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STATE OF ALASKA THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

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May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

House Judiciary	4/25/85	1:30 pm
"	5/9/85	1:00 pm

COMMITTEE REPORT
HOUSE

(7)

FURTHER: FINANCE

4/12/85

Date: 4/12/85

The Committee on JUDICIARY 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 HCS for SB 4 (JUD) same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

[Signature]

[Signature]

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MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]

CHAIRMAN

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: April 16, 1985

REQUEST:

Bill/: HCS CS SB 4 (HESS)
 Title: "An Act relating to confinement of
 and to restitution centers."
 Sponsor: Senator Kelly
 Requestor: (H) Judiciary
 Date of Request: April 16, 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: April 16, 1985

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

Date: April 16, 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	= <u>19.6</u>
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 (HESS)

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	119 (66%) Unemployed
<u>15 (8%) Misdemeanor</u>	38 (21%) Employed by business or agency
	<u>23 (13%) Self-employed</u>
180 (100%)	180 (100%)

Employment Skills

58 (32%) General Labor
17 (9%) Mechanics
17 (9%) Fishermen
19 (11%) Carpenters
53 (30%) Misc. other skills
<u>16 (9%) No job skills</u>
180 (100%)

Place of Residence

59 (33%) Anchorage
29 (16%) Fairbanks
9 (5%) Juneau
<u>83 (46%) Other</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

MEMORANDUM

TO: HOUSE HESS COMMITTEE MEMBERS
FROM: NANCY BENNETT, COMMITTEE STAFF
DATE: APRIL 11, 1985
RE: HOUSE CS FOR CSSB 4 - RESTITUTION CENTERS

THE FOLLOWING CHANGES WERE MADE IN THE COMMITTEE SUBSTITUTE

1. Sections 1 and 2, relating to unlawful evasion, were added to the bill. These sections were taken from HB 188.
2. Page 2, line 22: "section" was changed to "subsection", to specify that competitive bidding procedures shall apply to agreements with the private sector for confinement of prisoners and not to public agencies owned by the state or federal government.
3. Page 3, lines 15-17: These two subsections from HB 188 were added to the bill to specify that the commissioner shall adopt regulations to set standards for classifying prisoners and for mandatory employment and community work services.
4. Page 5, lines 1 and 2 specify that child support payments for dependent children will be given a priority over all wage garnishments according to AS 09.65.132.
5. Page 5, line 12: a new subsection (5) was added to specify that a prisoner may be absent from a center for a furlough approved by the commissioner.
6. Page 5, line 13 adds "or furlough" to subsection (b) to be consistent with the change on line 12.
7. Page 5, lines 18-22: adds a definition for "community service" from HB 188.

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.

Original sponsors: Kelly, Sturgulewski,
Faiks, et al

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2 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

3 HOUSE CS FOR CS FOR SENATE BILL NO. 4 (HESS)

4 IN THE LEGISLATURE OF THE STATE OF ALASKA

5 FOURTEENTH LEGISLATURE - FIRST SESSION

6 A BILL

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

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

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

11 (a) A person commits the crime of unlawful evasion in the first
12 degree if the person fails to return to official detention on a charge
13 of a felony following temporary leave granted for a specific purpose
14 or limited period, including privileges granted under AS 33.30.150,
15 33.30.250, [OR] 33.30.260, or 33.30.288.

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

17 (a) A person commits the crime of unlawful evasion in the second
18 degree if the person fails to return to official detention on a charge
19 of a misdemeanor following temporary leave granted for a specific
20 purpose or limited period, including privileges granted under AS 33.-
21 30.150, 33.30.250, [OR] 33.30.260, or 33.30.288.

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

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

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

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

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

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

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

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

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

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

28 ARTICLE 3A. CORRECTIONAL RESTITUTION CENTERS.

29 Sec. 33.30.282. CORRECTIONAL RESTITUTION CENTERS. (a) The
commissioner shall establish correctional restitution centers in the

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

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

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

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

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

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 (4) standards for classifying prisoners to centers;

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

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

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

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

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

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

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

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

18 Sec. 33.30.286. DISTRIBUTION OF PRISONER'S EARNINGS. The em-
19 ployer of a prisoner confined to a center shall pay the prisoner's
20 earnings to the commissioner. The commissioner shall deposit the
21 earnings in a fund to be paid to the prisoner upon release from con-
22 finement after making and distributing deductions for

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

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

(3) an amount determined by the commissioner to be

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2 necessary for the support of the prisoner's dependents and for child
3 support payments as required under AS 09.65.132; and

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

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

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

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

10 (3) on emergency absence;

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

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

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

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

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

18 (11) "community service" means work on projects designed to
19 reduce or eliminate environmental damage, protect the public health,
20 or improve public services, land, forests, parks, roads, highways,
21 facilities, or education; community service may not confer a private
22 benefit on a person except as may be incidental to the public benefit.

Edwards
4/26/85 ✓

Original sponsors: Kelly, Sturgulewski,
Faiks, et al

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IN THE SENATE

BY THE JUDICIARY COMMITTEE

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

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

A BILL

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 Sec. 33.30.062. CONTRACTS WITH PRIVATELY OPERATED FACILITIES.

18 (a) The commissioner may enter into an agreement with a privately
19 operated correctional facility, but only if the facility is located in
20 the state and if the purpose of the agreement is to involve prisoners
21 in a work or rehabilitation furlough program established under this
22 chapter, to provide necessary facilities under AS 33.30.282 -
23 33.30.288, or to confine prisoners convicted of a misdemeanor.
24 Notwithstanding AS 37.05.230(1)(B), an agreement awarded under this
25 subsection shall be based on competitive bids.

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

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

ARTICLE 3A. CORRECTIONAL RESTITUTION CENTERS.

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

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

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

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

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

17 (4) standards for classifying prisoners to centers;

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

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

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

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

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

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

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

10 (3) may not have been convicted of an offense under AS 11.-
11 41.410 - 11.41.470 or an offense in the state or another jurisdiction
12 having elements substantially identical to an offense under AS 11.41.-
13 410 - 11.41.470.

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

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

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

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

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

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

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

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

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

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

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

15 (3) on emergency absence;

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

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

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

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

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

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

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