

S

B

1

6

7

COMMITTEE REPORT

SENATE

FURTHER:

Date: _____

Mr. President:

The Committee on Judiciary has had SB 167

~~Relating to correctional facilities, good time computation, and the imprisonment and rehabilitation of offenders.~~

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 SB 167 (amended) 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:

CHAIRMAN

POTENTIAL OPPONENTS TO SB 16?

ACLU - Nancy Gordon
PUBLIC DEFENDERS
PROBATION OFFICERS
CORRECTIONS OFFICERS (JAIL GUARDS)

WHOEVER DID THE FISCAL NOTE TO EXPLAIN
WHY IT'S ZERO

- TIM STEARNS IN ANCH, WHO REP'D
THE INMATES
CHNR - 563-3877

AK BAR Assoc'n
Juneau BA
Anch BA
FBKS BA

Bill Bryson, ATLA

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

Bill/Resolution No.: SB 167
 Title: "...correctional facilities...(ect.)"
 Sponsor: Rules/Governor
 Requestor: _____

II. FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: Admin of Justice
 BRU, Program of Subprogram(s) Affected: Alaska State Trooper

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL		200.0	212.0	224.7	238.1	252.3
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		200.0	212.0	224.7	238.1	252.3
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		200.0	212.0	224.7	238.1	252.3
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

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

Not identified by sponsor of Bill.

IV. ANALYSIS: Attach a separate page for any Analysis See attached.

Prepared By: Jos Mapranath Phone: 465-4336
 Division: Administrative Services Date: 03/25/83
 Approved by Commissioner: [Signature] Date: 3/25/83
 Department: Public Safety

Distribution:

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

3/8/83

This will have a tremendous impact. We will be, by statute, responsible for all injuries or medical problems the subject may have incurred prior to our taking custody.

As stated, this will have even a greater impact on municipal police agencies than on this Department.

Costs shown are for medical services. A 6% inflation factor is applied to FY 85 and beyond.

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

Bill/Resolution No.: SB 167
 Title: "...correctional facilities..."
 Sponsor: Rules Committee (request of Gov.)
 Requestor: _____

II. FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: Admin of Justice
 BRU, Program of Subprogram(s) Affected: Alaska State Troopers, DPS Administrator

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES		(65.3)				
200 TRAVEL		(47.7)				
300 CONTRACTUAL		(3254.0)	212.0	224.7	238.2	252.5
400 COMMODITIES		(10.0)				
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		(3377.0)	212.0	224.7	238.2	252.5
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		(3377.0)	212.0	224.7	238.2	252.5
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME		(1)				
PART-TIME						
TEMPORARY						

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

Not identified by sponsor of Bill.

IV. ANALYSIS: Attach a separate page for any Analysis

See attached.

Prepared By: Marcia Lynn McKenzie
 Division: Administrative Services

Phone: 465-4349

Date: 03/29/83

Approved by Commissioner: [Signature]
 Department: Public Safety

Date: 3/29/83

Distribution:

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

3/8/83

I. Alaska State Troopers BRU

The Alaska State Troopers will be affected by the proposed Section 33.30.071(c). This will have a tremendous impact. We will be, by statute, responsible for all injuries or medical problems the subject may have incurred prior to our taking custody. As stated, this will have even greater impact on municipal police agencies than on this Department. Costs shown are for medical services. A 6% inflation factor is applied to FY 85 and beyond.

Increased costs to Public Safety:

	FY 84	FY 85	FY 86	FY 87	FY 88
Contractual Services	200.0	212.0	224.7	238.1	252.3

II. DPS Administration BRU

Under the proposed Section 33.30.031, the Department of Public Safety would no longer be responsible for local contract jail facilities in sixteen communities and funding for these contracts would be transferred to Corrections. The Special Assistant to the Commissioner of Public Safety (Range 21-J) would also be transferred to Corrections with corresponding associated costs. The incumbent of this position has expertise in the area of administration of small jail facilities and is responsible for contract negotiation and monitoring, including on-site inspections. The Special Assistant's other functions will be reassigned to other staff personnel within the Department of Public Safety.

Funding transferred from Public Safety to Corrections:

	FY 84
Personal Services *	[65.3]
Travel	[47.7]
Contractual Services	[3,454.0]
Commodities	[10.0]
TOTAL	[3,577.0]

* 1 position, Special Assistant to the Commissioner (Range 21-J)

III. Net Fiscal Impact on the Department of Public Safety:

	FY 84	FY 85	FY 86	FY 87	FY 88
Alaska State Troopers	200.0	212.0	224.7	238.2	252.5
DPS Administration	[3,577.0]*				
TOTAL	[3,377.0]	212.0	224.7	238.2	252.5

* Includes Special Assistant to the Commissioner

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

Bill/Resolution No.: SB 167
Title: "...correctional facilities... (etc.)"
Sponsor: Rules/Governor
Requestor: _____

II. FISCAL DETAIL

Agency Affected: Public Safety
Program Category Affected: Admin. of Justice
BRU, Program of Subprogram(s) Affected: Alaska State Troopers

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

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

IV. ANALYSIS: Attach a separate page for any Analysis

No fiscal impact is anticipated.

Prepared By: Marcia Lynn McKenzie
Division: Administrative Services

Phone: 465-4349
Date: 03/25/83

Approved by Commissioner: *[Signature]*
Department: Public Safety

Date: 3/25/83

Distribution:

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

3/8/83



Superior Court
State of Alaska

THIRD JUDICIAL DISTRICT

303 K Street
Anchorage, Alaska 99501

Chambers of
VICTOR D. CARLSON, Judge

April 11, 1983

John C. Gabrielli, Esq.
Counsel
Senate Committee on the Judiciary
Pouch V
Juneau, Alaska 99811

Re: Proposed Judiciary Committee
Substitute for SB 127,
Juvenile Waiver

Dear Mr. Gabrielli:

This is in response to your letter of March 22, 1983. As I understand the intent of the drafters of the proposed bill, any person 16 years of age or older who is charged with an unclassified or class A felony is to be treated as an adult.

It appears as if this objective can be accomplished by amending AS 47.10.010(b) to read:

A minor is unamenable to treatment under this chapter if he is charged with violating a criminal law of the state designated as an unclassified felony or class A felony and he was 16 years of age or older when the alleged crime was committed or if he has been found to be unamenable to treatment under this chapter before or if he probably cannot be rehabilitated by treatment under this chapter before he reaches 20 years of age. . . .

John C. Gabrielli, Esq.
Juneau, Alaska 99811

April 11, 1983

- 2 -

I strongly support section two which lifts the requirements of presumptive sentencing for persons who are less than 18 years old when they commit a crime.

Section three which specifically states that a criminal conviction of a person who committed his crime while under 18 is a prior conviction appears to be redundant.

Section five sets forth several factors to be considered in deciding amenability. The Alaska Supreme Court has interpreted the existing waiver standards to include substantially the proposed factors. The proposed factors will result in additional litigation which would be unnecessary if the factors were not changed.

I am Thanking you for giving me an opportunity to comment.

Very truly yours,

Vic

Victor D. Carlson
Superior Court Judge

VDC:rw

Proposed Amendment to SB 167: Sec. 33.30.071(c), line 21. Add:

This does not preclude the law enforcement agency from requiring the prisoner to compensate the agency for the cost of the medical services.

Failed

SB 167 ^{replaces} { p. 12 line 22 - p. 13 line 9 }

* Sec. 3. AS 33.20.010 is repealed and reenacted to read:

Sec. 33.20.010. COMPUTATION OF GOOD TIME. Notwithstanding AS 12.55.125(f)(3) and (g)(3), each prisoner, other than a juvenile delinquent, convicted of an offense against the state and sentenced to imprisonment, whose record of conduct shows that the prisoner has faithfully observed the rules of the institution in which the prisoner is confined, is entitled to a deduction from the term of imprisonment of

Same

(1) one day for every three days of good conduct served if the prisoner is serving a sentence for the offense of murder in the first degree, murder in the second degree, kidnapping or misconduct involving a controlled substance in the first degree, or is sentenced to a presumptive term of imprisonment under AS 12.55.125(c), (d), (e) or (i); and *Class A B and C*

(2) one day for every two days of good conduct served if the prisoner is serving a sentence for any other offense.

1st offender - not presumptive mis

1st offense Rap - 1 for 3

Armed

Sex Abuse Muns - 1 for 3

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SB 167 { replaces
p. 11 lines 17-24 }

Amend #2

Sec. 33.30.181. EFFECT OF JUDGMENT OF CONVICTION ON CIVIL RIGHTS. (a) A person who is convicted of a felony involving moral turpitude as defined in AS 15.60.010 is disqualified from voting in a state or municipal election until his unconditional discharge.

(b) A person who is convicted of a crime is disqualified from serving as juror until his unconditional discharge.

New Sec

(c) A person who is imprisoned on a criminal charge may not bring a civil action except one involving constitutional rights during the time of imprisonment, and then only for declaratory or injunctive relief. This section limits the time within which an action may be brought to the time set out in AS 9.10.140.

(d) In this section, "unconditional discharge" has the meaning ascribed to it in AS 12.55.185.

3428

- ① Pg 2. sec 5. ① doesn't belong
at all (delete)
- ② Pg 8 1-2-3-4 -
Lang - didn't agree
& Changes men

MEMO

TO : Jim Lear, Legal Services Counsel
FROM : John Gabrielli, Senate Judiciary Counsel
RE : CSSB 167 (JUD)
DATE : 5/19/83



Attached hereto please find SB 167--Correctional facilities; good time computation, etc. This is a governor's bill which apparently hasn't gone through your office before.

In addition to cleaning up the language and structure of the bill by making whatever non-substantive changes you deem appropriate, please draft a Senate Judiciary committee substitute containing the following amendments to the original bill:

1. On page 5, at line 21, add the following sentence (or words to the same effect):

This does not preclude the law enforcement agency from requiring the prisoner to compensate the agency for the cost of the medical services.

2. On page 7, at line 11, add the word "or" right after the semicolon.
3. On page 7, at line 13, delete the semicolon and the word "or" and add a period.
4. On page 7, delete everything on lines 14 and 15.
5. On page 8, at line 19, delete the words "one-third" and ^{in their place,} add the term "one-half" or other words to that effect.
6. On page 8, at line 23, delete the words "one-third" and add in their place the term "one-half" or other words to that effect.

Jim Lear
5/19/83
Page 2

7. On page 12, at lines 25-28, make the appropriate gender corrections.
8. Gender corrections are also necessary on page 13, lines 1-7 (and there may be more).
9. On page 11, at line 23, replace subsection (c) (of sec. 33.30.181) with a new subsection (c) containing the following language or words to that effect:

A person who is imprisoned on a criminal charge or is serving a term of imprisonment for a criminal offense may not bring a civil action against the state, any state agency or its employees except one involving constitutional rights during the time of imprisonment. This section limits the time within which an action may be brought to the time set out in AS 9.10.140.

In addition, redesignate as (d) the present subsection (c) and insert directly after the above.

Please send me a copy of the c.s. in work draft form at room 123, Capitol Building and give me a call at 4451 if you have any questions, comments, etc.

Our committee passed the bill out with the above amendments and, as usual, Senator Ray is quite anxious to keep it moving as fast as possible.

SB 167 ^{replaces} { p. 12 line 22 - p. 13 line 8 }

1 * Sec. 3. AS 33.20.010 is repealed and reenacted to read:

2 Sec. 33.20.010. COMPUTATION OF GOOD TIME. Notwithstanding
3 AS 12.55.125(f)(3) and (g)(3), each prisoner, other than a juvenile
4 delinquent, convicted of an offense against the state and sentenced to
5 imprisonment, whose record of conduct shows that the prisoner has
6 faithfully observed the rules of the institution in which the prisoner
7 is confined, is entitled to a deduction from the term of imprisonment
8 of

9 (1) one day for every three days of good conduct served if
10 the prisoner is serving a sentence for the offense of murder in the
11 first degree, murder in the second degree, kidnapping or misconduct
12 involving a controlled substance in the first degree, or is sentenced
13 to a presumptive term of imprisonment under AS 12.55.125(c), (d), (e)
14 or (i); and

15 (2) one day for every two days of good conduct served if
16 the prisoner is serving a sentence for any other offense.
17
18
19
20
21
22
23
24
25

SENATE JUDICIARY COMMITTEE

Meeting Minutes

5/4/83

The meeting was called to order by Chairman Ray at 1:30 p.m. Senator Eliason was excused and Senator Josephson was in a Finance Committee meeting.

The first order of business was Senate Bill 167 -- Correctional facilities, good time computation, etc., as to which Michael Stark, with the Department of Law, and Roger Endell, Director of the Division of Corrections, testified. Mr. Endell stated, in essence, that he has some serious concerns with the good time computation provisions of the bill. Furthermore, Mr. Endell admitted that he hasn't worked out these concerns with Mr. Stark and the Department of Law, whereupon Senator Ray announced that SB 167 will be taken up again by the Committee at another time.

The second order of business was the latest proposed Committee Substitute for Senate Bill 133 -- Revisor's bill, as to which David Dierdhoff, the revisor, testified. Senator Ziegler, who is the subcommittee chairman for this bill, suggested that the bill be passed out of committee and that when it gets to the Rules Committee it not be calendared for a week, during which time all legislators who have any questions with the bill in its present form can take up those questions with the revisor and the staff members who has been involved with the bill, thereby facilitating final passage of the bill. Senator Ziegler will write a letter to all legislators advising them of this plan. Senator Ziegler's suggestion was adopted without objection, whereupon the Senator moved that CSSB 133 be passed out with individual recommendations. Senators Ray, Ziegler and Pettyjohn signed "De Pass".

The third order of business was the proposed Committee Substitute for Senate Bill 241 -- Relating to adoption, as to which Cecilia "Pudge" Kleinkauf, with the Alaska Chapter of the National Association of Social Workers, testified in support of the bill and provided each member of the Committee with a short, written synopsis, whereupon Senator Ray asked some questions and a brief discussion was had.

Joyce Linear, a private citizen and mother of an adopted five year old girl, testified in opposition to the bill and in support of the full disclosure and release of all available information about the natural parents of adopted children.

4/29/83 p2

offenders to the victims of their offenses so that the victims can try to get restitution for the harm they suffered. The proposed amendments are as follows:

On page 8, lines 9 and 10, delete the following sentence:
"The court may not disclose the identity of the minor".

On page 9, line 29, delete the word "prohibiting" and insert the phrase "requiring a court order to authorize".

Without objection, Senator Ziegler's proposed amendments were adopted and it was agreed that they would be incorporated into a revised committee substitute.

Ms. Horteski answered some questions posed by Senators Ray and Pettyjohn about language located at the following places in CSSB 127: page 1, line 11; page 4, line 10; and page 2, lines 10 - 13. It was then agreed that Ms. Horteski would draft substitute language along the lines previously discussed and that CSSB 127 would be taken up again at the next Committee meeting on Monday, May 2, 1983.

The second order of business was Senate Bill 167 -- Relating to correctional facilities, good time computation, and the imprisonment and rehabilitation of offenders, as to which Lt. Col. Jim Vaden, with the Department of Public Safety, testified, stating that the department wishes to withdraw its letter of April 7th because their concerns have been removed after consultations with the Department of Law, who will offer an amendment to the bill relating to medical services.

Michael Stark, with the Department of Law, testified and stated that the concerns of the Department of Public Safety are covered by language on page 5, lines 17 - 21 of the bill. In addition, Mr. Stark proposed the following amendment to the bill:

On page 5, line 21, add: "This does not preclude the law enforcement agency from requiring the prisoner to compensate the agency for the cost of the medical services."

Without objection, the above amendment was then adopted by the Committee (it will be incorporated into a committee substitute).

Senator Ray asked if the entire first article of the bill is really necessary in light of the Committee's passage of CSIB 103. Mr. Stark responded, explaining why that article is required, whereupon Senator Ray asked a question about the good time provisions of SB 167, and Mr. Stark responded by giving a summary of those provisions, which begin on page 12, line 22, of the bill.

Senator Ray asked where the criteria came from for the one day for every two served good time provisions in the bill, and Mr. Stark explained that those particular provisions were initially requested by the Division of Corrections and since the request was made the jail overcrowding situation has gotten even worse. In addition, Mr. Stark stated that the

4/27/83, p 3

good time provisions don't really shorten a prisoner's sentence and that about 8% of the beds in prisons will be freed up as a result of those provisions.

Senator Ray stated that he just doesn't comprehend the policy of freeing prisoners instead of building new jails, whereupon the Senator also asked about the denial of a prisoner's civil rights after a felony conviction, and Mr. Stark referred to the language in the bill starting on page 11, line 17, which clarifies existing law on which civil rights are affected. Mr. Stark also referred to language starting on page 11, line 8, of the bill relating to the monitoring of prisoners' phone calls, whereupon Senator Ray asked a question about some of the definitions in this area, and Mr. Stark responded.

Senator Pettyjohn stated that he rejects Mr. Stark's proposal of a committee substitute that will increase the good time earned by prisoners, and Senator Ray generally concurred, whereupon Mr. Stark suggested that the provisions increasing good time can be limited to prisoners who have not been convicted of unclassified or class A felonies, and Senator stated that perhaps they can be limited to first time offenders. Further discussion was then had on this point and on subsequent questions asked by Senators Ray and Pettyjohn regarding furloughs and the provisions beginning on page 8, line 17 of the bill, whereupon it was agreed that SB 167 will be taken up at the next Committee meeting on Monday, May 2, 1983, during which time Mr. Stark can draft some appropriate amended language to take into account the Committee's concerns previously discussed.

The third order of business was Committee Substitute for Senate Bill 163--Child safety devices in motor vehicles, as to which Cordilia Randall, with the Department of Health and Social Services, testified in favor of the bill, whereupon a discussion was had in which Senator Ray suggested that local option provisions be incorporated in the bill and Senator Ziegler generally concurred. It was then agreed that CSSB 163 will be taken up again at the next Committee meeting.

The fourth and final order of business was the following new subcommittee assignments:

CSHB 247--Tampering with and distributing certain food,
drug or cosmetic items.
Senator Ziegler

HJR 5--Constitutional amendment allowing legislature to
annulment regulations.
Senator Ziegler

HB 157--Expand the right to petition for a local option
election.
Senator Ray

HB 214--Relating to the number of superior court judges.

SB 167 { replaces
p. 11 lines 17-24 }

Sec. 33.30.181. EFFECT OF JUDGMENT OF CONVICTION ON CIVIL RIGHTS. (a) A person who is convicted of a felony involving moral turpitude as defined in AS 15.60.010 is disqualified from voting in a state or municipal election until his unconditional discharge.

(b) A person who is convicted of a crime is disqualified from serving as juror until his unconditional discharge.

(c) A person who is imprisoned on a criminal charge may not bring a civil action except one involving constitutional rights during the time of imprisonment, and then only for declaratory or injunctive relief. This section limits the time within which an action may be brought to the time set out in AS 9.10.140.

(d) In this section, "unconditional discharge" has the meaning ascribed to it in AS 12.55.185.

Answer
+ two copies

BENEFIT / COST ANALYSIS OF ALTERNATIVE
SITE SELECTIONS OF THE STATE OF ALASKA
MAXIMUM SECURITY PRISON

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

BENEFIT / COST ANALYSIS OF ALTERNATIVE
SITE SELECTIONS OF THE STATE OF ALASKA
MAXIMUM SECURITY PRISON

Prepared for:

The Matanuska-Susitna Borough

Prepared by:

Policy Analysts, Ltd.

Applied Research Associates, Inc.

EXECUTIVE SUMMARY

Consideration for locating a long-term correctional facility should include three major categories at the very least. First is the economics from the State agency's point of view (operating efficiency). Second is the impact of the facility (short and long term) on the local community, in terms of employment, housing, support services demanded, and risk. Third is the impact of location on the prisoner population and their needs for visitation by family, attorneys, and parole boards.

Location of the facility in question in the Mat-Su Borough is seen as providing optimum siting for any facility which is not placed in Anchorage itself. In comparison with other locations under consideration: its proximity to Anchorage (the location where 44% of the convicted felons we currently send to the Lower 48 were arrested) is ideal - about 50 miles; it has suitable land available, in several locations; its state payrates and construction/facility maintenance costs are lower than the Seward/Whittier/Valdez alternatives; it has a labor force available for construction/operation with high unemployment; there is unoccupied housing available; and there would be no further costly delays to construction (estimated at up to a year for a possible increase in cost of \$4-5 million) due to planning for a new site. Over a 20-year period, costs in the Seward area would amount to more than \$21,500,000 higher than in Palmer, while a similar forecast for Valdez is more than \$50,000,000 higher than Palmer.

Community support for a Prison in the Matanuska-Susitna Borough is widespread and concerns over housing and social impacts can be easily addressed and mitigated.

3

INTRODUCTION

This report presents a brief explanation of a decision to site the South Central Regional Long Term Facility in the Matanuska-Susitna Borough. (The facility will henceforth be referred to as the Prison). Sources for the information include the Alaska Department of Transportation and Public Facilities, the Alaska Department of Health and Social Services, the Mat-Su Borough Comprehensive Plan (Draft), the site-evaluation done by TRA/Farr et al in September, 1982, and the Alaska Court System 1982 Annual Report.

The three major areas of concern when locating a Prison are:

- 1) the economics/logistics/regulatory compliance from the operating agency's point of view;
- 2) the impact on the community which is proximate to the Prison;
and
- 3) the impact on the prisoner population of the location, i.e. expense and difficulty of visits by relatives and attorneys and visits to parole boards and courts.

Each of these areas will be discussed in detail in the following report.

(A)

AGENCY CONSIDERATIONS

The agency in question is the Alaska Department of Health and Social Services, Division of Corrections. It is responsible for the confinement of felons and others at the direction of the Court System. The facility in question would house convicted felons with relatively long sentences who are currently confined in the Lower 48 via the Federal Bureau of Prisons. There are currently around 200 of these prisoners, and the number is constantly increasing. The State has agreed to provide confinement facilities for its prisoners by 1987, hence the need for a maximum security prison in Alaska. A 1981 Facilities Profile projected 1982 sentenced felons to be 720 rising to 1176 by 1986. Current trends suggest that these figures are well below actual figures and thus conservative.

General requirements for the facility are determined by criteria of the American Correctional Association Standard 4147 and include location within 50 miles of a population centered over 10,000 with access to hospital, courts, and public transportation. This standard is not to be taken lightly. Service support both from the judicial system and logistical support systems rise in cost the further a facility is located from a population center. Examples include care for serious medical problems, psychiatric service support, support from the legal community, goods and services support for operation and maintenance, educational support services, etc. Siting criteria, developed by the Criminal Justice Planning Agency include: the size of the site should be 75-100 acres with 55 acres developable for the facility and a buffer space (developable means less than a 20% slope with drained soils, not on a flood plain, and suitable for sewage disposal and construction; and State ownership of the land. The Sutton site originally chosen for the Prison has 640 acres with more than enough developable land; access to the Glenn Highway is acceptable for the Prison's purposes; it is State owned and roughly 50 miles from Anchorage with local health care, services, and public transportation.

The economics of the Prison analysis includes construction, maintenance, and operation. In comparison with other sites, both construction and operation costs are significantly lower: construction in Seward would be

(5)

approximately 10% higher with maintenance estimated to be 5% higher, while payroll costs would be about 4% higher (State employees get a two-step increase to work in Seward). This would amount to \$4-5 million in construction, about \$100,000 in annual maintenance, and approximately \$225,000 in salaries. Construction in Valdez would be 20% higher with maintenance 6% lower (though on a higher base cost), while payroll costs would be 16% higher (State employees get a five-step increase to work in Valdez). This would amount to \$7-8 million in construction, roughly \$500,000 in annual maintenance, and an estimated \$900,000 in salaries. In other words, start-up costs are \$4-8 million higher and yearly costs are \$325,000 - \$1,400,000 higher in other locations. In addition, there would be delays in project commencement if current site studies had to be abandoned; unofficial State estimates put this delay at up to a year, with attendant increases in final cost of construction as well as loss of the use of a facility for that year. The placement of any multi-million dollar State facility would require a thorough site evaluation and review. The costs of studies completed to date would have to be written off and repeated. In addition, the loss of time could jeopardize the agreement to transfer prisoners held in federal facilities by 1987, and certainly raise the cost of construction \$4-5 million due to the inflationary impact of delay.

Finally the siting of any facility should consider sharing facilities already owned by the State. The Palmer Correctional Facility could readily share much of its services, such as dieticians, counselors, security and maintenance people, storage facilities, etc. Ancillary services, such as staff recreation and transportation can also be shared.

Table 1 shows approximate costs due to re-siting.

TABLE 1

SITE EXAMPLES - 20 YEAR COST DIFFERENTIALS (1)

	<u>Palmer</u>	<u>Seward</u>	<u>Valdez</u>
Construction	\$ 0	\$ 4,500,000	\$ 7,500,000
Delay	0	4,500,000	4,500,000
Payroll (2)	0	4,500,000	18,000,000
Maintenance (2)	0	2,000,000	10,000,000
Travel (2)	<u>0</u>	<u>6,000,000</u>	<u>10,000,000</u> (est.)
TOTAL	\$ 0	\$21,500,000	\$50,000,000

(1) Table is designed to demonstrate relative cost differences among three sites which serve as examples for a variety of Southcentral locations in relationship to their proximity to Anchorage.

(2) 20-year costs above Palmer/Sutton site in 1982 dollars.

COMMUNITY IMPACT

Impact on the local community of a Prison includes the economic impact due to employment in construction and operation of the Prison, demand for housing and support of the staff, demand for public services, environmental impact, and risk of escaped felons.

The economic impact would be mostly positive, dominated by increased employment and economic growth through provision of services to the Prison. The Borough has a history of unemployment rates higher than either Anchorage or the State as a whole, running from 11-17%, hence would be able to absorb increased labor requirements happily. It currently has a labor force of around 11,000 with almost 2,000 unemployed and an unemployment rate of 17.6% (February 1983). This is up from 15.7% a year ago. It has a resident population which includes skills necessary to operate a confinement facility (there currently exists a similar low-risk facility in Sutton). We feel that it could easily absorb the additional requirement for labor and staff. In addition, the Matanuska-Susitna Borough is the only labor market in Alaska which can effectively draw from other areas on a regular year-round basis. Its proximity to Anchorage, particularly Eagle River/Chugiak area provides the site with a potential labor market area of 108,000. This capacity compares to Valdez, with a February, 1983, labor force estimate of 3,035 and Seward with 1,671. The Mat-Su labor market area is 3.6 - 6.6 times larger without drawing upon the larger Anchorage market. Currently, about 2,500 people commute between Mat-Su and Anchorage daily for employment. This level is similar to the entire labor market of the other sites considered here.

Land and housing is available freely, with over 800,000 acres of privately held land in the Borough and almost 1,000 vacant housing units. There is a 25-bed hospital, three health care centers, and two mental health centers, so medical support is available. With retail sales over \$50 million a year, the local economy can easily support the additional requirements of the Prison for supplies and routine services; utilities currently are available at the site due to the Palmer Correctional Facility.

8

The environmental impact is considered nil and the risk of escaped felons is already being borne due to existing facility.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

LEVELS OF COMMUNITY SUPPORT
PALMER/SUTTON PRISON SITE

Examination of agencies, government bodies and other organizations in the Mat-Su Borough indicates that the level of community support for locating the prison in Palmer/Sutton is very strong. Appendix B depicts the historical development of community action since late 1981. The information was gathered through interviews conducted in the public and private sectors in the communities of Palmer, Wasilla and Sutton. Local government officials in Palmer and Wasilla, and Borough officials have unanimously supported the proposal of the construction of a maximum security facility at Sutton since its inception. Both the Wasilla and Palmer Chambers of Commerce have also passed resolutions in its favor; and the Palmer Chamber is in the process of raising \$10,000 to finance a lobbying effort in Juneau. It is of interest to note that the Palmer Chamber has been relatively inactive in recent years; however, the Sutton siting issue has generated tremendous interest and involvement by the business sector of this organization. The Chamber of Commerce funds are being matched by both the City and Borough governments.

The Palmer Elks have a very special interest in the Sutton siting. This organization owns the 640 acres which adjoin the proposed site. The Palmer Elks Club in conjunction with the State Elks Association, are in the process of drawing up plans to develop this land into a youth camp with special focus on handicapped children. The State Association has unanimously supported the recreation siting with the full understanding of the State's proposal to build the maximum security facility on the adjoining land.

The only concern appears to be with some of the people living in the Sutton area. Press coverage of the original State public hearings regarding the siting of the proposed facility indicated that community opinion was against the siting. However, interviews conducted of Mat-Su residents revealed several concerned families who had formed a rather "vocal minority." One interviewee indicated that the minority was, in fact, intimidating, and some of these residents are also on the Sutton Community Council, a newly recognized council whose origins are through the Alpine Civic Club. The

Alpine Civic Club did conduct a very questionable telephone survey in December, 1982 to ascertain the public opinion of the proposed siting at Sutton. Most of the interviewers were known to be against the siting.

One key difficulty in assessing community opinion is that no real information dissemination regarding the impact of the site selection as well as the costs/benefits had been made available to the local community at the time of these surveys. It is the belief of resident and local government officials living in the area that opposition has arisen largely out of fear and misunderstanding of the impact of such a siting. In fact, following a joint open meeting between the Palmer Chamber of Commerce and the Sutton Community Council on March 23, one Borough Assemblyman now plans to request the Borough Planning Department to assist the Sutton community in a needs assessment and impact analysis. One major concern of this group is impacts on the local housing market. In actuality, the site is located four miles south of Sutton and six miles north of Palmer. Such impact would be more likely to occur in the larger community of Palmer and areas south, with its more accommodating infrastructure.

(11)

PRISONER IMPACT

In the case of prisoner impact, the location of the Prison is of lesser importance than it would be with pre-trial or low-risk facilities, since they have fewer occasions to travel to court or to otherwise leave the Prison. There are, however, costs associated with visits by others to them: social visits by family and friends become more difficult as the proximity of the Prison to population centers becomes greater. Similarly, visits by parole boards become more expensive and difficult with increasing distance from Anchorage.

It is difficult to calculate the costs associated with increasing the distance travelled by those wishing to visit the Prison. Hertz recently estimated the cost of ownership/use of a vehicle to be over 40 cents per mile nationally, so such costs could be appreciable when applied to State parole board members travelling to visit a felon. To illustrate the impact, if we assume that each of the projected prisoners would average 24 annual contacts involving personal, legal, other professional, or transport of prisoner to Anchorage for legal, medical, or other reasons, then: in 1982 dollars, the Seward site would add \$6 million in travel costs over 20 operational years and while Valdez would add \$30 million. This does not consider overnight accommodations which are increasingly likely the further the site is from Anchorage.

A centrally located site in South Central Alaska is critical to minimize problems for families and professional personnel. A 1981 Profile of Prisoners housed through the Federal Bureau of Prisons in the Lower 48 showed that 44% of the prisoners had been arrested in Anchorage, and 27% in Fairbanks. Over 70% of those visiting prisoners would be able to drive easily to the Sutton site and the balance would be travelling through Anchorage to get to the Prison. Appendix A to this report provides further data on the prison population housed in the Lower 48.

(12)

CONCLUSION

Two things stand out after a review of the data on the proposed Prison. They are: 1) that such a facility should be located as close to Anchorage as possible; and 2) that such a facility is greatly needed.

LOCATION

Factors affecting the operating agency indicate that agency costs will be minimized with placement in the Matanuska-Susitna Borough, and that operating criteria will be met with prison location at the Palmer/Sutton site.

Factors affecting the local community indicate that the Prison would be a welcome addition, reducing unemployment and increasing the economic base. Public support in the Matanuska-Susitna Borough is widespread, and opposition is centered on issues easily mitigated.

Factors affecting the Prison population indicate a preference for the Mat-Su location, in terms of reasonable access to personal, legal, and other support systems.

FACILITY NEED

The combination of a large prison population housed outside the State through the Federal Bureau of Prisons with a rapidly increasing need for confinement space results in a fairly desperate requirement for this Prison. Conservative estimates of correctional facilities needs by fiscal year 1986 show that total required bed space will only be met through the construction of at least 300 prison bed spaces.

13

APPENDIX A

DATA FROM AUGUST 10, 1981 PROFILE OF PRISONERS HOUSED THROUGH THE FEDERAL BUREAU OF PRISON; IN THE L-48

Alaska Resident Time Before Crime

<u>Time</u>	<u>Number</u>	<u>Percent</u>
Less than 6 mo.	17	10
6-12 mo.	17	10
1.1-9 yr.	12	6
2-2.9 yr.	5	3
More than 3 yrs.	123	71

AGE

<u>Age</u>	<u>Number</u>	<u>Percent</u>
Under 20	1	.5
20-30	86	49
31-40	59	34
41-50	19	11
Over 50d	9	5

CRIME CLASS

<u>Class</u>	<u>Number</u>	<u>Percent</u>
Unclassified felon	67	30
Class A felon	96	55
Class B felon	9	5
Class C felon	2	2

PLACE OF ARREST

<u>Place</u>	<u>Number</u>	<u>Percent</u>
Anchorage	76	44
Fairbanks	46	27
Juneau	11	7
Ketchikan	3	2
Bethel	9	6
Bush	23	14

OTHER

43% had no prior convictions.

20% had college plus some graduate school.

93% had over two (2) years remaining before release, compared to 36% of instate.

APPENDIX B

CHRONOLOGY OF COMMUNITY SUPPORT

<u>DATE</u>	<u>ORGANIZATION</u>	<u>ACTION</u>
Nov. 11, 1981	Palmer City Council	Held public hearing and unanimously passed resolution supporting the location of the new State prison in Sutton.
Jan. 1982	Mayor of Palmer	Attended Alaska Conference of Mayors in Juneau; met with Health and Social Services personnel to inquire about the prison and to inform the Department of the City of Palmer's support for the Sutton site.
First Quarter 1982	Wasilla City Council	Discussed and supported the siting of the proposed State prison at Sutton.
March 1982	Palmer Chamber of Commerce	Passed resolution stating their support for the location of the Prison at Sutton.
Mid-winter	Elks	By unanimous vote, at the Elks mid-winter meeting in Petersburg, the organization decided to proceed with plans to build a youth camp on the 640 acres adjacent to the proposed prison site, presently owned by the Elks. The camp will be for all children with special focus on the handicapped.
Nov. 1982	Palmer Chamber of Commerce	Passed second resolution stating support of the Sutton site for the new Administration.
Dec. 1-13	Alpine Civic Club	Conducted telephone survey of Alpine Club membership assessing the level of community support for locating the Prison at Sutton.

Dec. 7, 1982	Mat-Su Borough Assembly	Passed a resolution urging the State of Alaska to locate the Prison at Sutton.
Dec. 14, 1982	Palmer City Council	Held a second public hearing and passed a second resolution reaffirming the facility at Sutton.
Jan. 23-25, 1983	Mayor of Palmer	Attended the Alaska Conference of Mayors in Juneau. Contacted Senator Kerttula and Representatives Larson and Lacher to engage their support.
Mar. 15, 1983	Mat-Su Borough Assembly	Appropriated \$7,000 toward cost benefit study and lobbying effort to support the location of the State prison in Sutton.
	Joint meeting of Palmer Chamber, Mat-Su Borough, and Palmer City Council	Joint meeting to work on conveying desire to have prison at Sutton site. Turned over lobbying effort to the Palmer Chamber of Commerce.
Mar. 22, 1983	Wasilla Chamber of Commerce	Went on record supporting the location of the prison at Sutton.
	Palmer City Council	Appropriated \$10,000 to support the lobbying effort with the Mat-Su Borough and the Palmer Chamber of Commerce funds to be used followed by a dollar-for-dollar pro rata share between the City of Palmer and the Mat-Su Borough after deducting the costs of the cost/benefit study.
Mar. 23, 1983	Joint open meeting between the Palmer Chamber of Commerce and the Sutton Community Council	Discussed local community concerns regarding the prison site selection.

	Mat-Su Borough Assembly	Appropriated an additional \$3,000 to support a joint lobbying effort and cost/benefit study with the City of Palmer and the Palmer Chamber of Commerce.
Mar. 24, 1983	Palmer Chamber of Commerce	Chamber issues emergency letter to raise \$10,000 for a major lobbying effort to support the location of the new State prison at Sutton.
Mar. 28, 1983	Wasilla City Council	Passed resolution supporting siting of the Prison at Sutton.
Apr. 1983 (1st week)	Sutton Community Council	Full membership meeting to discuss siting of Prison.
May, 1983	Elks State Association Meeting	Program for development of youth camp will be presented.

(18)

APPENDIX C1

CORRECTIONAL FACILITIES PROFILE

YEAR 1932

FACILITY PROFILE*

COMM. PLACEMENT	85	85 Min.
3RD. AVE.	70	12 Med., 58 Max.
6TH. AVE.	100	98 Med., 2 Max.
POST 6	50	50 Min.
PALMER	113	113 Min.
HILAND MOUNTAIN	80	60 Med., 20 Max.
MEADOWCREEK	33	28 Med., 5 Max.
FAIRBANKS	110	100 Med., 10 Max.
WYME	28	22 Med., 6 Max.
JIMENEZ MENS	90	59 Min., 12 Med., 19 Max.
KETCHIKAN	22	16 Min., 6 Med.
JOHNSON CENTER		
BETHEL		
300 BED		

SENT. INMATE/SPACE

SENT. MISO.	105	
SENT. FELON		720
CONTRACT HOUSES	85	
MIN. SECURITY		240
MED. SECURITY		336
MAX. SECURITY	120	
F.B.P.		188

COMPOSITE PROFILE

TOTAL INSENT.	243	
TOTAL SENT.		826
TOTAL SPACES		969

* Does not include intake facilities. 6th Ave. and Ridgeview assumed as sentenced facilities after opening of Pre-Tria December, 1932

311

APPENDIX C2

CORRECTIONAL FACILITIES PROFILE

1986

FACILITY PROFILE*

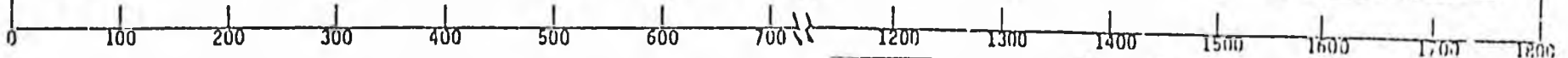
COMM. PLACEMENT	170	170 Min.
JRD. AVE.	50	12 Med., 38 Max.
6TH. AVE.	100	98 Med., 2 Max.
POST 6	50	50 Min.
PALMER	223	113 Min., 100 Med.
HILAND MOUNTAIN	160	140 Med., 20 Max.
MEADOWCREEK	33	28 Med., 5 Max
FAIRBANKS	313	56 Min., 247 Med., 10 Max.
HOME	48	42 Med., 6 Max.
JUNEAU MENS	126	59 Min., 12 Med., 55 Max.
KETCHIKAN	22	16 Min., 6 Med.
JOHNSON CENTER	5	5 Min.
BETHEL	40	40 Med.**
300 BED	300	300 Max.

SENT. INMATE/SPACE

SENT. MISO.	173	1176	
SENT. FELON	170		
CONTRACT HOUSES			
MIN. SECURITY			299
MED. SECURITY			685
MAX. SECURITY			136
F.R.P.		188	

COMPOSITE PROFILE

TOTAL UNSENT.	396	1349
TOTAL SENT.	170	
TOTAL SPACES		



* Does not include intake facilities. 6th Ave. and Ridgeview assumed as sentenced facilities after opening of Pre-Trial facility December, 1982.

** Complete with local prisoners - no increase in system capacity

APPENDIX D

PROFESSIONALS

Richard L. Ender, Ph.D., President, Policy Analysts, Ltd.; Professor, Public Policy and Administration, University of Alaska, Anchorage; participated in preparation of Mat-Su OEDP; principal in OCS Socioeconomic Studies Programme, Anchorage Health Study, Yukon-Kuskokwim CZM, and over 50 other studies.

Charles R. Gant, M.A., President, Applied Research Associates, Inc., former Chief of Life Cycle Cost Analysis for the State of Alaska, 1977-1982, has analyzed the economics of hundreds of projects both for the State of Alaska and for the Department of Defense.

4/7/83
Daily News
D-1
A-1
S-1

Study determines costs of proposed prison sites

By ED TRUITT
Daily News correspondent

PALMER — A cost benefit study commissioned by the Matanuska-Susitna Borough estimates it would cost \$21.5 million more over 20 years to build and operate a maximum-security prison at Seward and \$50 million more for one in Valdez than it would cost to put the facility near Sutton.

Dr. Richard Ender presented the figures, which are based on an earlier Department of Health and Social Services study, to the Mat-Su Borough Assembly Tuesday night.

The assembly commissioned the \$7,000 study as part of a \$30,000 joint lobbying effort with the Palmer Chamber of Commerce and city council to encourage building the prison in the Mat-Su Valley.

Originally planned for a site next to the Palmer Correctional Center, the \$41 million planned prison has been up in the air since other Southcentral communities began intense lobbying to get the project and its multimillion-dollar payroll.

Switching sites would waste the existing plans and

cause at least a year's delay in the project, Ender said.

Construction costs would run about 10 percent higher, annual maintenance about 5 percent higher, and the 200 new state employees would be paid 4 percent more in Seward, Enders predicted. State employees get a two-step salary increase for working in Seward and five steps, or about 16 percent, more in Valdez, he said.

In addition to the advantages of building the new prison next to the existing minimum- and medium-security prison, the state would find a ready labor force and a strong housing market in the Mat-Su Valley, he added.

With 44 percent of the prisoners coming from Anchorage, the increased travel costs to Seward or Valdez would add up for both the state and the families of the prisoners, Enders said.

While Gov. Bill Sheffield included only planning money instead of full funding for the proposed prison in his capital projects budget, Ender predicted the state could still meet its 1987 deadline mandated by the recent prisoners' lawsuit against the Alaska prison system.

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE COMMISSIONER

POUCH #
JUNEAU, ALASKA 99811
PHONE:

April 7, 1983

465-4322

The Honorable Bill Ray
Chairman, Senate Judiciary
State Capitol
Pouch V
Juneau, Alaska 99811

Dear Senator Ray:

If the intent of Senate Bill 167 is to place all contract facilities under the Division of Corrections, the Department of Public Safety has the following concerns:

We find nothing in SB 167 which requires the Commissioner of H&SS to contract with all or even some of the existing facilities which are now the responsibility of DPS and, in fact, Sec. 33.30.031 prohibits the Commissioner of H&SS from contracting with facilities "unable to provide a degree of custody care, and discipline similar to that required by the laws of this State." We question if any of DPS's contract jails could meet this requirement.

It is my view that SB 167 Sec. 33.30.171(a) at page five would not relieve the Department from providing custody and care for a person arrested, until that prisoner is transferred to a state correctional facility, thereby just adding to the cost of care for prisoners.

As long as the prisoner is being held in a "facility" rather than a state correctional facility that is owned or run by the state, the Department of Public Safety is responsible for their care.

Amendments Proposed:

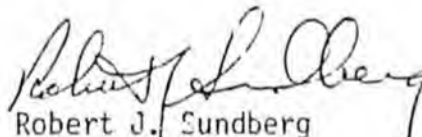
- Sec. 33.30.11(3) - provide necessary medical services for persons charged with state offenses or in correctional facilities or who are committed by the court to the custody of the Commissioner, including examination for communicable and infectious diseases; and
- Sec. 33.30.171(a) - Notwithstanding AS 33.30.011(1) and (2), the Commissioner of Public Safety shall provide for the custody, care, and discipline of prisoners pending transfer to the custody of the Commissioner of Health & Social Services (H&SS) at a contract facility or state correctional facility.

(c) - Medical services for a prisoner who is unconscious or in immediate need of medical attention before admission to a correctional facility or commitment by a court to the custody of the commissioner of health and social services must be provided by the law enforcement agency having custody of the prisoner. The commissioner of Health & Social Services and the commissioner of Public Safety and arresting agency are not responsible for medical costs for accidents, injury, communicable and infectious diseases, incurred prior to being taken into custody.

Sec. 33.30.081(c) - The Commissioner of Public Safety is responsible for furnishing return transportation to the place of arrest for a prisoner who is released from custody before admission to a state correctional facility or contract facility.

Sec. 33.30.181(2) - "Correctional facility or facilities means a prison, jail, camp, farm, half-way house, group home, contract facility, or other placement designated by the Commissioner for the custody, care, and discipline of prisoners . . ."

Sincerely,


Robert J. Sundberg
Commissioner

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

Bill/Resolution No.: SB 167
Title: "...correctional facilities...(ect.)"
Sponsor: Rules/Governor
Requestor: _____

II. FISCAL DETAIL

Agency Affected: Public Safety
Program Category Affected: Admin of Justice
BRU, Program of Subprogram(s) Affected:
Alaska State Troopers

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL		200.0	212.0	224.7	238.1	252.3
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		200.0	212.0	224.7	238.1	252.3
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUNL		200.0	212.0	224.7	238.1	252.3
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

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

Not identified by sponsor of Bill.

IV. ANALYSIS: Attach a separate page for any Analysis See attached.

Prepared By: Jos Mapranath Phone: 465-4336
Division: Administrative Services Date: 03/25/83
Approved by Commissioner: *[Signature]* Date: 3/25/83
Department: Public Safety

Distribution:

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

3/8/83

This will have a tremendous impact. We will be, by statute, responsible for all injuries or medical problems the subject may have incurred prior to our taking custody.

As stated, this will have even a greater impact on municipal police agencies than on this Department.

Costs shown are for medical services. A 6% inflation factor is applied to FY 85 and beyond.

POSITION PAPER

Senate Bill 167

"An Act relating to the Imprisonment and Rehabilitation of Offenders."

This proposed legislation repeals and revises state statutes which address correctional facilities and programs; good time computation and unlawful evasion.

Correctional Facilities and Programs. AS 33.30.011-33.30.201 would clearly establish the Commissioner's authority to not only establish, operate and control correctional facilities but also to classify prisoners and establish programs for offenders to facilitate their reintegration into society. It mandates that correctional programs must include furloughs and sets forth criteria for furlough eligibility and levels of supervision to be required for prisoners on furlough. The current statutes AS 33.30.250 & .260 do not mandate furlough programs nor does it provide a criteria for eligibility or levels of supervision.

The Task Force on Corrections Report be of Dec./Jan. 1982-1983 recommends that every offender about to be released be provided the opportunity to participate in a halfway house program. This legislation is consistent with that recommendation.

Sec. 33.30.171 authorizes the use of monitoring equipment to listen to prisoners' telephone conversations. This authority will provide increased institutional security in regards to introduction of contraband, escape attempts and will reduce harassment of witnesses by prisoners.

Sec. 33.30.181 sets forth the effect of conviction of a felony offense on civil rights. This specifically disqualifies those offenders convicted of a felony involving moral turpitude from voting in a State or municipal election until that person is unconditionally discharged. Also, a person convicted of a crime is disqualified from serving as a juror until that person is unconditionally discharged. This section will alleviate administrative and legal problems encountered by corrections staff as it clearly defines the civil rights excluded to convicted persons.

Sec. 33.20.010 authorizes that prisoners earn one day of good time for every two days served with good behavior while participating in a furlough program. Incarcerated prisoners would earn one day of good time for every three days served with good behavior. This will help alleviate the overcrowding in Alaska's prison system to a degree; however, the Department strongly recommends that all prisoners with good behavior earn one day of good time for every two days served in order to further reduce prison population and to lessen the administrative burden of computing good time on two different scales. It is felt that those who are incarcerated would have more incentive for good behavior, even when overcrowding exists within correctional facilities, if the amount of good time were to be increased.

Sec. 33.30.071 as amended defines areas of responsibility for prisoners.

POSITION PAPER/Department of Health & Social Services

between the Department and the Department of Public Safety, i.e. responsibility for prisoners pending commitment and transportation.

Sec. 33.20.075 Effect of Pardon defines the legal effect of a pardon by the Governor.

Sec. 11.56.340 Unlawful Evasion clarifies existing statutes by specifically including prisoners on furlough who do not return to their community placement within the time specified under unlawful evasion section.

The Department supports the enactment of SB 167 legislation which revises AS 33.30 by incorporating legislation which has been enacted over the past several years, as well as, establishing statutory authority to enable the Dept. to better meet constitutional mandates.

In addition, in order to encourage good behavior and to clarify computing systems, the Department recommends that computation of good time be uniform at one day good time for two days served with good behavior for all prisoners whether incarcerated or on furlough status.

Recommended by: *for Roger C. Lopez*
Roger V. Endell, Director
Division of Adult Corrections

Date: *March 30, 1983*

Approved by: *Robert London Smith, Ph.D.*
Robert London Smith, Ph.D.
Commissioner

Date: *4/4/83*

<p>I. REQUEST</p> <p>Bill/Resolution No.: Senate Bill No. 167</p> <p>Title: "...corr. fac., good time comput..."</p> <p>Sponsor: Rules Committee</p> <p>Requestor: Governor Sheffield</p>	<p>II. FISCAL DETAIL</p> <p>Agency Affected: Health & Social Services</p> <p>Program Category Affected: Justice</p> <p>BRU, Program of Subprogram(s) Affected: Adult Confinement; Probation & Com. Prog.</p>
---	--

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTS						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

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

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

Not applicable.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Roger C. Lange *Roger C. Lange* Phone: 465-3376
 Division: Adult Corrections Date: March 30, 1983

Approved by Commissioner: *Scott London Smith, M.D.* Date: 4/4/83
 Department: Health & Social Services

Distribution:

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

IV. ANALYSIS

This proposed legislation repeals and revises state statutes which address correctional facilities and programs; executive clemency and unlawful evasion.

The only section which apparently has a fiscal impact for the Division of Adult Corrections is Section 33.20.010 (b). This section changes the entitlement for good time for one day for three days served to one day for two days served while a person is on furlough status.

Although the fiscal detail shows no savings, there would be a reduction of days served by each individual on furlough status. Based on the number of furlough beds currently under contract, it is estimated that the proposed legislation would result in relieving the overcrowding by approximately nine (9) beds statewide. However, the number of community placement beds for which funding has been provided does not meet the demand for inmates who meet the eligibility criteria to enter the furlough program. Therefore, no real savings will be experienced until this backlog of eligibles can enter the furlough program.

STATE OF ALASKA

DEPARTMENT OF LAW

CRIMINAL DIVISION

BILL SHEFFIELD, GOVERNOR

POUCH KC - STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3428

March 16, 1983

The Honorable Fritz Pettyjohn
Senator
Alaska State Legislature
Pouch V
Juneau, AK 99811

Re: SB 167

Dear Senator Pettyjohn:

I am the assistant attorney general with the Department of Law who serves as counsel to the division of corrections.

In that capacity I drafted SB 167, which I understand has been assigned to you by Senate Judiciary Chairman Ray. As you are probably aware, the problem of overcrowding in our prison system continues to worsen with the net addition of 120 new prisoners having come into the system during the months of January and February.

Section 3 of SB 167 (p.12 line 21) provides for an increase in good time for prisoners on furlough. Given the critical overcrowding that exists in Alaska's correctional institutions, and the need to address this problem on several fronts simultaneously, I now request that you consider a committee substitute to SB 167 which would provide for an increase in good time for all prisoners rather than just those on furlough. The prospect of the State having to spend millions of dollars every year to provide new prison bed space is not attractive, especially given the predictions for declining revenue. The change I have suggested would have a substantial impact on the bed space crunch.

I am available at your convenience to respond to any questions. Thank you for your time and attention.

Very truly yours,

NORMAN C. GORSUCH
ATTORNEY GENERAL

By: Michael J. Stark

Michael J. Stark
Assistant Attorney General

The Honorable Fritz Pettyjohn -2-

March 16, 1983

MJS/gb-56

cc: The Honorable Bill Ray, Senator ✓
Alaska State Legislature

Norman C. Gorsuch
Attorney General

Arthur H. Peterson
Assistant Attorney General

Roger Endell, Director
Division of Corrections

The Honorable Douglas Serdahely
Superior Court Judge

Timothy Stearns, Esq.

STATE OF ALASKA

DEPARTMENT OF LAW

CRIMINAL DIVISION

BILL SHEFFIELD, GOVERNOR

POUCH KC - STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3428

April 15, 1983

John Gabrielli
Counsel
Senate Judiciary Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

SUBJECT: Overview of SB 167 - "An Act relating to correctional facilities, good time computation, and the imprisonment and rehabilitation of offenders."

Dear John:

Pursuant to your request, the following is a brief overview of SB 167. The main thrust of this bill is a rewrite and update of Alaska's statutes pertaining to corrections. Most of these statutes have existed since statehood and are outdated by correctional practices and court decisions.

The bill establishes criteria that must be considered in classifying prisoners and establishing programs for offender rehabilitation. Further, the bill provides for a comprehensive furlough program that does not presently exist such that eligibility criteria and levels of supervision that will be required for prisoners on furlough will be set out in the appropriate statutes. Present furlough statutes provide little in the way of guidelines, eligibility criteria and required supervision.

The bill clarifies the legal effects of a pardon. It also provides for an increase in good time deductions for prisoners on furlough from one day for every three days served without rule violations to one day for every two days served. On March 16, 1983, I sent a letter to Senator Pettyjohn with a copy to Senator Ray suggesting a committee substitute to this section (sec. 3 P. 12-13), which would increase good time deductions for all prisoners to one day for every two served without rule violation. This would be consistent with many other states (some provide for 50% or more of a sentence as a good time deduction) and one inexpensive way to deal with the urgent problem of prison overcrowding.

John Gabrielli
Senate Judiciary Committee

April 15, 1983
Page 2

Finally, the bill provides authority for monitoring of telephone calls of prisoners to preserve security in correctional institutions, and updates unlawful evasion statutes to incorporate the furlough situation.

If you have any questions regarding this important bill, please contact me at your convenience.

Sincerely,

NORMAN C. GORSUCH
ATTORNEY GENERAL

By: Michael J. Stark
Michael J. Stark
Assistant Attorney General

MJS/lb-69



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

March 9, 1983

The Honorable Jalmar Kerttula
President of the Senate
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Mr. President:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the imprisonment and rehabilitation of offenders and to correctional facilities.

The bill has four main components, the most important of which is a total revision of AS 33.30, Alaska's statutes dealing with the state correctional system. Most of these statutes have not been amended since their original enactment at the time of statehood. There have been many changes in the law relating to corrections in the last several years (e.g. responsibility of the commissioner of health and social services to provide treatment for mental and physical disabilities), and this bill incorporates these changes.

The bill also provides authority for the commissioner of health and social services to authorize the monitoring of prisoner telephone calls so as to preserve the security and orderly administration of correctional institutions. It also revises and restructures existing law on furlough programs for prisoners by establishing certain eligibility requirements, setting out when furloughs may be granted, for what purpose, and the quality of supervision that is required for prisoners on furlough.

Areas of confusion regarding the respective responsibilities of the commissioner of health and social services and the commissioner of public safety as they pertain to prisoners are also resolved and clarified.

The second major component of the bill increases the amount of time that may be deducted from a sentence for good behavior for prisoners on furlough. Presently all prisoners receive one day of "good time" deducted from their sentence for every three days served. This bill, changing the deduction to one day for every two days

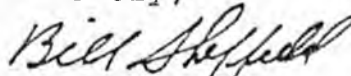
served by prisoners participating in a furlough program, will reward those prisoners who are most deserving, increase the incentive for good behavior for prisoners who are incarcerated, and help alleviate the problem of overcrowding in Alaska's correctional institutions.

The third major component of the bill clarifies the legal effect of a pardon.

Finally, the bill amends existing statutes dealing with unlawful evasion so as to cover prisoners on furlough who fail to return to their place of confinement or residence within the time specified by those having direct supervision over them.

This bill addresses many existing problems in Alaska's correctional system, and will enhance the ability of the state to carry out its responsibilities to the public and to offenders. Since it amends current statutes, the bill does not recognize Executive Order No. 54's proposed creation of a Department of Corrections. If that order is not disapproved by the legislature by March 17, 1983, and the new department is created, this bill will have to be amended to reflect that reorganization.

Sincerely,



Bill Sheffield
Governor

I. REQUEST

Bill/Resolution No. _____
 Title An Act relating to the imprisonment & rehabilitation of offenders
 Requested by Office of the Governor Date Dec. 29, 1982

II. FISCAL DETAIL

Agency Affected Health & Social Services
 Program Category Affected Offender Confinement, Reform. and Supervision
 BRU, Program or Subprogram(s) Affected Adult Confinement, Prob. & Comm. Prg.
 (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-	-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

This proposed legislation repeals and revises state statutes which address correctional facilities and programs; executive clemency and unlawful evasion.

IV. DATE Jan. 7, 1983

PREPARED BY Rogey C. Lange

Original: Legislative Finance

AGENCY Division of Adult Corrections

cc: Budget and Management

PHONE 465-3376

Prime Sponsor (First Legislator Named)