

COMMITTEE REPORT
SENATE

FURTHER:

4/13/85

Date: 1/2/85

Mr. President:

The Committee on FINANCE has had CSHB 103 (JWD)

Establishing a Department of Corrections and transferring certain functions to the Department of Health and Social Services to the Department of Corrections; eff. 1/1/85

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

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

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Joe Jacobson

W. F. Schuman

John C. Sedwick

Bob [unclear] [unclear]

CHAIRMAN

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. SCS SCHB 103 (Fin)
 Title An Act establishing the Dept. of Corrections
 Requested by Senator Sackett Date 6/2/83

II. FISCAL DETAIL
 Agency Affected Department of Corrections
 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		- 0 -				

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

IV. DATE 6/2/83 PREPARED BY John Sackett
 AGENCY State Senate
 PHONE 465-3753
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

6/2/83
03

A M E N D M E N T

Offered in the SENATE

By Kerttula

TO: SCS CSHB 103(Jud)

Page 1, after line 21, insert the following new section to read:

"Sec. 44.30.030. CORRECTIONAL FACILITIES. The commissioner of corrections may determine that money appropriated for the construction of a correctional facility may be used instead for the lease-purchase of a facility that will serve the purpose for which the money is appropriated."

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.

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STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: CSHB 103 (Jud) Page 1 of 2 Date on Bill: _____
Title: "An Act establishing a Department of Corrections . . ."
Sponsor: Reps. Fritz, Koponen, Furnace, Goll, and Davis
Requestor: _____

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital	-0-	-0-	-0-	-0-
Operating	*	951.6	1008.7	1069.3
Total	*	951.6	1008.7	1069.3

b. Revenues:

Revenue				

2. Source of funds to offset fiscal impact of bill:

Funding source for FY 83 is add/delete in SB 158 submitted by the Governor.

3. Assumptions:

House Bill No. 103 will create the Department of Corrections necessitating the transfer of the Division of Corrections and Parole Board from the Department of Health & Social Services to the new department, creation of ten new positions, the reclassification of nine Division of Corrections positions and the transfer of 13 positions from the Department of Health & Social Services Division of Management and Budget and Administrative Services to the new Department.

Transfer of Juvenile Corrections will delete 220 employees and 11 million dollars from DHSS and add the same amount to the Department of Corrections. The additional cost for 4 positions may be necessary to cover the administrative and personnel responsibilities associated with the transfer of the 220 positions to the Department of Corrections.

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It does not represent the policy of the Sheffield Administration or the final estimate of fiscal impact.

Prepared By: David R. Palmer *[Signature]* Phone: 465-3777
Division: House HESS Committee Date: 3/17/83

Approved by Commissioner: _____ Date: _____
Department: _____

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/8/83

STATE OF ALASKA -- BUDGET UNIT SUMMARY

17:22

1/26/83

AGENCY: DEPARTMENT OF HEALTH & SOCIAL SERVICES
 CATEGORY: ADMINISTRATION OF JUSTICE

PROGRAM: YOUTH CORRECTIONAL SERVICES

COMPONENT DESCRIPTION	FY83 ATH	FY83 SUP	CONT.	REQUEST	GOV AND GOVERNOR	HOUSE	SENATE	F.C.C.	BILLS	LEG.REC
ADMINISTRATION	178.5		226.7	226.7	178.5					
FIRST DISTRICT	498.1		527.1	591.2	527.1					
THIRD DISTRICT	1126.5		1164.2	1260.8	1164.2					
SECOND & FOURTH DISTRICT	890.5		907.6	956.7	907.6					
MCLAUGHLIN YOUTH CENTER	5956.6		6062.7	6327.8	6062.7					
FAIRBANKS YOUTH FACILITY	1319.0		1379.8	1499.6	1379.8					
HOME YOUTH FACILITY	975.4		987.3	987.3	902.3					
JUNEAU WOMEN'S & JUVENILE FAC.	151.0		148.7	156.8	148.7					
KETCHIKAN FACILITY	180.0									
** TOTAL	11275.6		11404.1	12006.9	11270.9					
** CHANGE VERSUS FY83 ATH				6.4%	-100.0%	-100.0%	-100.0%	-100.0%		
OBJECT DESCRIPTION										
PERS. SERV.	8895.1		9112.6	9581.6	9066.2					
TRAVEL	177.3		176.9	176.9	165.1					
CONTRACTUAL	1114.4		1084.0	1084.0	1009.0					
COMMODITIES	574.9		569.0	584.1	569.0					
EQUIPMENT	85.4		12.7	47.7	12.7					
GRANTS, CLMS	428.5		448.9	532.6	448.9					
FUNDING SUMMARY										
GENERAL FUND	11275.6		11404.1	12006.9	11270.9					
** GENERAL FUND CHANGE VS. FY83 ATH				6.4%	-100.0%	-100.0%	-100.0%	-100.0%		
POSITIONS										
FULL TIME	222.0		222.0	222.0	221.0					
PART TIME	1.0		1.0	1.0	1.0					
STAFF MONTHS	2857.0		2847.0	2847.0	2835.0					

THIRTIETH LEGISLATURE

FISCAL NOTE

cc

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 465-3777

cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/82)

Offered: 4/13/83
Referred: Finance

Original sponsors: Fritz, Koponen,
Furnace, et al

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE
2 SENATE CS FOR 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 adult corrections includ-
18 ing
19 (1) state prisons and state prisoners;
20 (2) probation and parole;
21 (3) extraditions and detainers.
22 * Sec. 2. AS 11.71.305 is amended to read:
23 Sec. 11.71.305. REHABILITATION. A person convicted of violating
24 a provision of this chapter may, when the violation relates to that
25 person's own personal use of a controlled substance, be committed to
26 the custody of the Department of Corrections [HEALTH AND SOCIAL SER-
27 VICES] for rehabilitative treatment for not to exceed one year. Such
28 treatment may be imposed in place of a fine or imprisonment, but only
29 where the imprisonment would not have exceeded one year.

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

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

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

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

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

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

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

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

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

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

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

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

29 (2) "commissioner" means the commissioner of the Department

1 of Corrections [HEALTH AND SOCIAL SERVICES] or the designee of the
2 commissioner.

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

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

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

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

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

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

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

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

1 commissioner of corrections [HEALTH AND SOCIAL SERVICES].

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 Sec. 33.32.030. MARKETING OF CORRECTIONAL INDUSTRIES PRODUCTS.

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

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

1 the state and will have minimal negative impact on an existing private
2 industry or labor force in the state.

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

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

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

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

27 (a) In administering the correctional industries program, the
28 Department of Corrections [HEALTH AND SOCIAL SERVICES] shall comply
29 with federal and state health and safety regulations, except for the

1 provision of workers' compensation under AS 23.30.

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

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

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

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

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

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

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

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

29 (5) to pay a restitution or fine of the prisoner ordered by

1 a sentencing court.

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

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 adult
10 correctional 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 47.17.020(a)(4) is amended to read:

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

17 * Sec. 37. AS 47.21.010(b)(1) is amended to read:

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

20 * Sec. 38. AS 47.30.845(5) is amended to read:

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

25 * Sec. 39. AS 47.37.040(3) is amended to read:

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

1 * Sec. 40. The following laws are repealed: AS 12.55.185(2), AS 44.-
2 29.020(17).

3 * Sec. 41. On the effective date of this Act the Department of Health
4 and Social Services shall transfer facilities, supplies, equipment and
5 other assets relating to its adult corrections function to the Department
6 of Corrections to enable the Department of Corrections to perform the
7 duties imposed by this Act.

8 * Sec. 42. This Act take effect immediately in accordance with AS 01.-
9 10.070(c).

COMMITTEE REPORT

SENATE

FURTHER:

FINANCE

3/28/83

Date:

4/11/83

Mr. President:

The Committee on Judiciary has had CSHB 103 (Jud)

Establishing a Department of Corrections and transferring certain functions of the Department of Health and Social Services to the Department of Corrections; eff. date

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

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

MEMBERS SIGNING
DO PASS

Bigler

McKuson

Gov. Josephson

MEMBERS HAVING
OTHER RECOMMENDATIONS:

no recommendation

[Signature]

Bill Ray

CHAIRMAN

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BILL SUMMARY

SENATE CS for CS for HOUSE BILL NO. 103 - "An Act establishing a Department of Corrections and transferring certain functions of the department of Health & Social Services to the Department of Corrections; ED"

Original Sponsors: Fritz, Koponen, Furnace, et al

HOUSE ACTION:

- 1-21-83 - 1st reading
- 2-14-83 - HESS - Passes [CS06]
- 3-18-83 - JUDICIARY - Passes [JUD CS04, NR02]Malone,
- 3-21-83 - FINANCE - Passes [JUD CS08, DNP01 (Zharoff)
- 3-21-83 - 2nd reading - Passes w/JUD CS [25-11-04]
- 3-23-83 - 3rd reading - Passes w/JUD CS [40-00-00]

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THE COMMITTEE
EACH A COPY OF
THE BILL SUMMARY
? Judy

SENATE ACTION:

- 3-28-83 - 1st reading
- 4-12-83 - JUDICIARY - Passes w/Senate JUD CS [CS04, NR01 (Pettyjohn)]

FISCAL NOTE: dated 3-21-83, FY83 \$250,000 (attached)

The measure would establish a DEPARTMENT OF CORRECTIONS and transfer correctional functions from the Dept of Health & Social Services to that new department. To summarize, those functions being transferred are the administration of state programs including a) state prisons & state prisoners, b)probation & parole, and c) extraditions & detainers.

As specifically outlined in HB 103, the DEPARTMENT OF CORRECTIONS will be charged with:

- 1) rehabilitation of persons convicted for use of a controled substance (drugs) and assume custody of those persons,
- 2) receive sentencing reports for persons convicted under AS 04 (alcoholic beverages),
- 3) designation of the detension facility when a defendent is pending appeal or admission to bail,
- 4) receive court recommendations that an incarcerated person to perform community work,
- 5) authorization to complete application for extraditions, along with the AG, the prosecuting attorney or the parole or probation authority,
- 6) excludes officials or employees of the DEPARTMENT OF CORRECTIONS as possible appointees to the State Board of Parole,
- 7) the custody of a defendent is assumed by the Commissioner of Corrections,
- 8) the powers & duties are assumed by the Commissioner of Corrections to establish & administer correctional industries programs,
- 9) includes with the warden, any other official having custody of a defendent, and the Commissioner of Corrections with the obligation for processing the Agreement of Detainers, and makes the commissioner the central administrator and information agent for the Agreement of Detainers,

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

FISCAL NOTE (NEW) 3

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10) the Commissioner of Corrections assumes responsibility for the implementation of the Interstate Corrections Compacts,

11) transfers exclusion of AS 47.08.050 (Catastrophic Illness Assistance) from the Division of Corrections to the DEPARTMENT OF CORRECTIONS for coverage,

12) assumes responsibility to report cases under AS 47 (Child Protection)

13) changes the provision under AS 47.21 (Adventure-Based Education) to include certain delinquent juveniles under the Dept's custody,

14) assumes the authority to receive disclosure information under AS 47.30 (Mentally Ill and Insane Persons),

15) allows the Office of alcoholism to cooperate with the DEPARTMENT OF CORRECTIONS for programs of treatment,

16) repeals definition of the Division of Corrections under AS 12 (Code of Criminal Procedure) and repeals duties of probation and parole supervision from the department of H&SS..

The bill also mandates that the department of H&SS will transfer all adult corrections assets to the DEPARTMENT OF CORRECTIONS for their functions. The bill has an immediate effective date.

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Copy to Sponsor

FISCAL NOTE (NEW)

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FCC 83

Alaska State Legislature

House of Representatives

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Official Business

Al Adams
Chairman
Committee on Finance

June 23, 1983

MEMORANDUM

TO: ALL BUDGET CONFEREES

FROM: Al Adams, Chairman
Conference on the Budget

SUBJ: Pay Raises

The following reductions/additions and letter of intent are presented for consideration by the committee in regard to FY 84 salary and benefits increases:

- 1) Delete 400.8 GF for the provision in the general government contract that allows employees to take their birthdays as paid holidays. While this provision does cost the state in terms of staff days lost, it does not require additional funding.
- 2) Delete 3250.0 GF included in the Governor's request as a reserve for bargaining units which have not completed negotiations and for new employees approved by the House and Senate above those approved by the Governor. The legislature in the past has not approved funds for contracts which have not yet been signed. The Governor's request would do just that. Also preliminary runs of new positions based on the House and Senate budgets indicate that the final conference committee version of the FY 84 operating budget will not contain a significant increase in new positions over those requested in the Governor's original budget.
- 3) Add 2252.3 GF for recently negotiated contracts with the Masters, Mates and Pilots, Marine Engineers Beneficial Association, and the Inland Boatmen's Union.
- 4) Reduce all funds 25% as per the attached letter of intent.

5) Reduce 123.2 for \$5.00/month salary increase for employees in the executive, legislative and judicial branches not covered by collective bargaining agreements. The salary schedule contained in SB 294 will be revised accordingly.

A summary table of additions/reductions and a letter of intent are attached.

FY 84 PAYRAISES

	GF	OF	TOTAL
Governor's Original Request	31,910.7	6,955.6	38,866.3
Less: "Birthday Holiday"	- 400.8	N/A	- 400.8
Reserve	- 3,250.0	N/A	- 3,250.0
Less: \$5.00/month salary			
Increase for non-covered	- 123.2	N/A	- 123.2
SUBTOTAL	<u>28,136.7</u>	<u>6,955.6</u>	<u>35,092.3</u>
Add: Masters, Mates/Pilots	505.0	N/A	505.0
Marine Engineers (MEBA)	736.0	N/A	736.0
Inland Boatmen (IBU)	1,011.3	N/A	1,011.3
SUBTOTAL	<u>30,389.0</u>	<u>6,955.6</u>	<u>37,344.6</u>
Less 25% all funds	-7,597.3	-1,738.9	-9,336.2
TOTAL	<u>22,791.7</u>	<u>5,216.7</u>	<u>28,008.4</u>

LETTER OF INTENT

It is the intention of the Legislature that the FY84 salary increases for all state and university employees be funded only at 75% of the amount estimated to be required for full fiscal year funding.

A committee of representatives from the Legislature, Administration and labor organizations representing state and university employees shall convene following adjournment and determine the following:

1. The positions within each agency of state government that are filled, those that are vacant, and the funding available for both.
2. The source of funds for each position in each agency of state government.
3. The number of positions in each agency that have been vacant for more than one year, and whether funding is available for these positions.
4. Vacant positions that may properly be eliminated without undue harm to the functioning of state government.
5. The amount of supplemental funding, if any, necessary to provide for the negotiated salary increases through the end of FY 1984.

The Committee shall present its report and recommendations to the Legislature no later than January 15, 1984.

MOTION

- 115.7 Arctic Winter Games, move from Office of the Governor, p.8 to
Community & Regional Affairs p.60. *adopted*
6/10/83
move from C&ED p.24 to C&RA p.60
- 95.0 Fur Trapping Education
- 390.0 Western Alaska Fisheries Extension Service
- 150.0 AVCP Small Business Management
- 200.0 Village Entrepreneur Assistance
- 190.0 Native Business Development
- 125.0 Railbelt Community Development
- 1150.0
- 100.0 New Add 25.0 Travel & 75.0 contractual to Dept. of
Administration, Labor Relations, p.93
- 200.0 For Energy Assistance and 100.0 for Weatherization; change to
AVCP 120.0 and TCC 80.0
- 40.0 History of Court System p.2, Alaska Court System delete and add
intent, but not funding to p.12, U of A, "The Organized
Research component shall prepare a history of the Alaska
Judicial System withir continuation funding. The estimated cost
of this project is \$40.0."
- 85.0 UAJ Equipment, Add 85.0
- 0 Reduce Alcohol Abuse Grants by 350.0 p.220; Add to the
Commissioner - Alaska Native Commission on Alcohol and Drug
Abuse" - and fund with 350.0 p.278.
- 30.0 Kenai Community College - add 30.0 travel.
Delete \$5.0 million in travel funds from all state agencies on a
pro rata basis in accordance with gross travel funding adjusted
by percentage of general funds..
- 842.4 Add to C&RA Housing Assistance p.90 to allow payment of finance
charges.. This will be off-set by 842.4 in program receipts.
- 100.0 Add to U of A, Anchorage, for the school of Health Sciences.

- 0 Add intent to DOT/PF, Anchorage Airport Administration, p.120, that 40.0 shall be spent on the Rural Citizen's Airport Assistance Program.
- 76.0 Add to DNR, Recorder's Office, p.8, funds to open a Recorder's Office in Kotzebue.
- 100.0 Trespass Resolution, DNR, p.16.
- 0 Move 40.5 from Kuskokwim Community College to Health & Social Services p.204.
- (156.6) Reduce Dept. of Corrections, Commissioner's Office, by 156.6 due to double funding of 4 PCN's. Page 60
- Delete CEIP from Governor, p.32, 1127.4 (Fed. Funds); Delete Planning Assistance from Governor, p.34, 91.1 (Fed. Funds), to 733.0 (General Funds), to Coastal Zone Mgmt., Office of the Governor, p.36, and also move to p.40.
- Add CEIP to Community & Regional Affairs, p.62, 1127.4 (Fed. Funds); Add to Community Planning Assistance, p.72, 539.9 (General Funds), 1172.9 (other funds), and 91.1 (Federal Funds).
- Add 1,965.0 to State Bond Committee, p.47, all other funds. Airport Bonds.
- Reduce Office of the Governor, Salary & benefits, p.48, by \$2900.0; increase DOT/PF, Marine Transportation, Administration p182, by 2,252.3.
- Add FY83 supplemental for Marine Trans. Employees of 561.7
- Add 128.0 to Dept. of Education, Planning, p.66, for Foundation Study, contractual.

delete

- ~~Reduce C&RA, reduce CIP Direct charge by 45.8 (other funds).~~
- ~~Increase Commerce & Economic Development, Economics and Finance, p.84, by 182.3 (General Funds) and 45.8 (other funds).~~

Increase Community & Regional Affairs \$182.3 in General Funds