

COMMITTEE REPORT

HOUSE

(11)

5/9/85

FURTHER:

Date: 5-10-85

The Committee on FINANCE has had CSSB 4 (Fin) am

"An Act relating to confinement of offenders and to restitution centers."

under consideration and recommends:

do pass do not pass

do pass with attached amendments(s)

replace with CS for CSSB 4 (Fin) same title
 new title
and recommends do pass

AND attaches a "Letter of Intent" New Fiscal Note
 reports it back without recommendation Zero Fiscal Note Attached

referred to the _____ Committee

MEMBERS SIGNING
DO PASS
[Handwritten Signatures]

MEMBERS HAVING
OTHER RECOMMENDATIONS:
[Blank Lines]

CHAIRMAN

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: May 9, 1985

REQUEST:

Bill/: HCS CS SB 4 (Judiciary)
 Title: "An Act relating to confinement of
 and i: restitution centers."
 Sponsor: Senator Kelly
 Requestor: (H) Judiciary
 Date of Request: May 9, 1985

FISCAL DETAIL:

Agency Affected: DEPARTMENT OF CORRECTIONS
 Program Category Affected: Administration of Justice
 BRU, Program or Subprogram(s) Affected: Statewide Programs

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL		1074.7	1128.4	1184.8	1244.0	1306.2
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	1074.7	1128.4	1184.8	1244.0	1306.2

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	117.0	122.9	129.0	135.5	142.3
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	1074.7	1128.4	1184.8	1244.0	1306.2
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	1074.7	1128.4	1184.8	1244.0	1306.2

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary.

See attached.

Prepared By: William W. Ladwig
 Division: Deputy Commissioner - Administration

Phone: 465-3376
 Date: May 9, 1985

Approved by Commissioner: [Signature]
 Agency: DEPARTMENT OF CORRECTIONS

Date: May 9, 1985

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Impacted Agency (ies)
- Requestor
- Office of Management and Budget

ANALYSIS

Assumptions:

Department of Corrections will develop a pilot Correctional Restitution Center by changing the mission of the Ridgeview Correctional Center. Ridgeview will be converted from a 60 person holding facility to a 100 person Correctional Restitution Center.

The Department of Corrections will continue to lease the Ridgeview facility and will contract for operation of the Correctional Restitution Center. This contract will include all administrative, security, program, culinary, clerical, and maintenance operations.

It can be assumed that approximately 50% of the 100 inmates will be employed immediately while the remaining inmates are developing resumes' and other work search skills. The Department would retain 25% of a prisoner's income to off-set the cost of care. Most of those employed will earn close to the minimum wage, although some may be expected to earn slightly more.

Therefore, we calculate 50 inmates working full-time (40 hours per week) at \$4.50 per hour (the minimum wage of \$4.35 per hour plus a \$.15 adjustment for the few that could earn more) would mean a total cost of care reimbursement to the state of \$117,000.00.

50 inmates X 40 hours X 52 weeks = 104,000
104,000 hours X \$4.50 per hour = \$468,000.00
\$468,000.00 X .25 = \$117,000.00

A cost of living increase of 5% per year was assume to increase revenues in subsequent years.

Program Summary

The Department of Corrections estimates that a contract to operate this Correctional Restitution Center would cost \$1,074,701. These costs were calculated using FY 85 costs for similar services and adding a 5% inflation factor to estimate FY 86 costs. A break down of these costs follows:

Personal Services

1 - Director	= \$ 29.5
1 - Assistant Director	= 24.2
12 - Security Staff @ \$17,825	= 213.9
5 - Counselors @ \$20,700	= 103.5
2 - Job Development Specialists @ \$23,00	= 46.0
1 - Education Coordinator	= 23.0
4 - Security Supervisors @ \$23,460	= 93.8
2 - Cooks @ \$19,550	= 39.1
2 - Clerk Typists @ \$12,000	= 24.0
1 - Maintenance/Janitorial	= 19.6
TOTAL	\$616.6

Care

Food (\$7.50 per day X 100 = \$750.00 X 365)	=	\$273.8
Supplies	=	22.0
Lab Expenses	=	12.0
Miscellaneous Resident Needs	=	<u>3.0</u>
TOTAL		\$310.8

Maintenance and Operation

Utilities	=	\$ 31.2
Telephone	=	9.0
Insurance (liability, auto, bonding)	=	12.0
Equipment/Maintenance (vehicles)	=	16.5
Travel (local)	=	27.4
(250 miles/day X .30 miles = \$75.00 X 365)		<u> </u>
TOTAL	=	\$ 96.1

Total Costs (FY 85) = \$1,023.5
+ 5% Inflation = 51.2

TOTAL CONTRACTUAL COSTS (FY86) \$1,074.7

Cost Comparison

Institution \$85 X 365 X 100	=	\$3,102.5
Correctional Restitution Center	=	<u>1,074.0</u>
Savings for Confinement		\$2,028.5
Revenues		<u>117.0</u>
TOTAL COST SAVINGS		\$2,145.5

HCS CS SB 4 (Judiciary)

Prisoner Profile Summary of the 180 prisoners who meet the criteria of offenses not involving violence or use of force.

Work History at time of arrest

165 (92%) Felony
15 (8%) Misdemeanor

180 (100%)

119 (66%) Unemployed
 38 (21%) Employed by business or agency
23 (13%) Self-employed

180 (100%)

Employment Skills

58 (32%) General Labor
 17 (9%) Mechanics
 17 (9%) Fishermen
 19 (11%) Carpenters
 53 (30%) Misc. other skills
16 (9%) No job skills

180 (100%)

Place of Residence

59 (33%) Anchorage
 29 (16%) Fairbanks
 9 (5%) Juneau
83 (46%) Other

180 (100%)

Projected population profiles and growth rates indicated that the population of sentenced offenders who meet this criteria will remain constant at 15%. This will result in the following population being eligible for Correctional Restitution Center placement.

December '84 - 180
 December '85 - 220
 December '86 - 250
 December '87 - 280
 December '88 - 310
 December '89 - 340

Original sponsors: Kelly, Sturgulewski,
Faiks, et al

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 4 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to confinement of offenders and to
7 restitution centers."

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

9 * Section 1. AS 11.56.340(a) is amended to read:

10 (a) A person commits the crime of unlawful evasion in the first
11 degree if the person fails to return to official detention on a charge
12 of a felony following temporary leave granted for a specific purpose
13 or limited period, including privileges granted under AS 33.30.150,
14 33.30.250, [OR] 33.30.260, or 33.30.288.

15 * Sec. 2. AS 11.56.350(a) is amended to read:

16 (a) A person commits the crime of unlawful evasion in the second
17 degree if the person fails to return to official detention on a charge
18 of a misdemeanor following temporary leave granted for a specific
19 purpose or limited period, including privileges granted under AS 33.-
20 30.150, 33.30.250, [OR] 33.30.260, or 33.30.288.

21 * Sec. 3. AS 12.55.015 is amended by adding a new subsection to read:

22 (e) If the defendant is ordered to serve a definite term of
23 imprisonment, the court may recommend that the defendant serve all or
24 part of the term in a correctional restitution center.

25 * Sec. 4. AS 12.55.086(a) is amended to read:

26 (a) When the imposition of sentence is suspended under AS 12.-
27 55.085, the court may require, as a special condition of probation,
28 that the defendant serve a definite term of continuous or periodic im-
29 prisonment, not to exceed the maximum term of imprisonment that could

1 have been imposed. The court may recommend that the defendant serve
2 all or part of the term in a correctional restitution center.

3 * Sec. 5. AS 33.30.060 is repealed and reenacted to read:

4 Sec. 33.30.060. COMMISSIONER MAY CONTRACT FOR CONFINEMENT AND
5 CARE OF PRISONERS. The commissioner shall determine the availability
6 of state prison facilities suitable for the detention and confinement
7 of persons held under authority of state law. If the commissioner
8 determines that suitable state prison facilities are not available,
9 the commissioner may enter into an agreement with a public agency to
10 provide necessary facilities. Correctional facilities provided
11 through agreement may be in this state or another state. The
12 commissioner may not enter into an agreement with an agency unable to
13 provide a degree of custody, care, and discipline similar to that
14 required by the laws of the state.

15 * Sec. 6. AS 33.30 is amended by adding a new section to read:

16 Sec. 33.30.062. CONTRACTS WITH PRIVATELY OPERATED FACILITIES.
17 (a) The commissioner may enter into an agreement with a privately
18 operated correctional facility, but only if the facility is located in
19 the state and if the purpose of the agreement is to involve prisoners
20 in a work or rehabilitation furlough program established under this
21 chapter, to provide necessary facilities under AS 33.30.282 -
22 33.30.288, or to confine prisoners convicted of a misdemeanor.
23 Notwithstanding AS 37.05.230(i)(B), an agreement awarded under this
24 subsection shall be based on competitive bids.

25 (b) Earnings of a prisoner who is employed while confined in a
26 privately operated correctional facility under (a) of this section are
27 subject to AS 33.30.286.

28 * Sec. 7. AS 33.30 is amended by adding new sections to read:

29 ARTICLE 3A. CORRECTIONAL RESTITUTION CENTERS.

1 Sec. 33.30.282. CORRECTIONAL RESTITUTION CENTERS. (a) The
2 commissioner shall establish correctional restitution centers in the
3 state. The purpose of the centers is to provide certain nonviolent
4 offenders with rehabilitation through community service and employment
5 while protecting the community through partial incarceration of the
6 offender, and to create a means to provide restitution to victims of
7 crimes.

8 (b) The commissioner shall adopt regulations setting standards
9 for the operation of the centers including

10 (1) requirements that the centers be secure and in compli-
11 ance with state and local safety laws;

12 (2) standards for disciplinary rules to be imposed on
13 prisoners confined to the centers;

14 (3) standards for the granting of emergency absence to
15 prisoners confined to the centers;

16 (4) standards for classifying prisoners to centers;

17 (5) standards for mandatory employment and participation in
18 community service programs in each center; and

19 (6) standards for periodic review of the performance of
20 prisoners confined to the centers.

21 Sec. 33.30.283. ELIGIBILITY TO SERVE TIME IN A CORRECTIONAL
22 RESTITUTION CENTER. (a) The commissioner may not allow a prisoner to
23 serve time in a correctional restitution center unless the commis-
24 sioner specifically finds that the prisoner meets the eligibility
25 requirements imposed by this section.

26 (b) To be eligible to serve time in a correctional restitution
27 center, the prisoner

28 (1) must be employable or eligible to work on community
29 service projects approved by the commissioner and agree to secure

1 employment or participate in community service projects and obey the
2 rules of the center;

3 (2) may not have been convicted of an offense, in this
4 state or another jurisdiction, involving violence or the use of force,
5 as defined in AS 11.81.900; in this section, violence or the use of
6 force includes possession of a firearm, as defined in AS 11.81.900, in
7 the commission of an offense, whether or not the firearm was actually
8 used; and

9 (3) may not have been convicted of an offense under AS 11.-
10 41.410 - 11.41.470 or an offense in the state or another jurisdiction
11 having elements substantially identical to an offense under AS 11.41.-
12 410 - 11.41.470.

13 (c) Unless the commissioner determines otherwise for good cause
14 shown, a person sentenced to less than five days who is serving time
15 in a correctional restitution center is required to participate in a
16 community service project when available.

17 Sec. 33.30.284. COMMUNITY ADVISORY COMMITTEES. The commissioner
18 shall appoint a community advisory committee for each center, to
19 consist of five members of the community in which the center is locat-
20 ed. The committee shall act as a liaison between the community and
21 the department regarding community concerns with the center.

22 Sec. 33.30.286. DISTRIBUTION OF PRISONER'S EARNINGS. The earn-
23 ings of a prisoner confined to a center shall be paid to the commis-
24 sioner. The commissioner shall deposit the earnings in a fund to be
25 paid to the prisoner upon release from confinement after making and
26 distributing deductions for

27 (1) an amount determined by the commissioner for the cost
28 of the housing, food, and clothing provided to the prisoner; the
29 deduction under this paragraph shall be the same percentage of each

1 prisoner's earnings, but may not exceed the actual cost of services
2 provided;

3 (2) necessary travel expenses to and from work and other
4 incidental expenses of the prisoner;

5 (3) an amount determined by the commissioner to be neces-
6 sary for the support of the prisoner's dependents and for child sup-
7 port payments as required under AS 09.65.132; and

8 (4) a fine or restitution ordered by the court.

9 Sec. 33.30.288. CONFINEMENT TO THE CENTER. (a) A prisoner
10 shall be confined to the center at all times except while

11 (1) at work and traveling to and from work;

12 (2) at and traveling to and from a community service pro-
13 ject approved by the commissioner;

14 (3) on emergency absence;

15 (4) at and traveling to and from a job interview; or

16 (5) on a furlough approved by the commissioner.

17 (b) Except for an emergency absence or furlough, a prisoner may
18 not be absent from a center under this section for more than 12 hours
19 in a 24-hour period.

20 * Sec. 8. AS 33.30 is amended by adding a new section to read:

21 Sec. 33.30.902. SUPPLEMENTAL DEFINITIONS. In this chapter,

22 (1) "center" means a correctional restitution center;

23 (2) "community service" means work on projects designed to
24 reduce or eliminate environmental damage, protect the public health,
25 or improve public services, lands, forests, parks, roads, highways,
26 facilities, or education; community service may not confer a private
27 benefit on a person except as may be incidental to the public benefit.

Offered: 4/12/85
Referred: Judiciary and
Finance

Original sponsors: Kelly, Sturgulewski,
Faiks, et al

1 IN THE SENATE
2 HOUSE CS FOR CS FOR SENATE BILL NO. 4 (HESS)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - FIRST SESSION
5 A BILL
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15 * Sec. 2. AS 11.56.350(a) is amended to read:
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19 purpose or limited period, including privileges granted under AS 33.-
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21 * Sec. 3. AS 12.55.015 is amended by adding a new subsection to read:
22 (e) If the defendant is ordered to serve a definite term of
23 imprisonment, the court may recommend that the defendant serve all or
24 part of the term in a correctional restitution center.
25 * Sec. 4. AS 12.55.086(a) is amended to read:
26 (a) When the imposition of sentence is suspended under AS 12.-
27 55.085, the court may require, as a special condition of probation,
28 that the defendant serve a definite term of continuous or periodic im-
29 prisonment, not to exceed the maximum term of imprisonment that could

1 have been imposed. The court may recommend that the defendant serve
2 all or part of the term in a correctional restitution center.

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7 confinement of persons held under authority of state law. If the
8 commissioner determines that suitable state prison facilities are not
9 available, the commissioner may enter into an agreement with a public
10 agency to provide necessary facilities. Correctional facilities
11 provided through agreement may be in this state or another state. The
12 commissioner may not enter into an agreement with an agency unable to
13 provide a degree of custody, care, and discipline similar to that
14 required by the laws of the state.

15 (b) The commissioner may enter into an agreement with a private-
16 ly operated correctional facility, but only if the facility is located
17 in the state and if the purpose of the agreement is to involve prison-
18 ers in a program established under AS 33.30.250 - 33.30.260, to pro-
19 vide necessary facilities under AS 33.30.282 - 33.30.288, or to con-
20 fine prisoners convicted of a misdemeanor. Notwithstanding AS 37.05.-
21 230(1)(B), an agreement awarded under this subsection shall be based
22 on competitive bids.

23 (c) Earnings of a prisoner who is employed while confined in a
24 privately operated correctional facility under (b) of this section are
25 subject to AS 33.30.286.

26 * Sec. 6. AS 33.30 is amended by adding new sections to read:

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1 state. The purpose of the centers is to provide certain nonviolent
2 offenders with rehabilitation through community service and employment
3 while protecting the community through partial incarceration of the
4 offender, and to create a means to provide restitution to victims of
5 crimes.

6 (b) The commissioner shall adopt regulations setting standards
7 for the operation of the centers including

8 (1) requirements that the centers be secure and in compli-
9 ance with state and local safety laws;

10 (2) standards for disciplinary rules to be imposed on
11 prisoners confined to the centers;

12 (3) standards for the granting of emergency absence to
13 prisoners confined to the centers;

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15 (5) standards for mandatory employment and participation in
16 community service programs in each center; and

17 (6) standards for periodic review of the performance of
18 prisoners confined to the centers.

19 Sec. 33.30.283. ELIGIBILITY TO SERVE TIME IN A CORRECTIONAL
20 RESTITUTION CENTER. (a) The commissioner may not allow a prisoner to
21 serve time in a correctional restitution center unless the commis-
22 sioner specifically finds that the prisoner meets the eligibility
23 requirements imposed by this section.

24 (b) To be eligible to serve time in a correctional restitution
25 center, the prisoner

26 (1) must be employable or eligible to work on community
27 service projects approved by the commissioner and agree to secure
28 employment or participate in community service projects and obey the
29 rules of the center;

1 (2) may not have been convicted of an offense, in this
2 state or another jurisdiction, involving violence or the use of force,
3 as defined in AS 11.81.900; in this section, violence or the use of
4 force includes possession of a firearm, as defined in AS 11.81.900, in
5 the commission of an offense, whether or not the firearm was actually
6 used; and

7 (3) may not have been convicted of an offense under AS 11.-
8 41.410 - 11.41.470 or an offense in the state or another jurisdiction
9 having elements substantially identical to an offense under AS 11.41.-
10 410 - 11.41.470.

11 Sec. 33.30.284. COMMUNITY ADVISORY COMMITTEES. The commissioner
12 shall appoint a community advisory committee for each center, to
13 consist of five members of the community in which the center is locat-
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15 confined to a center and shall make recommendations to the commis-
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18 ployer of a prisoner confined to a center shall pay the prisoner's
19 earnings to the commissioner. The commissioner shall deposit the
20 earnings in a fund to be paid to the prisoner upon release from con-
21 finement after making and distributing deductions for

22 (1) an amount determined by the commissioner for the cost
23 of the housing, food, and clothing provided to the prisoner; the
24 deduction under this paragraph shall be the same percentage of each
25 prisoner's earnings, but may not exceed the actual cost of services
26 provided;

27 (2) necessary travel expenses to and from work and other
28 incidental expenses of the prisoner;

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2 support payments as required under AS 09.65.132; and

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8 ject approved by the commissioner;

9 (3) on emergency absence;

10 (4) at and traveling to and from a job interview; or

11 (5) on a furlough approved by the commissioner.

12 (b) Except for an emergency absence or furlough, a prisoner may
13 not be absent from a center under this section for more than 12 hours
14 in a 24-hour period.

15 * Sec. 7. AS 33.30.900 is amended by adding new paragraphs to read:

16 (10) "center" means a correctional restitution center;

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18 reduce or eliminate environmental damage, protect the public health,
19 or improve public services, lands, forests, parks, roads, highways,
20 facilities, or education; community service may not confer a private
21 benefit on a person except as may be incidental to the public benefit.

Offered: 3/26/85
Referred: Rules

Original sponsors: Kelly, Sturgulewski,
Faiks, et al

1 IN THE SENATE BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 4 (Finance) am
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - FIRST SESSION
5 A BILL

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12 imprisonment, the court may recommend that the defendant serve all or
13 part of the term in a correctional restitution center.

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28 agency to provide necessary facilities. Correctional facilities
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2 provide a degree of custody, care, and discipline similar to that
3 required by the laws of the state.

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5 ly operated correctional facility, but only if the facility is located
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10 AS 37.05.230(1)(B), an agreement awarded under this section shall be
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13 privately operated correctional facility under (b) of this section are
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11 prisoner's earnings, but may not exceed the actual cost of services
12 provided;

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14 incidental expenses of the prisoner;

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16 sary for the support of the prisoner's dependents; and

17 (4) a fine or restitution ordered by the court.

18 Sec. 33.30.288. CONFINEMENT TO THE CENTER. (a) A prisoner
19 shall be confined to the center at all times except while

20 (1) at work and traveling to and from work;

21 (2) at and traveling to and from a community service pro-
22 ject approved by the commissioner;

23 (3) on emergency absence; or

24 (4) at and traveling to and from a job interview.

25 (b) Except for an emergency absence, a prisoner may not be
26 absent from a center under this section for more than 12 hours in a
27 24-hour period.

28 * Sec. 5. AS 33.30.900 is amended by adding a new paragraph to read:

29 (10) "center" means a correctional restitution center.

Offered: 3/26/85
Referred: Rules

Original sponsors: Kelly, Sturgulewski,
Faiks, et al

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2

CS FOR SENATE BILL NO. 4 (Finance)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to confinement of offenders."

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

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

10 (e) If the defendant is ordered to serve a definite term of
11 imprisonment, the court may recommend that the defendant serve all or
12 part of the term in a correctional restitution center.

13 * Sec. 2. AS 12.55.086(a) is amended to read:

14 (a) When the imposition of sentence is suspended under AS 12.-
15 55.085, the court may require, as a special condition of probation,
16 that the defendant serve a definite term of continuous or periodic im-
17 prisonment, not to exceed the maximum term of imprisonment that could
18 have been imposed. The court may recommend that the defendant serve
19 all or part of the term in a correctional restitution center.

20 * Sec. 3. AS 33.30.060 is repealed and reenacted to read:

21 Sec. 33.30.060. COMMISSIONER MAY CONTRACT FOR CONFINEMENT AND
22 CARE OF PRISONERS. (a) The commissioner shall determine the avail-
23 ability of state prison facilities suitable for the detention and
24 confinement of persons held under authority of state law. If the
25 commissioner determines that suitable state prison facilities are not
26 available, the commissioner may enter into an agreement with a public
27 or private agency to provide necessary facilities. Correctional
28 facilities provided through agreement may be in this state or another
29 state. The commissioner may not enter into an agreement with an

1 agency unable to provide a degree of custody, care, and discipline
2 similar to that required by the laws of the state.

3 (b) The commissioner may not enter into an agreement with a
4 privately operated correctional facility under (a) of this section
5 unless the purpose of the agreement is to involve prisoners in a
6 program established under AS 33.30.250 - 33.30.260, to provide neces-
7 sary facilities under AS 33.30.282 - 33.30.288, or to confine prison-
8 ers convicted of a misdemeanor. Notwithstanding AS 37.05.230(1)(B),
9 an agreement awarded under this section shall be based on competitive
10 bids.

11 (c) Earnings of a prisoner who is employed while confined in a
12 privately operated correctional facility under (a) of this section are
13 subject to AS 33.30.286.

14 * Sec. 4. AS 33.30 is amended by adding new sections to read:

15 ARTICLE 3A. CORRECTIONAL RESTITUTION CENTERS.

16 Sec. 33.30.282. CORRECTIONAL RESTITUTION CENTERS. (a) The
17 commissioner shall establish correctional restitution centers in the
18 state. The purpose of the centers is to provide certain nonviolent
19 offenders with rehabilitation through community service and employment
20 while protecting the community through partial incarceration of the
21 offender, and to create a means to provide restitution to victims of
22 crimes.

23 (b) The commissioner shall adopt regulations setting standards
24 for the operation of the centers including

25 (1) requirements that the centers be secure and in compli-
26 ance with state and local safety laws;

27 (2) standards for disciplinary rules to be imposed on
28 prisoners confined to the centers;

29 (3) standards for the granting of emergency absence to

1 prisoners confined to the centers; and

2 (4) standards for periodic review of the performance of
3 prisoners confined to the centers.

4 Sec. 33.30.283. ELIGIBILITY TO SERVE TIME IN A CORRECTIONAL
5 RESTITUTION CENTER. (a) The commissioner may not allow a prisoner to
6 serve time in a correctional restitution center unless the commis-
7 sioner specifically finds that the prisoner meets the eligibility
8 requirements imposed by this section.

9 (b) To be eligible to serve time in a correctional restitution
10 center, the prisoner

11 (1) must be employable or eligible to work on community
12 service projects approved by the commissioner and agree to secure
13 employment or participate in community service projects and obey the
14 rules of the center;

15 (2) may not have been convicted of an offense, in this
16 state or another jurisdiction, involving violence or the use of force,
17 as defined in AS 11.81.900; in this section, violence or the use of
18 force includes possession of a firearm, as defined in AS 11.81.900, in
19 the commission of an offense, whether or not the firearm was actually
20 used; and

21 (3) may not have been convicted of an offense under AS 11.-
22 41.410 - 11.41.470 or an offense in the state or another jurisdiction
23 having elements substantially identical to an offense under AS 11.41.-
24 410 - 11.41.470.

25 Sec. 33.30.284. COMMUNITY ADVISORY COMMITTEES. The commissioner
26 shall appoint a community advisory committee for each center, to
27 consist of five members of the community in which the center is locat-
28 ed. The committee shall consider complaints made against prisoners
29 confined to a center and shall make recommendations to the

1 commissioner.

2 Sec. 33.30.286. DISTRIBUTION OF PRISONER'S EARNINGS. The em-
3 ployer of a prisoner confined to a center shall pay the prisoner's
4 earnings to the commissioner. The commissioner shall deposit the
5 earnings in a fund to be paid to the prisoner upon release from the
6 center after making and distributing deductions for

7 (1) an amount determined by the commissioner for the cost
8 of the housing, food, and clothing provided to the prisoner; the
9 deduction under this paragraph shall be the same percentage of each
10 prisoner's earnings, but may not exceed the actual cost of services
11 provided;

12 (2) necessary travel expenses to and from work and other
13 incidental expenses of the prisoner;

14 (3) an amount determined by the commissioner to be neces-
15 sary for the support of the prisoner's dependents; and

16 (4) a fine or restitution ordered by the court.

17 Sec. 33.30.288. CONFINEMENT TO THE CENTER. (a) A prisoner
18 shall be confined to the center at all times except while

19 (1) at work and traveling to and from work;

20 (2) at and traveling to and from a community service pro-
21 ject approved by the commissioner;

22 (3) on emergency absence; or

23 (4) at and traveling to and from a job interview.

24 (b) Except for an emergency absence, a prisoner may not be
25 absent from a center under this section for more than 12 hours in a
26 24-hour period.

27 * Sec. 5. AS 33.30.900 is amended by adding a new paragraph to read:

28 (10) "center" means a correctional restitution center.

Offered: 2/13/85
Referred: Judiciary

Original sponsors: Kelly, Sturgulewski,
Faiks, et al

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

1 IN THE SENATE

2

CS FOR SENATE BILL NO. 4 (HESS)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to correctional restitution cen-
7 ters."

8

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

9

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

11

(e) If the defendant is ordered to serve a definite term of
12 imprisonment, the court may recommend that the defendant serve all or
13 part of the term in a correctional restitution center.

14

* Sec. 2. AS 12.55.086(a) is amended to read:

15

(a) When the imposition of sentence is suspended under AS 12.-
16 55.085, the court may require, as a special condition of probation,
17 that the defendant serve a definite term of continuous or periodic im-
18 prisonment, not to exceed the maximum term of imprisonment that could
19 have been imposed. The court may recommend that the defendant serve
20 all or part of the term in a correctional restitution center.

21

* Sec. 3. AS 33.30 is amended by adding new sections to read:

22

ARTICLE 3A. CORRECTIONAL RESTITUTION CENTERS.

23

Sec. 33.30.282. CORRECTIONAL RESTITUTION CENTERS. (a) The

24

commissioner shall establish correctional restitution centers in the
25 state. The purpose of the centers is to provide certain nonviolent
26 offenders with rehabilitation through community service and employment
27 while protecting the community through partial incarceration of the
28 offender, and to create a means to provide restitution to victims of
29 crimes.

1 (b) The commissioner shall adopt regulations setting standards
2 for the operation of the centers including

3 (1) requirements that the centers be secure and in compli-
4 ance with state and local safety laws;

5 (2) standards for disciplinary rules to be imposed on
6 prisoners confined to the centers;

7 (3) standards for the granting of emergency absence to
8 prisoners confined to the centers; and

9 (4) standards for periodic review of the performance of
10 prisoners confined to the centers.

11 Sec. 33.30.283. ELIGIBILITY TO SERVE TIME IN A CORRECTIONAL
12 RESTITUTION CENTER. (a) The commissioner may not allow a prisoner to
13 serve time in a correctional restitution center unless the commis-
14 sioner specifically finds that the prisoner meets the eligibility
15 requirements imposed by this section.

16 (b) To be eligible to serve time in a correctional restitution
17 center, the prisoner

18 (1) must be employable and agree to secure employment and
19 obey the rules of the center;

20 (2) may not have been convicted of an offense, in this
21 state or another jurisdiction, involving violence or the use of force,
22 as defined in AS 11.81.900; in this section, violence or the use of
23 force includes possession of a firearm, as defined in AS 11.81.900, in
24 the commission of an offense, whether or not the firearm was actually
25 used; and

26 (3) may not have been convicted of an offense under AS 11.-
27 41.410 - 11.41.470 or an offense in the state or another jurisdiction
28 having elements substantially identical to an offense under AS 11.41.-
29 410 - 11.41.470.

1 Sec. 33.30.284. COMMUNITY ADVISORY COMMITTEES. The commissioner
2 shall appoint a community advisory committee for each center, to
3 consist of five members of the community in which the center is locat-
4 ed. The committee shall consider complaints made against prisoners
5 confined to a center and shall make recommendations to the commis-
6 sioner.

7 Sec. 33.30.285. CONTRACTS FOR OPERATION OF RESTITUTION CENTERS.
8 The commissioner may enter into an agreement with a public or private
9 agency to provide necessary facilities under AS 33.30.282 - 33.30.288.
10 The commissioner may not enter into an agreement with an agency that
11 is unable to provide a degree of custody, care, and discipline similar
12 to that required by the laws of the state.

13 Sec. 33.30.286. DISTRIBUTION OF PRISONER'S EARNINGS. The em-
14 ployer of a prisoner confined to a center shall pay the prisoner's
15 earnings to the commissioner. The commissioner shall deposit the
16 earnings in a fund to be paid to the prisoner upon release from the
17 center after making and distributing deductions for

18 (1) an amount determined by the commissioner for the cost
19 of the housing, food, and clothing provided to the prisoner;

20 (2) necessary travel expenses to and from work and other
21 incidental expenses of the prisoner;

22 (3) an amount determined by the commissioner to be neces-
23 sary for the support of the prisoner's dependents; and

24 (4) a fine or restitution ordered by the court.

25 Sec. 33.30.288. CONFINEMENT TO THE CENTER. A prisoner shall be
26 confined to the center at all times except while

27 (1) at work and traveling to and from work;

28 (2) at and traveling to and from a community service pro-
29 ject approved by the commissioner;

1 (3) on emergency absence; or

2 (4) at and traveling to and from a job interview.

3 * Sec. 4. AS 33.30.900 is amended by adding a new paragraph to read:

4 (10) "center" means a correctional restitution center.

Introduced: 1/14/85
Referred: Health, Education and
Social Services, Judiciary
and Finance

BY KELLY, STURGULEWSKI,
FAIKS, COGHILL,
JOSEPHSON AND KERTTULA

1 IN THE SENATE

2 SENATE BILL NO. 4

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to correctional restitution cen-
7 ters."

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

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

11 (e) If the defendant is ordered to serve a definite term of
12 imprisonment, the court may recommend that the defendant serve all or
13 part of the term in a correctional restitution center. The term of
14 service in a correctional restitution center may not exceed the maxi-
15 mum term of imprisonment that could have been imposed.

16 * Sec. 2. AS 12.55 is amended by adding a new section to read:

17 Sec. 12.55.021. ELIGIBILITY TO SERVE TIME IN A CORRECTIONAL
18 RESTITUTION CENTER. (a) The court may not allow a defendant to serve
19 time in a correctional restitution center unless the court specifical-
20 ly finds that the defendant meets the eligibility requirements imposed
21 by this section. To determine eligibility, the court shall hold a
22 hearing at which the defendant and the prosecution are allowed to
23 present evidence.

24 (b) To be eligible to serve time in a correctional restitution
25 center, the defendant

26 (1) must be employable and agree to secure employment and
27 obey the rules of the center;

28 (2) must be an individual who otherwise would have been
29 sentenced to imprisonment in a prison facility;

1 (3) may not have been convicted of an offense involving
2 violence or the use of force, as defined in AS 11.81.900, and may not
3 have a history of violence; in this section, violence or the use of
4 force includes possession of a dangerous instrument, as defined in
5 AS 11.81.900, in the commission of an offense, whether or not the
6 dangerous instrument was actually used; and

7 (4) may not have been convicted of an offense under AS 11.-
8 41.410 - 11.41.470 or an offense in the state or another jurisdiction
9 having elements substantially identical to an offense under AS 11.41.-
10 410 - 11.41.470.

11 * Sec. 3. AS 12.55.086(a) is amended to read:

12 (a) When the imposition of sentence is suspended under AS 12.-
13 55.085, the court may require, as a special condition of probation,
14 that the defendant serve a definite term of continuous or periodic im-
15 prisonment, including imprisonment in a correctional restitution
16 center, not to exceed the maximum term of imprisonment that could have
17 been imposed.

18 * Sec. 4. AS 33.30 is amended by adding new sections to read:

19 ARTICLE 3A. CORRECTIONAL RESTITUTION CENTERS.

20 Sec. 33.30.282. CORRECTIONAL RESTITUTION CENTERS. (a) The
21 commissioner shall establish correctional restitution centers in the
22 state. The purpose of the centers is to provide certain nonviolent
23 offenders with rehabilitation through community service and employment
24 while protecting the community through partial incarceration of the
25 offender.

26 (b) The commissioner shall adopt regulations setting standards
27 for the operation of the centers including

28 (1) requirements that the centers be secure and in compli-
29 ance with state and local safety laws;

1 (2) standards for disciplinary rules to be imposed on
2 prisoners confined to the centers;

3 (3) standards for the granting of emergency absence to
4 prisoners confined to the centers; and

5 (4) standards for periodic review of the performance of
6 prisoners confined to the centers.

7 Sec. 33.30.284. COMMUNITY ADVISORY COMMITTEES. The commissioner
8 shall appoint a community advisory committee for each center, to
9 consist of five members of the community in which the center is locat-
10 ed. The committee shall consider complaints made against prisoners
11 confined to a center and shall make recommendations to the commis-
12 sioner.

13 Sec. 33.30.286. DISTRIBUTION OF PRISONER'S EARNINGS. The em-
14 ployee of a prisoner confined to a center shall pay the prisoner's
15 earnings to the commissioner. The commissioner shall deposit the
16 earnings in a fund to be paid to the prisoner upon release from the
17 center after making and distributing deductions for

18 (1) an amount determined by the commissioner for the cost
19 of the housing, food, and clothing provided to the prisoner;

20 (2) necessary travel expenses to and from work and other
21 incidental expenses of the prisoner;

22 (3) an amount determined by the court to be necessary for
23 the support of the prisoner's dependents; and

24 (4) an amount determined by the court to be necessary for
25 restitution to the victims of an offense committed by the prisoner.

26 Sec. 33.30.288. CONFINEMENT TO THE CENTER. (a) A prisoner
27 shall be confined to the center at all times except while

28 (1) at work and traveling to and from work;

29 (2) attending and traveling to and from a community service

project approved by the commissioner; and

(3) on emergency absence.

(b) The commissioner may grant an emergency absence to a prisoner confined to a center to obtain medical treatment or diagnosis.

* Sec. 5. AS 33.30.900 is amended by adding a new paragraph to read:

(10) "center" means a correctional restitution center.