, all facilities, institutions,
19 and places of juvenile detention in Alaska and inquire into their
20 methods and the management of juveniles in them.

21 (b) The Department of Health and Social Services shall

22 (1) accept all minors committed to the custody of the
23 Department of Health and Social Services and all minors who are in-
24 volved in a written agreement under AS 47.10.230(c), and provide for
25 the welfare, control, care, custody, and placement of these children
26 in accordance with the provisions of this chapter;

27 (2) conduct studies and prepare findings and recommenda-
28 tions on the need, number, type, construction, maintenance, and op-
29 erating costs of juvenile facilities under its jurisdiction and adopt

1 and submit a plan for construction of the facilities when needed,
2 together with a plan for financing the construction programs.

3 * Sec. 56. AS 47.10.170(a) is amended to read:

4 (a) A city having a population of 1700 or more, according to the
5 latest decennial census, or found by the Department of Corrections or
6 the Department of Health and Social Services [DEPARTMENT] to have a
7 present population of 1700 or more may maintain and operate a juvenile
8 detention home or facility.

9 * Sec. 57. AS 47.10.180 is amended to read:

10 Sec. 47.10.180. OPERATION OF HOMES AND FACILITIES. (a) The
11 Department of Corrections [HEALTH AND SOCIAL SERVICES] shall adopt
12 standards and regulations for the operation of juvenile detention
13 homes and juvenile detention facilities in the state.

14 (b) The appropriate department may enter into contracts with
15 cities and other governmental agencies for the detention of juveniles
16 before and after commitment by juvenile authorities. A [NO] contract
17 may not be made for longer than one year.

18 * Sec. 58. AS 47.10.190 is amended to read:

19 Sec. 47.10.190. CONDITIONS GOVERNING DETENTION. When the court
20 commits a minor to the custody of a [THE] department, that [THE]
21 department shall arrange to place the juvenile in a [DETENTION HOME,]
22 facility or another suitable place that [WHICH] the department desig-
23 nates for that purpose. A juvenile detained in a jail or similar
24 institution at the request of the department shall be held in custody
25 in a room or other place apart and separate from adults.

26 * Sec. 59. AS 47.100.200 is amended to read:

27 Sec. 47.10.200. RELEASING JUVENILES AFTER COMMITMENT. A juve-
28 nile delinquent who by [HIS] conduct gives sufficient evidence of
29 reform [THAT HE HAS REFORMED] may be released at any time under the

1 conditions and regulations that [WHICH] the Department of Corrections
2 [DEPARTMENT] considers proper, if it appears to the satisfaction of
3 the Department of Corrections [DEPARTMENT] that there is a reasonable
4 probability that the juvenile will remain at liberty without violating
5 the law.

6 * Sec. 60. AS 47.10.210 is amended to read:

7 Sec. 47.10.210. YOUTH COUNSELLORS. The Department of Correc-
8 tions [DEPARTMENT] may employ youth counsellors. Youth counsellors
9 shall exercise the duties of probation officers and shall prepare
10 preliminary investigations for the information of the court. They
11 shall also carry out other duties in the care and treatment of minors
12 that [WHICH] are consistent with the intent of this chapter. Youth
13 counsellors have the powers of a peace officer with respect to the
14 service of process, the making of arrests of minors who violate state
15 or municipal law, and the execution of orders of the court relating to
16 juveniles. The youth counsellors shall assist and advise the courts in
17 the furtherance of the welfare and control of minors under the court's
18 jurisdiction.

19 * Sec. 61. AS 47.10.220 is amended to read:

20 Sec. 47.10.220. GRANTS-IN-AID. The Department of Health and
21 Social Services and the Department of Corrections may accept grants-
22 in-aid from the federal government or private foundations and may
23 accept other gifts consistent with the purposes of this chapter.

24 * Sec. 62. AS 47.10.230 is amended to read:

25 Sec. 47.10.230. POWERS AND DUTIES OF DEPARTMENT OF HEALTH AND
26 SOCIAL SERVICES OVER CARE OF CHILD. (a) Subject to (e) and (f) of
27 this section, the Department of Health and Social Services shall
28 arrange for the care of every child committed to its custody by plac-
29 ing the child [HIM] in a foster home or in the care of an agency or

1 institution providing care for children inside or outside the state.
2 The Department of Health and Social Services [DEPARTMENT] may place a
3 child in a suitable family home, with or without compensation, and may
4 place a child released to it, in writing verified by the parent, or
5 guardian or other person having legal custody, for adoptive purposes,
6 in a home for adoption in accordance with existing law.

7 (b) The Department of Health and Social Services [DEPARTMENT]
8 may pay the costs of maintenance that [WHICH] are necessary to assure
9 adequate care of the child, and may accept funds from the federal
10 government that [WHICH] are granted to assist in carrying out the
11 purposes of this chapter, or that [WHICH] are paid under contract
12 entered into with a federal department or agency. A [NO] child under
13 the care of the Department of Health and Social Services [DEPARTMENT]
14 may not be placed in a family home or institution that does not main-
15 tain adequate standards of care.

16 (c) The Department of Health and Social Services [DEPARTMENT]
17 may receive, care for, and make appropriate placement of minors ac-
18 cepted for care for a period of up to six months on the basis of an
19 individual voluntary written agreement between the minor's parent,
20 legal guardian, or other person having legal custody and the Depart-
21 ment of Health and Social Services [DEPARTMENT]. The agreement may
22 include provisions for payment, in whole or in part, to the Department
23 of Health and Social Services [DEPARTMENT] for the minor's care and
24 treatment. The agreement entered into shall not operate to prohibit a
25 minor's parent, legal guardian, or other person who had legal custody
26 from regaining care of the minor at any time.

27 (d) In addition to funds paid for the maintenance of foster
28 children under (b) of this section, the Department of Health and
29 Social Services [DEPARTMENT] shall pay the costs of caring for

1 physically or mentally handicapped foster children, including the
2 additional costs of medical care, habilitative and rehabilitative
3 treatment, services and equipment, special clothing, and the indirect
4 costs of medical care, including child care, transportation expenses,
5 and respite care. In this subsection "respite care" means child care
6 not to exceed 12 hours in any 30-day period; it also means child care
7 for a period not to exceed seven days in a year for the purpose of
8 providing emergency protection for the child when the foster parent is
9 away from the home because of an emergency and no other care is avail-
10 able for the child or when the foster parent is on vacation and the
11 child, because of age or infirmity, cannot be placed in any other type
12 of temporary care facility.

13 (e) A child may not be placed in a foster home or in the care of
14 an agency or institution providing care for children if a blood rela-
15 tive exists who requests custody of the child. However, the Department
16 of Health and Social Services [DEPARTMENT] may retain custody of the
17 child and provide for its placement in the same manner as for other
18 children if it makes a determination, supported by clear and convinc-
19 ing evidence, that the custody of the child by the blood relative will
20 result in physical or emotional damage. In making that determination,
21 poverty, including inadequate or crowded housing, on the part of the
22 blood relative, is not considered prima facie evidence that physical
23 or emotional damage to the child will occur. This determination may be
24 appealed to the superior court to hear the matter de novo.

25 (f) If a blood relative of the child specified under (e) of this
26 section exists and agrees that the child should be placed elsewhere,
27 before placement elsewhere the Department of Health and Social Ser-
28 vices [DEPARTMENT] shall fully communicate the nature of the placement
29 proceedings to the relative. Communication under this section shall

1 be made in the relative's native language, if necessary. Nothing in
2 this section or in (e) of this section applies to child placement for
3 adoptive purposes.

4 * Sec. 63. AS 47.10.240 is amended to read:

5 Sec. 47.10.240. ADEQUACY OF HOME OR INSTITUTION. (a) A repre-
6 sentative of the Department of Health and Social Services [DEPARTMENT]
7 shall visit, as often as is considered necessary, every foster home or
8 institution in which a child is placed, and if not satisfied as to the
9 care given, may remove the child from the foster home or institution
10 and place the child [HIM] elsewhere.

11 (b) The person or institution receiving a child shall submit the
12 reports the Department of Health and Social Services [DEPARTMENT]
13 requires as to the education, health and welfare of the child and the
14 conditions under which the child [HE] is living.

15 * Sec. 64. AS 47.10.260 is amended to read:

16 Sec. 47.10.260. PAYMENT OF COSTS. The Department of Health and
17 Social Services [DEPARTMENT] shall pay the proper and necessary costs
18 of the court and witnesses and other expenses necessarily incurred in
19 the enforcement of AS 47.10.230 - 47.10.260.

20 * Sec. 65. AS 47.17.020(a)(4) is amended to read:

21 (4) peace officers, and officers of the Department of
22 Corrections [DIVISION OF CORRECTIONS];

23 * Sec. 66. AS 47.21.010(b)(1) is amended to read:

24 (1) certain delinquent juveniles in the custody of the
25 Department of Corrections [DIVISION OF CORRECTIONS];

26 * Sec. 67. AS 47.30.845(5) is amended to read:

27 (5) the Department of Corrections [DIVISION OF CORRECTIONS]
28 in a case in which a prisoner confined to the state prison is a pa-
29 tient in the state hospital on authorized transfer either by voluntary

1 admission or by court order;

2 * Sec. 68. AS 47.37.040(3) is amended to read:

3 (3) cooperate with the Department of Corrections [DIVISION
4 OF CORRECTIONS] in establishing and conducting program to provide
5 treatment for alcoholics and intoxicated persons in or on parole from
6 penal institutions;

7 * Sec. 69. The following laws are repealed: AS 12.55.185(2), AS 44.-
8 29.020(17).

9 * Sec. 70. On the effective date of this section the Department of
10 Health and Social Services shall transfer facilities, supplies, equipment
11 and other assets relating to its adult corrections function to the Depart-
12 ment of Corrections to enable the Department of Corrections to perform the
13 duties imposed by this Act.

14 * Sec. 71. On the effective date of this section the Department of
15 Health and Social Services shall transfer facilities, supplies, equipment
16 and other assets relating to its juvenile corrections function to the
17 Department of Corrections to enable the Department of Corrections to per-
18 form the duties imposed by this Act.

19 * Sec. 72. Secs. 1 - 35, 65, and 67 - 70 of this Act take effect imme-
20 diately in accordance with AS 01.10.070(c).

21 * Sec. 73. Secs. 36 - 64, 66, and 71 of this Act take effect July 1,
22 1983.