

COMMITTEE REPORT
SENATE

3/20/75

FURTHER:

Date 3/25/75

Mr. President

The Committee on FINANCE considered SB 1

relating to occupational registration centers.

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

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 1 (FIN)
- new title
- same title and recommends "DO PASS"
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

W. Keenan

Chairman

Chairman recommendation

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

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3/15/85
Low fiscal note for SB4, hold until 3/14/85 hearing.

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Prepared By: William W. Ladwig
 Division: Deputy Commissioner - Administration
 Approved by Commissioner: [Signature]
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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 assumed 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

Offered: 2/13/85
Referred: Judiciary

Original sponsors: Kelly, Sturgulewski,
Falks, et al

FINANCE
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.

AMENDMENTS

TO: CSSB 4 (HESS)

BY: Senator Faiks

AMENDMENT #1

Page 1, Line 6

After the word "to" delete "correctional restitution centers." and insert "confinement of offenders."

AMENDMENT #2

Page 2, Lines 18 and 19

After "(1)" delete "must be employable and agree to secure employment and obey the rules of the center"

And insert "must be employable or eligible to work on community service projects approved by the commissioner and agree to secure employment or participation in community service projects and obey the rules of the center"

AMENDMENT #3

Page 3, Lines 7 - 12

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

And insert new Sections 3 and 4

"Sec.33.30.060. COMMISSIONER MAY CONTRACT FOR CONFINEMENT AND CARE OF PRISONERS. (a) The commissioner shall determine the availability of state prison facilities suitable for the detention and confinement of person held under authority of state law. If the commissioner determines that suitable state prison facilities are not available, the commissioner may enter into an agreement with [THE PROPER AUTHORITIES OF THE UNITED STATES, ANOTHER STATE, A POLITICAL SUBDIVISION OF THIS STATE TO PROVIDE FOR THE SAFEKEEPING, CARE, SUBSISTENCE, PROPER GOVERNMENT, DISCIPLINE AND TO PROVIDE PROGRAMS FOR THE REFORMATION AND REHABILITATION AND TREATMENT OF PRISONERS.] a public or private agency to provide necessary facilities. [PRISON FACILITIES MADE AVAILABLE TO THE COMMISSIONER BY] Correctional facilities provided through agreement may be in this state, or in [ANY OTHER] another state[,] . [TERRITORY OR POSSESSION OF THE UNITED STATES.] The commissioner [SHALL] may not enter into an agreement with an [AUTHORITY] agency unable to provide [THE] a degree [OR KIND OR SAFEKEEPING] of custody, care and [SUBSISTENCE] discipline similar to that required by the laws of this state [AND THE RULES AND REGULATIONS ADOPTED BY THE COMMISSIONER].

*Sec. 4. AS 33.30.060 (b) and (c) are repealed and reenacted to read:

(b) The commissioner may not enter into an agreement with a privately operated correctional facility under (a) of this section unless the purpose is to involve prisoners in a program established under AS 33.30.250 -- 33.30.260, to

provide necessary facilities under AS 33.30.282 -- 33.30.288,
or to confine prisoners convicted of a misdemeanor.

Notwithstanding the provisions of AS 37.05.230 (1) (B), the
agreement shall be awarded on the basis of competitive bids.

(c) Earnings of a person employed while confined in a
privately operated correctional facility established under
(a) of this section are subject to the provisions of AS
33.30.286.

Re-number following sections accordingly

AMENDMENT #4

Page 3, Line 24

After the word "court." Insert new subsection "(5) In
determining an amount to be deducted and distributed from a
prisoner's earnings for the costs of housing, food, and
clothing under this section, the commissioner shall deduct an
equivalent percentage of each prisoner's earnings for this
purpose. A deduction shall not exceed the total direct cost
of services provided."

AMENDMENT #5

Page 4, Line 2

After the word "interview." add a new subsection "(5)
Except for emergency absences, a period of time when an
individual is not confined to the center under this section
shall not exceed 12 hours in a 24-hour period."

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
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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.-
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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
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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
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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;

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28 prisoners confined to the centers;

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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

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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.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

FISCAL NOTE: 1 of 2

Revision Date: February 11, 1985

REQUEST:

Bill/: CS SB 4 (HESS)
 Title: "An Act relating to correctional
 restitution centers."
 Sponsor: Senator Kelly
 Requestor: (S) HESS
 Date of Request: February 7, 1985

FISCAL DETAIL:

Agency Affected: DEPARTMENT OF CORRECTIONS
 Program Category Affected: Administration of Justice
 BRU, Program or Subprogram(s) Affected: Southcentral Region, Ridgeview
 Correctional Center Component

EXPENDITURES/REVENUES: (Thousands of Dollars)

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POSITIONS:

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

ANALYSIS: This fiscal note reflects the total cost savings to the state if funding for the 19 positions currently budgeted to the Ridgeview Correctional Center were deleted and the operation of the Correctional Restitution Center was contracted to the private sector. In addition to these savings, the Department would gain the services of 13 staff and would gain 40 beds. However, pursuant to Legislative Intent attached to this budget component, the Department requests authorization to disperse these 19 positions and their funding to other institutions within the Southcentral BRU.

Prepared By: Cynthia S. Nelson
 Division: Special Assistant

Phone: 465-3376
 Date: February 11, 1985

Approved by Commissioner: Roger V. Endell
 Agency: DEPARTMENT OF CORRECTIONS

Date: February 11, 1985

Distribution (by Agency preparing fiscal note):

Legislative Finance
 Legislative Sponsor
 Impacted Agency (ies)

Requestor: (S) HESS
 Office of Management and Budget

ANALYSIS

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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>27.4</u>
TOTAL	=	\$ 96.1

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

CONTRACTUAL COSTS \$1,074.7

Adjustments to FY 86 Operating Budget Request

01 Personal Services	(984.0)		(984.0)
02 Travel	(3.8)		(3.8)
03 Contractual	(95.7)	+ \$1,074.0 =	979.0
04 Commodities	(102.6)		(102.6)
07 Grants/Claims	<u>(7.8)</u>		(7.8)
TOTAL	(1,193.9)		

TOTAL GENERAL FUND (FY 86) (119.2)

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: February 6, 1985

REQUEST:

Bill#: CS SB 4 (H.E.S.S.)
 Title: "An Act relating to correctional
 restitution centers."
 Sponsor: Senator Kelly
 Requestor: (S) H.E.S.S.
 Date of Request: February 1, 1985

FISCAL DETAIL:

Agency Affected: DEPARTMENT OF CORRECTIONS
 Program Category Affected: Administration of Justice
 BRU, Program or Subprogram(s) Affected: Offender Confinement, Reformation and Supervision

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		* 864.8	1128.4	1184.8	1244.0	1306.2
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	* 864.8	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-	* 864.8	1128.4	1184.8	1244.0	1306.2
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	* 864.8	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: February 6, 1985

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

Date: February 6, 1985

Distribution (by Agency preparing fiscal note):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency (ies)

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	= \$ 29,500
1 - Assistant Director	= 24,150
12 - Security Staff @ \$17,825	= 213,900
5 - Counselors @ \$20,700	= 103,500
2 - Job Development Specialists @ \$23,00	= 46,000
1 - Education Coordinator	= 23,000
4 - Security Supervisors @ \$23,460	= 93,800
2 - Cooks @ \$19,550	= 39,100
2 - Clerk Typists @ \$12,000	= 24,000
1 - Maintenance/Janitorial	= <u>19,550</u>
TOTAL	\$616,500

Care

Food (\$7.50 per day X 100 = \$750.00 X 365)	=	\$273,750
Supplies	=	22,000
Lab Expenses	=	12,000
Miscellaneous Resident Needs	=	<u>3,000</u>
TOTAL		\$310,750

Maintenance and Operation

Utilities	=	\$ 31,400
Telephone	=	9,000
Insurance (liability, auto, bonding)	=	12,000
Equipment/Maintenance (vehicles)	=	16,500
Travel (local)	=	27,375
(250 miles/day X .30 miles = \$75.00 X 365)		<u> </u>
TOTAL	=	\$ 96,275

Total Costs (FY 85)	=	\$1,023,525
+ 5% Inflation	=	<u>51,176</u>

TOTAL CONTRACTUAL COSTS \$1,074,701

* Reductions for FY 86 Operating Budget Request
 Minus Personal Services Costs

02 Travel	3.8	
03 Contractual	95.7	
04 Commodities	102.6	
07 Grants/Claims	7.8	
TOTAL	<u>209.9</u>	[209,900]

TOTAL CONTRACTUAL COSTS (FY 86) \$ 864,801

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%) Misdemeanor</u>	38 (21%) Employed by business or agency
	<u>23 (13%)</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%) Other</u>
53 (30%) Misc. other skills	180 (100%)
<u>16 (9%) No job skills</u>	
180 (100%)	

Projected population profiles and growth rates indicate 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

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST:

Bill/Resolution No.: S.B. 4
 Title: "An Act relating to Correctional
 Restitution Centers"
 Sponsor: Senator Kelly
 Requestor: Senate H.E.S.S.
 Date of Request: January 18, 1985

FISCAL DETAIL:

Agency Affected: DEPARTMENT OF CORRECTIONS
 Program Category Affected: Administration of Justice
 BRU, Program or Subprogram(s) Affected: Offender Confinement, Reformation
 and Supervision

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES		426.8	443.9	461.7	480.2	499.4
200 TRAVEL		-0-	-0-	-0-	-0-	-0-
300 CONTRACTUAL		7.9	8.2	8.5	8.8	9.1
400 SUPPLIES		97.4	101.3	105.3	109.5	113.9
500 EQUIPMENT		11.0	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	543.1	553.4	575.5	598.5	622.4

CAPITAL						
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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-	543.1	553.4	575.5	598.5	622.4
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	543.1	553.4	575.5	598.5	622.4

POSITIONS:

FULL-TIME	10	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary.

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

Phone: 465-3376
 Date: January 23, 1985

Approved by Commissioner: Roger V. Endell by William W. Ladwig
 Agency: DEPARTMENT OF CORRECTIONS

Date: January 23, 1985

Distribution (by Agency preparing fiscal note):

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

ANALYSIS

Assumptions

The Department of Corrections will develop a pilot Correction 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 restitution center. The current inmate population would be dispersed amongst other Anchorage area facilities. Present staff at Ridgeview would be augmented by the addition of ten (10) new staff to provide security, education, program assistance and clerical support necessary to accomplish this new program.

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 prisoners 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.

$$\begin{aligned} 50 \text{ inmates} \times 40 \text{ hours} \times 52 \text{ weeks} &= 104,000 \\ 104,000 \text{ hours} \times \$4.50 \text{ an hour} &= \$468,000 \\ \$468,000 \times .25 &= \$117,000 \end{aligned}$$

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

Program Summary

The current operating budget for Ridgeview will be increased by costs associated with the new positions, increased population and special program needs. Future fiscal year impact for recurring items is assumed to increase at the rate of 4% per year.

Positions:

3 Correctional Officers III	\$157.7
1 Educational Associate III	43.8
2 Probation Officers III	85.2
2 Social Workers III	85.2
2 Clerk Typists III	54.9
	<hr/>
	\$426.8

Other Expenses:

Contractual Services - 2 leased vehicles at \$330/mo. ea. = \$7,920

Supplies - consumables for new positions 10 X \$400 = \$4,000;

food, clothing, etc., for new populations \$6.40/day X 40 new inmates
X 365 = \$93,440

Equipment - one time costs associated with new positions = \$11,000

Economic Impact:

Having prisoners who would otherwise be confined to a correctional center employed outside of the institution would provide a means for payment of restitution, reimbursement for partial cost-of-care, and support of dependents.

1.	POSITION TITLE Education Associate III				RANGE/STEP 17/A	BARG. UNIT G	PAGE/LINE	GOV.	APPROV	DISAPP
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION EBA	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE				AMOUNT					
	1		2		3					
	PERSONAL SERVICES									
5.	Salary	\$2,894	34,728							
6.	Benefits		4,331							
7.	Supplemental Benefits		2,129							
8.	Fixed Benefits		2,630							
9.	TOTAL PERSONAL SERVICES		01		43,818					
10.	Travel		02							
11.	Contractual		03							
12.	Commodities		04		400					
13.	Equipment		05		1,000					
14.	Other		06		45,218					
15.	TOTAL COST									
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts 1002								
17.		G.F. Match 1003								
18.		General Funds 1004				45.2				
19.		I-A Receipts 1005								
20.		Program Receipts 1006								
21.		Other								
For B&M USE ONLY										
KEY NUMBER										

This position will provide educational guidance for persons in the Correctional Restitution Center for ABE/GED and other levels so they can develop knowledge and skills that will enhance their employability.

REQUEST FOR
NEW POSITION

AGENCY Department of Corrections
PROGRAM Offender Confinement, Reformation and Supervision
BRU Southcentral Region
COMPONENT Ridgeview Correctional Center

FY 86

1.	POSITION TITLE Probation Officer II				RANGE/STEP 16/A	BARG. UNIT G	PAGE/LINE	GOV.	APPROV	DISAPP																								
2.	TYPE OF POSITION PFT	STAFF MONTHS 24	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION EBA	ELECTION DISTRICT	LEG.																										
3.	CONTINUATION LEVEL				JUSTIFICATION																													
4.	TYPE OF EXPENDITURE				AMOUNT																													
	1		2		3																													
	PERSONAL SERVICES																																	
5.	Salary		64,824		<p>These positions will provide counseling to inmates in dealing with problems that arise during incarceration and that lead to incarceration.</p> <p>Single Position Costs:</p> <table> <tr> <td>\$2701 month X 12</td> <td>=</td> <td>\$32,412</td> </tr> <tr> <td>SBS @ .0613</td> <td>=</td> <td>1,987</td> </tr> <tr> <td>Var Ben @ .047408</td> <td>=</td> <td>1,537</td> </tr> <tr> <td>Pers @ .1247</td> <td>=</td> <td>4,042</td> </tr> <tr> <td>Health Ins. @ \$219.20/mo.</td> <td>=</td> <td>2,630</td> </tr> <tr> <td></td> <td></td> <td><u>\$42,608</u></td> </tr> <tr> <td></td> <td></td> <td>X 2</td> </tr> <tr> <td></td> <td></td> <td><u>\$85,216</u></td> </tr> </table>						\$2701 month X 12	=	\$32,412	SBS @ .0613	=	1,987	Var Ben @ .047408	=	1,537	Pers @ .1247	=	4,042	Health Ins. @ \$219.20/mo.	=	2,630			<u>\$42,608</u>			X 2			<u>\$85,216</u>
\$2701 month X 12	=	\$32,412																																
SBS @ .0613	=	1,987																																
Var Ben @ .047408	=	1,537																																
Pers @ .1247	=	4,042																																
Health Ins. @ \$219.20/mo.	=	2,630																																
		<u>\$42,608</u>																																
		X 2																																
		<u>\$85,216</u>																																
6.	Benefits		11,158																															
7.	Supplemental Benefits		3,974																															
8.	Fixed Benefits		5,260																															
9.	TOTAL PERSONAL SERVICES	01	85,216																															
10.	Travel	02																																
11.	Contractual	03																																
12.	Commodities	04	800																															
13.	Equipment	05	3,000																															
14.	Other	06																																
15.	TOTAL COST		89,016																															
	RECEIPT CODE	FUNDING SOURCE																																
16.		Federal Receipts 1002																																
17.		G.F. Match 1003																																
18.		General Funds 1004			89.0																													
19.		I-A Receipts 1005																																
20.		Program Receipts 1006																																
21.		Other																																
For B&M USE ONLY																																		
KEY NUMBER																																		

REQUEST FOR
NEW POSITION

AGENCY Department of Corrections
Offender Confinement, Reformation
PROGRAM and Supervision

BRU Southcentral Region

COMPONENT Ridgeview Correctional Center

FY 86

1.	POSITION TITLE Social Worker III				RANGE/STEP 16/A	BARG. UNIT G	PAGE/LINE	GOV.	APPROV	DISAPP
2.	TYPE OF POSITION PFT	STAFF MONTHS 24	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION EBA	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE				AMOUNT					
	1		2		3					
	PERSONAL SERVICES									
5.	Salary		64,824							
6.	Benefits		11,158							
7.	Supplemental Benefits		3,974							
8.	Fixed Benefits		5,260							
9.	TOTAL PERSONAL SERVICES		01		85,216					
10.	Travel		02							
11.	Contractual		03							
12.	Commodities		04		800					
13.	Equipment		05		3,000					
14.	Other		06							
15.	TOTAL COST				89,016					
	RECEIPT CODE				FUNDING SOURCE					
16.					Federal Receipts 1002					
17.					G.F. Match 1003					
18.					General Funds 1004 89.0					
19.					I-A Receipts 1005					
20.					Program Receipts 1006					
21.					Other					
For B&M USE ONLY										
KEY NUMBER										

These positions will provide assistance for inmates in locating work and in using community resources to develop their own job referrals.

Single Position Costs:

\$2701 month X 12	=	\$32,412
SBS @ .0613	=	1,987
Var Ben @ .047408	=	1,537
Pers @ .1247	=	4,042
Health Ins. @ \$219.20/mo.	=	2,630
		\$42,608
		X 2
		\$85,216

REQUEST FOR
NEW POSITION

AGENCY Department of Corrections
PROGRAM Offender Confinement, Reformation
and Supervision
BRU Southcentral Region
COMPONENT Ridgeview Correctional Center

FY 86

1.	POSITION TITLE Correctional Officer III				RANGE/STEP 15/A	BARG. UNIT G	PAGE/LINE	GOV.	APPROV	DISAPP
2.	TYPE OF POSITION PFT	STAFF MONTHS 36	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION EBA	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL				ADDITION		XX			
4.	TYPE OF EXPENDITURE				AMOUNT					
	1		2		3					
	PERSONAL SERVICES									
5.	Salary		103,320		Shift Diff.					
6.	Benefits		28,122		\$3,873					
7.	Supplemental Benefits		7,026		Overtime					
8.	Fixed Benefits		7,890		\$7,446					
9.	TOTAL PERSONAL SERVICES		01		157,677					
10.	Travel		02							
11.	Contractual		03							
12.	Commodities		04		1,200					
13.	Equipment		05							
14.	Other		06							
15.	TOTAL COST				158,877					
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts 1002								
17.		G.F. Match 1003								
18.		General Funds 1004		158.9						
19.		I-A Receipts 1005								
20.		Program Receipts 1006								
21.		Other								
<p>For B&M USE ONLY</p> <p>KEY NUMBER _____</p>										

JUSTIFICATION

These positions will provide added security for the increased offender population when this facility is converted to a Correctional Restitution Center.

Single Position Cost:

\$2,870 month X 12 =	\$34,440
Shift Diff. @ .0375 =	1,291
Overtime @ \$24.82 X 100 =	2,482
	<u>\$38,213</u>
SBS @ .0613 =	2,342
PERS @ .1979 =	7,562
Var Ben @ .047408 =	1,812
Health Ins. @ \$219.20/mo. =	2,630
	<u>\$52,559</u>
	X 3
	<u>\$157,677</u>

REQUEST FOR
NEW POSITION

AGENCY Department of Corrections
PROGRAM Offender Confinement, Reformation and Supervision
BRU Southcentral Region
COMPONENT Ridgeview Correctional Center

FY 86

1.	POSITION TITLE Clerk Typist III				RANGE/STEP 8/B	BARG. UNIT G	PAGE/LINE	GOV.	APPROV	DISAPP
2.	TYPE OF POSITION PFT	STAFF MONTHS 24	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION FBA	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE				AMOUNT					
	1		2		3					
	PERSONAL SERVICES									
5.	Salary		40,248							
6.	Benefits		6,926							
7.	Supplemental Benefits		2,468							
8.	Fixed Benefits		5,260							
9.	TOTAL PERSONAL SERVICES		01		54,902					
10.	Travel		02							
11.	Contractual		03							
12.	Commodities		04		800					
13.	Equipment		05		4,000					
14.	Other		06							
15.	TOTAL COST				59,702					
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts 1002								
17.		G.F. Match 1003								
18.		General Funds 1004			59.7					
19.		I-A Receipts 1005								
20.		Program Receipts 1006								
21.		Other								
	For B&M USE ONLY									
	KEY NUMBER _____									

These positions will provide clerical support for Institutional Counselors.

Single Position Costs:

\$1677 month X 12	=	\$20,124
SBS @ .0613	=	1,234
Var Ben @ .047408	=	954
Pers @ .1247	=	2,509
Health Ins @ \$219.20/mo.	=	2,630
		<u>\$27,451</u>
		X 2
		<u>\$54,902</u>

REQUEST FOR
NEW POSITION

AGENCY Department of Corrections
Offender Confinement, Reformation
PROGRAM and Supervision
BRU Southcentral Region
COMPONENT Ridgeview Correctional Center

FY 86

DEPARTMENT OF CORRECTIONS

POSITION PAPER

Senate Bill No. 4

The Department of Corrections supports the concept of this proposed legislation. There is benefit to both the public and the prisoner in having certain non-violent offenders involved in community services and employed in the community.

Prisoner earnings would be generated to off-set a portion of the cost of incarceration, to support dependents and to make restitution to victims. Operating costs would probably be less for this type of facility, and the effect would be to make available the most costly and secure institutional spaces for more dangerous offenders. When not housed in the correctional facility, the offenders would either be working or completing community work service that would benefit the public.

While in support of the concept, the bill is not without problems, principally because of proposed Title 12 restrictions on the court and silence regarding Title 33 responsibilities of the Commissioner of Corrections. Under proposed language there would be three avenues for offenders to enter a correctional restitution center:

1. The Court could recommend placement to the Commissioner (Section 1);
2. The Court could require placement (Section 2); or
3. Under existing AS 33.30 authority the Commissioner could place offenders in these facilities.

As presently written the Commissioner would not be limited to placement of specific types of prisoners, however, the court would be limited.

Section 3 presents concerns regarding suspended imposition of sentence placement by the courts. First, while it has been stated in Section 1 that placement in restitution centers would be limited to individuals who would otherwise have been sentenced to imprisonment in a prison facility, this is not an easy distinction before the actual determination of sentence. This bill provides the courts with an attractive new alternative that could redefine the type of offender who would be sentenced to incarceration. By permitting the judicial placement option, there is a substantial possibility that over a time a number of non-violent offenders who historically have been placed on probation would be placed in this more restrictive and costly setting.

Secondly, the violation process under Section 3 is problematic. Under this bill if a person is placed in a Correctional Restitution Center by the court as a special condition of probation and the offender violates rules of conduct while in custody, the matter would be returned to the court for further proceedings. This is a costly and time consuming process. By contrast, inmates placed under the authority of the Commissioner would receive an administrative hearing regarding allegations and they could be administratively assigned to another institution for all or part of the balance of the period of imprisonment. This substantial difference could be resolved by either deleting Section 3, or by specifying that if the prisoner sentenced under this section

violates established rules, the Commissioner may require all or part of the remaining period of imprisonment to be served at another correctional facility.

Section 4 of this bill includes the provision for Community Advisory Committees. This five member group of citizens would be a working committee considering complaints against prisoners and making recommendations to the Commissioner. The language does not specify the level or types of complaints to be considered by the committee and should be clarified.

Section 4 is unclear in 33.30.286 (3) and (4) as to when the court will determine the amount of money necessary for support of dependents and restitution to victims. If it is intended that the court make this determination rather than the Commissioner, it should be addressed in Title 12 which is now silent on the matter. At any time other than at sentencing this would be a time consuming process and the court might not have sufficient information at time of sentencing regarding future income while in the restitution center. If it is to be the Commissioner's responsibility to make these determinations when more information is available, then this Section requires revision.

Using the criteria established in Section 2, 180 (15%) of the 1,239 sentenced prisoners in custody December 31, 1984 were identified as being potentially eligible to serve time in a Correctional Restitution Center. Of the 180 eligible prisoners, 59 (33%) identified Anchorage as their place of residence, 29 (16%) identified Fairbanks, 9 (5%) identified Juneau and the 83 (46%) remaining identified small cities and various villages around the state. With this information, we have determined that Correctional Restitution Centers should receive priority for establishment in the Anchorage and Fairbanks areas.

Operation of a Correctional Restitution Center directly by the Department of Corrections is a costly proposition. A reduction in the security staff required to maintain security of these non-violent offenders is off-set by the need to provide employment counseling and assistance locating employment opportunities for person entering the program. A review of the work history at the time of initial arrest of the 180 prisoners meeting the minimum criteria shows that 119 (66%) were unemployed, 38 (21%) were employed by a business or agency, and 23 (13%) were self-employed. This information reveals that extensive job preparation and on-going counseling would be required to enable prisoners not only to obtain employment but to keep it. Assisting with transportation to and from work and confirming attendance is critical to the success of the program.

The Department of Corrections encourages this method of rehabilitating non-violent offenders into productive members of our society. In order to be able to provide structured Correctional Restitution Centers with a reduction in costs we recommend that the Department be given authority to contract for the operation of these facilities with the private sector.

Prepared By: Cynthia Nelson
Cynthia Nelson, Special Assistant

Date: January 23, 1985

Approved By: Roger V. Endell
Roger V. Endell, Commissioner

Date: January 23, 1985

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
 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 indicate 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 (Hess)
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

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 agree to seek employment; (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 33.30.285 permits the Commissioner of Corrections to enter into contracts with public or private entities for the operation of correctional restitution centers. The section prohibits the Commissioner from entering into contracts for the operation of centers with agencies that is unable to provide the degree of custody, care, discipline that the State itself would have to provide.

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.

Section 4

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.

5 FC-85
3/14/85
Enacted Amend

CS For Senate Bill 4 (HESS)

AMENDMENT #1

DELETE: Page 3, line 7 through 12

AMEND TITLE TO READ:

"An Act relating to (CORRECTIONAL RESTITUTION
CENTERS) Confinement of Offenders."

ADD: New Sections 3 and 4:

* Sec. 3. AS 33.30.060 (a) is amended to read:

Sec. 33.30.060. [COMMISSIONER MAY] CONTRACT FOR CONFINEMENT
AND CARE OF PRISONERS. (a) The commissioner shall determine the
availability of state [PRISON] correctional facilities suitable
for the detention and confinement of persons held under authority
of state law. If the commissioner determines that suitable state
[PRISON] correctional facilities are not available, the commissioner
may enter into an agreement with [THE PROPER AUTHORITIES OF THE
UNITED STATES, ANOTHER STATE, OR A POLITICAL SUBDIVISION OF THIS
STATE TO PROVIDE FOR THE SAFEKEEPING, CARE, SUBSISTENCE, PROPER
GOVERNMENT, DISCIPLINE AND TO PROVIDE PROGRAMS FOR THE REFORMATION
AND REHABILITATION AND TREATMENT OF PRISONERS.] a public or private
agency to provide necessary facilities. [PRISON FACILITIES MADE
AVAILABLE TO THE COMMISSIONER BY] Correctional facilities provided
through agreement may be in this state, or in [ANY OTHER] another
state[,]. [TERRITORY OR POSSESSION OF THE UNITED STATES.]

The commissioner [SHALL] may not enter into an agreement with an [AUTHORITY] agency unable to provide [THE] a degree [OR KIND OF SAFEKEEPING] of custody, care and [SUBSISTENCE] discipline similar to that required by the laws of this state and the rules and regulations adopted by the commissioner.

* Section 4. AS 33.30.060 (b) and (c) are repealed and reenacted to read:

(b) The commissioner may not enter into an agreement with a privately operated correctional facility under (a) of this section unless the purpose is to involve prisoners in a program established under AS 33.03.250 -- 33.30.260, to provide necessary facilities under AS 33.30.282 -- 33.30.288, or to confine prisoners convicted of a misdemeanor .

(c) Earnings of a person employed while confined in a privately operated correctional facility established under (a) of this section are subject to the provisions of AS 33.32.050.

(d) The commissioner may enter into an agreement with the United States, another state, a municipality of this state, or another state agency, to provide a correctional facility for the custody, care and discipline of a person held under authority of the law of that jurisdiction.

Renumber previous Sections 3 and 4 to 5 and 6.

ANALYSIS FOR SENATE BILL 4

An Act relating to correctional restitutions centers

This bill authorizes the establishment of low security correctional restitutional centers in the State's prison system. Thirty-three other states now have something similar on the books. It specifies who can serve time in the centers and establishes guidelines for the operation of these centers.

Inmates would be permitted to leave the institutions during the work day for employment and community service work outside. A portion of the inmates' income (Corrections says 25%) will be applied by the facility to offset costs of the institution, to provide "restitution" to victims (compensation for losses caused by inmate), to support his dependents and to pay for transportation to and from employment.

Only inmates who are employable and who have not committed crimes involving either force, firearms, sexual assault, incest or child pornography are eligible to be assigned to the centers. The inmates must stay at the center any time that they are not at their jobs or community service projects or on approved emergency absences.

Each center will have a community advisory committee to consider complaints made against its inmates.

The bill allows the Department of Corrections to contract with the private sector to operate restitution centers. They estimate that a pilot program at Ridgeview in Anchorage will cost \$1,074,700. However, that would still result in a net savings of \$119,200 in FY 86 because 19 current Corrections employees would be terminated. In addition moving prisoners into this correctional restitution center would open up 40 additional beds at other prisons.

If these 19 employees are simply transferred to other correctional facilities rather than being terminated, the Department has provided a second fiscal note which estimates an additional FY 86 cost of \$864,800.

Changes to SB 4 by Senate HESS Committee

All authority to place individuals in restitution centers has been consolidated in the Commissioner of the Department of Corrections. A sentencing trial court may recommend that an individual serve all or part of a term of imprisonment in a restitution center but may not require it. See sections 2 and 3 of the HESS Committee substitute.

In section 3 of the HESS substitute, 2 clarifying changes have been made to the original language establishing correctional restitution center guidelines.

On page 2, lines 1 and 2, language "... and to create a means to provide restitution to victims of crimes." has been added to better explain the purposes of the centers.

On page 2 at lines 25 and 26, the reference to "dangerous instrument" has been replaced with "firearm" at the suggestion of the Department of Law to avoid a technical legal problem that results from the use of the term "dangerous instrument" in this context.

In section 3 of the HESS substitute on page 3, lines 9 through 15, a new section is added to permit the Department of Corrections the authority to contract for the operation of correctional restitution centers.

Also in section 3 of the HESS substitute on page 3, line 26, the language is changed to permit the commissioner to distribute deductions for fines as well as for restitution payments from an individual's earnings.

FISCAL NOTES ON SB4

The Department of Correction's revised fiscal note for the HESS committee substitute reflects the following:

Through the addition of the authority to contract out the operation of correctional restitution centers, overall costs to the state of confinement of individual offenders can be significantly reduced.

In FY 86, the department would convert the existing Ridgeview Correctional Facility into a restitution center. Funds that would have been appropriated in the FY 86 budget for 19 correctional officers and other staff and other support costs would be deleted. The cost for the operation of the Ridgeview facility by a private contractor would be \$1,074,000.

In subsequent fiscal years, the total cost of operating the Ridgeview Correctional facility as a restitution center is shown on the 300 (contractural) line. Since the Department of Corrections has no current plans to continue operation of Ridgeview beyond FY 86, the costs of continued operation are shown.

It should be kept in mind that the conversion of Ridgeview into a correctional restitution center will have a very positive effect on the number of beds available to the Department of Corrections in FY 86 and in subsequent years. In FY 86, the conversion will result in the creation of an additional 40 beds since the restitution center will be a lower security operation. In subsequent years, the new expense for the operation of Ridgeview will purchase an additional 100 beds that are not currently part of the Department's budget.

Costs of incarceration through the contracturally operated restitution center are significantly lower than at a regular, state-operated, full-security correctional institution.

Finally, the revenue generated by deduction of a portion of the offender's earnings for the cost of room and board are shown on the face of the fiscal note. This revenue would be returned to the general fund.

C H A R T III

STATES THAT HAVE DOCUMENTED RESTITUTION CENTERS

<u>STATE</u>	<u>TYPE OF PROGRAM</u>	<u>RESIDENTIAL OF PRISON</u>	<u>%</u>	<u>ADMIN. ENROLLING AGENCY</u>	<u>ENROLLING LEGIS</u>	<u>EFFECT ON CORRECTIONAL SYSTEM</u>	<u>ELIGIBILITY CRITERIA</u>
<u>ALABAMA</u>							
House Bill 22 Chap 83-834	Supervised Intensive Restitution Program	NO	100%	DOC	YES	Reduce prison time (after 60 days in prison)	Must be within 3 yrs. of release date, nonviolent offenders, no drug sales, good conduct, must have sponsor.
<u>ARIZONA</u>							
	Pima Co. Project Work (Community service)	NO	100%	Co. DA	NO	In lieu of prison	Offenders ranked by offense, etc.
ARS §13-901	Mandatory restitution	NO	**Both	Prob.	YES	In lieu of prison	Nonviolent offenders
<u>CONNECTICUT</u>							
CRS§17-27-101	Community Corrections (State)	YES/NO(up to 2 yrs.)	100%	DOC & Local Comm.	YES	In lieu of prison	Nonviolent offenders. Clients required to pay part of costs. Restitution to victim may be required if client is employed. Public service & restitution.
<u>CONNECTICUT</u>							
	Correctional Institution Incl. mandatory & community service restitution with victim contracts	YES	Both	DOC	NO	Reduce prison time	All convictions
	Connecticut Restitution Service	NO	100%	Court	NO	In lieu of jail/prison	Nonviolent offenders

NOTE: *For purposes of continuity and definition "DOC" means Department of Corrections or equivalent agency.
**For purposes of definition "Both," means both misdemeanants & felons.

C H A R T III

STATES THAT HAVE IMPLEMENTED RESTITUTION CENTERS

<u>STATE</u>	<u>TYPE OF PROGRAM</u>	<u>RESIDENTIAL OF FEES</u>	<u>* ADMIN. ENAILING AGENCY LEGIS</u>	<u>EFFECT ON CORRECTIONAL SYSTEM</u>	<u>ELIGIBILITY CRITERIA</u>	
<u>FLORIDA</u>						
FS 921.187	Restitution Centers (Comm. Resid./Nonresid. Centers, including community service)	YES/NO	100%	DOC/ YES contract	Residential in lieu of prison; nonresidential for pretrial diversion	Nonviolent, no drug offenses.
<u>GEORGIA</u>						
	Diversion/Restitution Centers	YES	100%	DOC NO	In lieu of prison or reduce prison time	Offenders who "need" short-term supervision on a 24-hour a day basis. Must work full time in community.
<u>INDIANA</u>						
	Elkhart County Pact Community Service Restitution Program	NO	Both	County NO	In lieu of jail	For Class A misdemeanors & lesser felonies
	Elkhart County Pact Victim Offender Reconciliation Program	NO	Both	County NO	In lieu of jail	Referred by court & probation. Victim must be willing. Mainly for property offenses.
ATC 11-12-1-1 et. seq.	Community Corrections Act	YES/NO	Both	DOC/ YES Contract	In lieu of prison	Nonviolent offenses, primarily 1st time some drug allowed, no previous violations in community corrections program.
<u>IOWA</u>						
I.C. (1983) §217.24, 905.1 et. seq.	Community Corrections Act (incl. monetary and community service resti.)	YES	Both	DOC/ YES Contract	In lieu of prison / reduce prison time	Pre-sentence investigation
<u>KANSAS</u>						
KSA 75-5290 et. seq.	State Community Corrections Act	YES/NO	100%	DOC/ YES Contract	In lieu of prison	Nonviolent/nonchronic offender, no more than two adult felony offenses.
<u>LOUISIANA</u>						
	New Orleans Parish Reutilization (monetary and community service)	YES	100%	Sheriff NO	Reduce prison time	Screened, no drugs, escape, mental disorder & must work.

C H A R T III

STATES THAT HAVE IMPLEMENTED RESTITUTION CENTERS

STATE	TYPE OF PROGRAM	RESIDENTIAL OF PRISON	%	ADMIN. AGENCY	FINANCING LEGIS	EFFECT ON CORRECTIONAL SYSTEM	ELIGIBILITY CRITERIA
<u>MAINE</u>							
MESA 17A §1330 & MESA 15§1791	Work Release/Restitution	NO	100%	DOC	YES	Reduce prison time	Good conduct in prison, 6 months before release.
	Community service & restitution (County)	NO	43%	DA	NO	In lieu of jail/prison	Nonviolent - nonsophisticated offenders
<u>MARYLAND</u>							
ACH ART 2/5/700A	Community Corrections Act	YES	Both	DOC/ Contract	YES	Reduce prison time	Less than 6 months remaining on sentence or to parole date
<u>MASSACHUSETTS</u>							
	Quincy Judicial District Earn It Program (Restitution & diversion)	NO	Both	Earn-It	NO	In lieu of prison	Approved by court screening panel, less serious offenses
<u>MINNESOTA</u>							
MS CIAP 401	Community Corrections Act	YES/NO	Both	DOC	YES	In lieu of prison / reduce prison time	Less serious offenders
"	a) SAVE Project (community service)	NO	Both	*	YES	In lieu of prison pretrial diversion 40%	Less serious offenders, usually not felons
"	b) Alternative Serv. Program	NO	Both	*	YES	In lieu of prison	Less serious offenders
"	c) Financial Restitn. adult courts	NO	Both	*	YES	In lieu of prison	Less serious offenders
"	d) Winona Program (indexed \$ restitn/ comm. serv. proj.)	NO	Both	*	YES	In lieu of prison	Less serious offenders
"	e) N.W. Regional Alter. Sent. Prog. (\$ restitution & comm. service)	No	Both	*	YES	In lieu of prison	Less serious offenders

NOTE: *Under Minnesota's Community Corrections Act, the SAVE Project is administered by the Dakota County Court Services, the Alternative Service Program, the Winona Program and the N. W. Regional Alternative Sentencing Program are administered by the County Corrections Agency, and the Financial Restitution program in the adult courts is administered by the Regional Correction Agency.

C H A R T III

STATES THAT HAVE IMPLEMENTED RESTITUTION CENTERS

<u>STATE</u>	<u>TYPE OF PROGRAM</u>	<u>RESIDENTIAL OF PRISON</u>	<u>% OF PRISONERS</u>	<u>ADMIN. AGENCY</u>	<u>ENABLING LAWS</u>	<u>EFFECT ON CORRECTIONAL SYSTEM</u>	<u>ELIGIBILITY CRITERIA</u>
<u>MISSISSIPPI</u>							
MC §47-7-19	Restitution Centers (mixed monetary restit/comm. serv. project)	YES	100%	DOC	YES	In lieu of prison	Nonviolent crimes, no drug or alcohol abuse, no long criminal history, must work.
MC §9-15-101 et. seq.	Pre-trial Intervention Act (Diversion, restit. to the victim)	NO	100%	DA	YES	In lieu of prison	Nonviolent/burglary/substance abusers, no significant history of prior delinquency or criminal act; must agree to restitution to victim, screened by DOC & DA approved.
<u>MISSOURI</u>							
	Alternative Community Services Program	NO	0%	County Corr. Agency	NO	In lieu of prison	Less serious offenders
<u>NEW HAMPSHIRE</u>							
RSA §651:62 et. seq.	Front end restitution diversion.	NO	Both	DOC	YES	In lieu of prison	Discretion of court
RSA §651:62	Post-sentence restitution House of Corr. admin. by counties.	YES	Both	County	YES	While incarcerated	Mostly misdemeanors, discretion of court
RSA §657:25	Work-release with restitution	YES	100%	DOC	YES	Reduce prison time	Violent & sex offenders within 6 months of release, nonviolent must have less than 2 years, appropriate adjustment in jail.
<u>NEW JERSEY</u>							
	County Pretrial Intervn. Proj. (monetary/comm. serv restit.)	NO	100%	Court	NO	In lieu of prison	Less serious offenders

C H A R T III

STATES THAT HAVE IMPLEMENTED RESTITUTION CENTERS

<u>STATE</u>	<u>TYPE OF PROGRAM</u>	<u>RESIDENTIAL OF FEARS</u>	<u>%</u>	<u>ADMIN. AGENCY</u>	<u>ENABLING LEGIS</u>	<u>EFFECT ON CORRECTIONAL SYSTEM</u>	<u>ELIGIBILITY CRITERIA</u>
<u>NEW MEXICO</u>							
	Pre-Prosecution Diversion Program, San Juan & McKinley County DA (\$ & comm. service restitution)	NO	100%	DA	NO	In lieu of prison	Nonviolent property offender; no major priors; admit guilt; no drugs, good candidate.
NMS §31-17-1	State Restitution Program (\$ &/or community service)	NO	Both	*	YES	In lieu of prison	Discretion of judge or parole board (no guidelines)
<u>NEW YORK</u>							
NYCL §72-a	Community Corrections Leg.	YES/NO	100%	DOC	YES	In lieu of prison / reduce prison time	Nonviolent offenders
<u>NORTH CAROLINA</u>							
NCGS §15A-1343	Restitution (3501) (monetary)	NO	Both	DOC	YES	In lieu of jail/ prison	Discretion of court
NCGS §148-33.2(a) & (b)	Restitution (3502) (monetary)	YES	Both	DOC	YES	Reduce prison time	Discretion of court
<u>OHIO</u>							
ORC §2929.51A	Community Corrections Act	YES	Both	DOC/ Contract	YES	In lieu of prison / Reduce prison time	Less serious felons
	Monday Program, including restitution & comm. serv.	YES	100%	DOC/ Contract	Proposed	In lieu of prison	Nonassaultive
	Night Prosecutors Program (monetary restit.)	NO	Both	City Prosecutor	NO	Informal mediation	Less serious offenders
<u>OKLAHOMA</u>							
O.S. 225991a et. seq.	Restitution Accounting Program	NO	100%	DOC	YES	In lieu of prison	Discretion of the court

NOTE: *New Mexico's State Restitution Program is administered by the Department of Criminal Justice.

C H A P T I I I

STATES THAT HAVE IMPLEMENTED RESTITUTION CENTERS

<u>STATE</u>	<u>TYPE OF PROGRAM</u>	<u>RESIDENTIAL</u>	<u>% OF FILERS</u>	<u>ADMIN. HANDLING AGENCY</u>	<u>LEGIS</u>	<u>EFFECT ON CORRECTIONAL SYSTEM</u>	<u>ELIGIBILITY CRITERIA</u>
<u>OREGON</u>							
ORS§423.500	Community Corrections Act	YES/NO	Both	County	YES	In lieu of prison / Reduce prison time	Varies
ORS§137.103 ORS§135.814	Restitution (monetary)	NO	Both	JA	YES	In lieu of prison / Reduce prison time	Nonviolent offenders
<u>RHODE ISLAND</u>							
	Adult Diversion Program (monetary)	NO	100%	State Proc.	NO	Pre-trial diversion	Nonviolent felonies 1st time offenders
	Warick Police Department Program (county)	NO	6%	PD	NO	In lieu of jail/prison	Nonviolent felonies
<u>SOUTH DAKOTA</u>							
	County 7th Circuit Court Services	NO	Both	County Court	NO	In lieu of prison / Reduce prison time	Nonviolent less sophisticated offender
<u>TENNESSEE</u>							
TCA §41-6-102	Community Service Centers Restitution Program	YES	100%	DOC	YES	Reduce prison time	No Murder, rape & manslaughter, 3 to 5 years left, family in state, able to work
TCA §4-3-403	Work release/restitution (85% monetary)	YES	100%	DOC	YES	Reduce prison time	Must be at release eligibility date, 3 time offender not eligible.
<u>TEXAS</u>							
TS CIAP 237	Restitution Centers	YES	100%	DOC	YES	In lieu of prison Reduce prison time	Nonviolent, no drug abuse, employable, would have been in prison.

C H A R T III

STATES THAT HAVE IMPLEMENTED RESTITUTION CENTERS

<u>STATE</u>	<u>TYPE OF PROGRAM</u>	<u>RESIDENTIAL OF YEARS</u>	<u>* AGENCIES</u>	<u>ADMIN. ENABLING AGENCY</u>	<u>LEGIS</u>	<u>EFFECT ON CORRECTIONAL SYSTEM</u>	<u>ELIGIBILITY CRITERIA</u>
<u>UTAH</u>							
UC §77-18-1	Restitution & community service (\$ to victim)	NO	Both	Prob.	YES	In lieu of jail/prison	Completely discretionary
<u>VERMONT</u>							
	Monetary & Community Service (Return It Prog.)	NO	Both	Local	YES	In lieu of jail	Nonviolent offenders
<u>VIRGINIA</u>							
SCV Title 53.1 Chapter 5	Community Diversion Incentive Act	YES/NO	100%	DOC/Local	YES	In lieu of prison	Nonviolent offenders, not if given mandatory sentence.
"	a) Pre/post-sentence diversion/restitution	YES/NO	100%	"	YES	In lieu of prison	Nonviolent offenders
"	b) Community service	NO	100%	"	YES	In lieu of prison	Nonviolent offenders
<u>WASHINGTON</u>							
RCW §9A.140	Restitution/Community Service	NO	100%	DOC/Local	YES	In lieu of prison	Nonviolent offenders
<u>WISCONSIN</u>							
	Restitution	NO/YES	50%	Local	NO	In lieu of prison	Nonviolent offenders

JOINT COMMITTEE FOR REVISION OF THE PENAL CODE

PRISON OVERCROWDING

Emergency Measures And Alternative Forms Of Punishment



SENATOR KENNETH L. MADDY
CHAIRMAN

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CHAPTER II

ALTERNATIVE FORMS OF PUNISHMENT

Another approach to prison overcrowding is to adopt alternative sanctions that can meet the public's need for punishment and safety. The four alternative forms of punishment discussed in this chapter are not experimental or theoretical ideas, but programs successfully in use in other states.

RESTITUTION CENTERS

Restitution/diversion centers are generally set up as community-based residential facilities serving three main purposes:

- 1) To provide for restitution to the victim of a crime by the offender;
- 2) To divert "marginal risk" offenders from state prison commitments; and
- 3) To relieve prison overcrowding.

Example states are:

- a. Texas (1983), Texas Statutes Chapter 237;
- b. Florida (1983), F.S. §921.187;
- c. Georgia (1975), General authority of probation, G.C. §42-835;
- d. Iowa (1974), I. C. 1983 §§217.24, 905.1 et seq.;

- e. Mississippi (1976), M.C. §47-7-49;
- f. Maryland (1976), ACM Art. 27 §710C;
- g. Ohio (1980), O.R.C. 2929.51A; and
- h. Minnesota (1973), Chapter 401, Minnesota Statutes.

How does restitution meet the criminal justice system's primary goals of punishment and deterrence, and the secondary goal of rehabilitation? When the state takes the responsibility for punishment and the care and housing of offenders, the personal accountability which the defendant owes the victim is often lost. The usual sentence diffuses accountability. There is little direct connection to the victim or the crime committed. The offender does not have to face or pay back his or her victim. If the victim is compensated at all, he or she usually receives compensation from an anonymous general restitution or victim's fund and some psychological satisfaction from the anonymous punishment. By requiring the offender to make direct restitution to the victim as an integral and primary part of sentencing, accountability is instilled in the system and the victim's fiscal and psychological losses are more likely to be compensated. In other words, direct restitution allows the victim retribution, as well as compensation, and helps rehabilitate by making the offender directly responsible to the victim for his or her own actions. Direct restitution overcomes much of the anonymity and depersonalization of traditional sentencing.

There are two kinds of restitution: community service and monetary. Under community service restitution, the offender is sentenced to perform a service without compensation for the benefit of the community. A monetary restitution program requires that the offender either make direct monetary restitution to the victim of the crime for which he or she was convicted, or to a restitution fund which distributes the monetary restitution to victims of crimes. California has made provisions (PC §1203.04) for the court to order either monetary restitution, community service, or both, and uses both direct restitution and a restitution fund.

California began as the leader in community service restitution through the model Alameda Court Referral Program in 1966. In 1977, the California Department of Corrections attempted to implement a monetary restitution program involving parole violators. This program failed primarily due to the selection process. Eligibility was treated as a privilege; only those who volunteered were eligible. The screening process was so selective that after the parole board finished screening potential "clients", there weren't enough parolees eligible to make the program work. In 1978 the Legislature required restitution for motor vehicle thefts as a condition of probation (AB 3487 - Assemblymen Antonovich and Maddy, Chapter 1189, 1978 Stats.).

In 1979, Senate Bill 71 (Senator Roberti, Chapter 200, 1979 Stats.) expanded the concept of mandatory restitution to require restitution as a condition of probation for adults and juveniles convicted of vandalism, unless the court found that restitution was inappropriate. In those cases where monetary restitution was found inappropriate, community service had to be substituted.

In 1981, Senate Bill 589 (Senator Rains, Chapter 566, 1981 Stats.) required restitution or community service as a condition of probation for persons found guilty of assault committed on school grounds during school hours.

In 1982, Senate Bill 2060 (Senators Boatwright, Garamendi, & Keene, Chapter 1413, 1982 Stats.), amended PC§1203.04 to require restitution or community service as a condition of probation in all criminal cases and juvenile cases where the juvenile was not made a ward of the court. All three bills, SB 71, SB 589, & SB 2060, were developed by the Joint Committee for Revision of the Penal Code.

Senate Bill 2060 made three changes in the criminal law. First, it established the Legislature's intent that restitution be appropriate in all cases where there is a victim of the crime for which the defendant is convicted (PC§1203.04 (b)(1)). Second, it required the judge to order restitution or community service as a condition of probation in all criminal cases, unless the court makes a finding on the record that both are inappropriate (PC§1203.04(a)). Third, the bill for the first time statutorily defined restitution in PC§1203.04(b)(3).

In 1983, AB 306 (Assemblyman Hauser, Chapter 568, 1983 Stats.), part of the Assembly Committee on Criminal Law and Public Safety's package to implement the restitution required by Proposition 8, amended PC §1203.04 to require restitution or community service, unless the judge made an on the record finding that there exists compelling or extraordinary reasons why restitution is inappropriate. It also required that the restitution be paid to the victim of the crime for which the defendant was convicted, or to the Restitution Fund if there was no victim, and it added PC§1203.04(e) to create a schedule of restitution fines. AB 1485 (Assemblyman Sher, Chapter 1092, 1983 Stats.), established the Restitution Fund.

A problem with direct restitution by those incarcerated is that they often have insufficient assets to pay the restitution order. Restitution Centers are a partial answer. They provide for the "marginal risk" offender's incarceration, intensive supervision, and a means of earning money to pay the court-ordered restitution directly to the victim.

MINNESOTA

The Minnesota Restitution Center began as an experimental program in 1972, randomly selecting property offenders who had been committed to Minnesota State Prison and diverting them to the center in the fourth month of their sentence. Restitution contracts were developed while the eligible

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GEORGIA

In 1974 the Georgia Department of Corrections, without new legislation, developed a restitution/diversion program (for implementation in 1975) in an effort to relieve prison overcrowding which had reached crisis levels. Under this program, the Department established restitution and diversion centers which provided judges with a third option for sentencing "marginal" cases other than the traditional probation or prison. The program is set up to provide 24-hour supervision, community contact, victim involvement, training, educational assistance, and restitution to victims. There are two ways in which an offender may be sentenced to the program:

- 1) Direct Sentence Diversion where the judge sentences the offender to the community based center as a condition of probation; and
- 2) Post-Sentencing Diversion where the offender is sentenced to state prison and is recommended for placement and sentence modification after a post-sentence investigation (recommended by either the judge or Department of Offender Rehabilitation).

Once in the program, the offender is required to maintain full-time employment and all earnings are turned directly over to the center's business manager. The money is then distributed to several categories: room and board, restitution and fines, family support, and personal items. This

- e. Tennessee (1974), TCA §4-3-603, Restitution Industries Program at the State Prison, monetary, residential, last part of sentence (3 - 5 years;
- f. Virginia (1977), SCV Title 53.1 Chapter 5, Community Diversion Incentive Act - pre/post sentence diversion/restitution, nonviolent offenders;
- h. Maryland (1976), M.C. Article 27 §700A; and
- i. Ohio (1980), O.R.C. 2929.51A.

Last year, Florida (F.S.Code §921.187) and Texas T.S. Chapter 237) passed legislation authorizing restitution/diversion centers and are currently implementing their own programs based on the Georgia model. (See Chart III, pages 29 - 35)

COMMITTEE REPORT
SENATE

FURTHER:

FINANCE

2/13/85

Date 2-19-85

Mr. President

JUDICIARY

SB 4

The Committee on _____ considered _____
relating to correctional restitution centers.

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

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

2 Clayton Do PASS with
amendment
2 Richard Halford "

3 No Rec (Ziegler)

1 Chairman T. Kelly
Chairman recommendation Do Pass

COMMITTEE REPORT

SENATE

FURTHER:

JUDICIARY
FINANCE

1/14/85

Date 2-12-85

Mr. President

The Committee on HESS considered SB 4
relating to correctional restitution centers

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

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 4 (HESS)
- new title
- same title and recommends ✓ do pass
- and attached a "LETTER OF INTENT" [] NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

Ulises Stangeland

Paul A. Grillo

Edm. Di Vito

Joe P. Josephson

MEMBERS HAVING
OTHER RECOMMENDATIONS

Detlef Fahrenkamp
Chairman

Do Pass
Chairman recommendation

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 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 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

1 project approved by the commissioner; and

2 (3) on emergency absence.

3 (b) The commissioner may grant an emergency absence to a prison-
4 er confined to a center to obtain medical treatment or diagnosis.

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

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