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# COMMITTEE REPORT

## HOUSE

JUDICIARY

(7)

FURTHER: FINANCE

4/3/85

Date: April 11, 1985

The Committee on HEALTH, EDUCATION AND SOCIAL SERVICES 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 (HESS)  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

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

[Signature]  
Mr. L. Greenberg  
Katje Humberg  
Robert Taylor (vice chair)  
[Signature]  
David W. Thompson  
Rayce Van Looy

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Mr. L. Greenberg  
CHAIRMAN  
[Signature]  
Co. Chair

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: March 15, 1985

REQUEST:

Bill#: CS SB 4 (HESS)  
 Title: "An Act relating to correctional  
 restitution centers."  
 Sponsor: Senator Kelly  
 Requestor: (S) Finance  
 Date of Request: March 14, 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: March 15, 1985

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

Date: March 15, 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 adjustmer 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	=	<u>51.2</u>
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

## CS SB 4 (HESS)

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

		<u>Work History at time of arrest</u>	
165 (92%)	Felony	119 (66%)	Unemployed
<u>15 (8%)</u>	<u>Misdemeanor</u>	38 (21%)	Employed by business or agency
		<u>23 (13%)</u>	<u>Self-employed</u>
180 (100%)		180 (100%)	
<u>Employment Skills</u>		<u>Place of Residence</u>	
58 (32%)	General Labor	59 (33%)	Anchorage
17 (9%)	Mechanics	29 (16%)	Fairbanks
17 (9%)	Fishermen	9 (5%)	Juneau
19 (11%)	Carpenters	<u>83 (46%)</u>	<u>Other</u>
53 (30%)	Misc. other skills	180 (100%)	
<u>16 (9%)</u>	<u>No job skills</u>		
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

SECTIONAL ANALYSIS OF CSSB 4 (Finance) am  
PREPARED BY SENATOR TIM KELLY

Section 1

Amends AS 12.55.015, relating to authorized sentences that may be imposed by a sentencing court, to permit the court to recommend that individuals ordered to serve a term of imprisonment serve all or part of the sentence in a correctional restitution center. While a sentencing court may recommend that an individual serve a sentence in a restitution center, the final authority for placing an individual in a center rests with the Commissioner of Corrections under AS 33.30.100.

Section 2

Amends AS 12.55.086 (a), relating to imprisonment as a condition of suspended imposition of sentence, to permit a sentencing court to recommend that individuals ordered to serve a term of imprisonment as a condition of suspending imposition of sentence serve all or part of the time at a correctional restitution center. As is the case in section 1, while a sentencing court may recommend that the offender serve the time in a restitution center, the final authority for placing an individual in a center rests with the Commissioner of Corrections. See AS 33.30.100.

Section 3

Repeals and reenacts AS 33.30.060, relating to the authority of the Commissioner of Corrections to contract for the confinement and care of prisoners, to permit the Commissioner to contract with privately operated facilities for confinement of individuals on work and rehabilitation furloughs (AS 33.30.250-260), in restitution centers (AS 33.30.282-288), or for individuals convicted of misdemeanors. Under current law, the Commissioner already has the authority to contract with the Federal government and other state and local governments for the care and confinement of prisoners. This section would permit contracts with private facilities within Alaska and would require that such contracts be subject to competitive bidding.

Section 4

Amends AS 33.30, relating to prison facilities and prisoners, by adding a new article establishing correctional restitution centers, eligibility of individuals for placement in restitution centers, community advisory committees, provides for contracts for operation of centers, distribution of the earnings of prisoners and rules for confinement of individuals to centers.

The proposed AS 33.30.282 requires the Commissioner of Corrections to establish correctional restitution centers and establishes the purposes of the centers. This section requires the Commissioner to adopt regulations for the operation of restitution centers and specifically requires that regulations be adopted governing: (1) security and safety; (2) discipline; (3) emergency absences; and (4) review of prisoner performance.

The proposed AS 33.30.283 establishes eligibility criteria for the placement of offenders in a correctional restitution center. Under AS 33.30.100, the Commissioner of Corrections has the authority to designate the facility where the sentence of the offender is to be carried out. Only individuals meeting the requirements of this section may be placed in a correctional restitution center by the Commissioner. To be eligible to be placed in a center an individual must: (1) be employable or eligible to work on community service projects or agree to seek employment or participation in a community service project; (2) may not have been convicted of any crime involving violence or the use of force; and (3) may not have been convicted of any sexual offense under the Alaska criminal code, including sexual assault, sexual abuse of a minor, incest or indecent exposure. In this section, violence or the use of force includes possession of a firearm, whether or not the firearm was actually used in the commission of the offense.

The proposed AS 33.30.284 requires the Commissioner of Corrections to establish community advisory committees for each correctional restitution center. The committee may consider complaints against prisoners confined to the center and make recommendations to the Commissioner regarding the operation of the center.

The proposed AS 33.30.286 requires that the earnings of an offender confined to a restitution center shall be paid to the Commissioner of Corrections for placement in an account to be paid over to the offender upon release following deductions for: (1) room and board expenses while at the center; (2) travel and incidental expenses; (3) support for the dependents of the offender and (4) payment of fines to the court or restitution to the victims of the crime.

The proposed AS 33.30.288 requires that an offender committed to a restitution center shall be confined to the center at all times except when: (1) at work or traveling to work; (2) while working on or traveling to a community serve project; (3) on emergency leave; or (4) at or traveling to a job interview. A period of absence from a restitution center shall not exceed 12 hours in any 24 hour period.

#### Section 5

Amends AS 33.30.900, relating to definitions under Chapter 30, prison facilities and prisoners, by adding a new paragraph to define "center" as 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) am  
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 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 33.30.060 is repealed and reenacted to read:

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

1 commissioner may not enter into an agreement with an agency unable to  
2 provide a degree of custody, care, and discipline similar to that  
3 required by the laws of the state.

4 (b) The commissioner may enter into an agreement with a private-  
5 ly operated correctional facility, but only if the facility is located  
6 in the state and if the purpose of the agreement is to involve prison-  
7 ers in a program established under AS 33.30.250 - 33.30.260, to pro-  
8 vide necessary facilities under AS 33.30.282 - 33.30.288, or to con-  
9 fine prisoners convicted of a misdemeanor. Notwithstanding  
10 AS 37.05.230(1)(B), an agreement awarded under this section shall be  
11 based on competitive bids.

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

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

16 ARTICLE 3A. CORRECTIONAL RESTITUTION CENTERS.

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

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

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

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

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

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

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

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

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

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

22 (3) may not have been convicted of an offense under AS 11.-  
23 41.410 - 11.41.470 or an offense in the state or another jurisdiction  
24 having elements substantially identical to an offense under AS 11.41.-  
25 410 - 11.41.470.

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

1 confined to a center and shall make recommendations to the commis-  
2 sioner.

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

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

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

15 (3) an amount determined by the commissioner to be neces-  
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.