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(From Senator Frank)



# Alaska State Senate

## Senate Finance Committee

Official Business

Mail Stop 3100  
State Capitol  
Juneau, Alaska 99801-1182

### Senate Bill 292: Sponsor Statement

If suitable State correctional facilities are not available, the commissioner of the Department of Corrections has statutory authority to enter into an agreement with an out-of-State correctional facility for the detention and confinement of persons held under authority of State law. In the past the department has considered transferring inmates outside Alaska due to severe overcrowding pressures in its institutions. Alaska Statutes, however, currently provide two contrary standards for determining whether or not a resident inmate may be transferred outside of the State. SB 292 would amend the relevant statute to bring these two standards into conformity.

The first standard in AS 33.30.061(b) allows the State to transfer inmates outside so long as their treatment will not be negatively impacted; "[the] commissioner may designate an out-of-state facility under this section only if the commissioner determines that rehabilitation or treatment of the prisoner will not be substantially impaired." The second standard in AS 33.36.010, however, provides that the State may not transfer inmates outside if their treatment will be more effective within Alaska; "[it] is the policy of the State of Alaska not to transfer a resident inmate outside of the state under [the Interstate Corrections Compact] if that inmate's continued confinement in Alaska will better facilitate rehabilitation or treatment." This Bill amends AS 33.36.010, deleting the latter standard and establishing the former standard from AS 33.30.061(b) as the sole test that must be met.

These two conflicting standards have constituted an effective legal hurdle to attempts by the Department of Corrections to transfer inmates outside of Alaska. Given the fact that current population levels in Alaska's correctional institutions exceed court-established maximums, this policy tool should be available for consideration by the commissioner of corrections.

**GENERAL INFORMATION REGARDING  
INTERSTATE TRANSFER OF PRISONERS  
from Senator Frank's Office**

1.) Even without Senate Bill 292, the Department of Corrections currently has the statutory authority to send prisoners out of State. AS 33.30.031 requires that any facility to which prisoners are sent must provide a degree of custody, care, and discipline that is similar to that required inside Alaska. Prisoners outside Alaska must have access to Alaskan law library materials.

This legislation is only aimed at making the Interstate Corrections Compact consistent with existing statute (AS 33.30.061) which gives DOC authority to place prisoners in a facility regardless of location inside or outside Alaska, so long as an out-of-State placement does not substantially impair the rehabilitation of the prisoner. This statute has been in effect since 1986.

The department currently houses about 56 prisoners outside Alaska. Only those inmates who volunteer are currently housed outside the State; however, DOC is not legally restricted to such a voluntary policy.

2.) If a prisoner is being considered for an out-of-State transfer, he/she would be entitled to receive sufficient notice, a tape-recorded classification hearing, and a multi-level appeals process before being transferred.

3.) PFD regulations exempt persons who are outside the State--but who are in State custody--from losing eligibility for the dividend; incarcerated felons are ineligible for the PFD regardless, but there is no disadvantage in this regard to being incarcerated outside of Alaska.

4.) Although the department could send prisoners outside under current law, this is generally not done because of concerns about in-state jobs, proximity to families for inmates with strong ties in Alaskan communities, transportation costs, and lack of appropriate bedspace availability outside. Out-of-State transfers are one of many tools which must be available to the department, but this process is not viewed as a "wholesale solution" to the department's overcrowding and budgetary problems.

*Sec. 33.30.055. Contraband articles into or out of prisons prohibited. [Repealed, § 21 ch 166 SLA 1978. For current law, see AS 11.56.375 and 11.56.380.]*

*Sec. 33.30.060. [Repealed, § 12 ch 88 SLA 1986.]*

**Sec. 33.30.061. Commissioner to designate facility.** (a) The commissioner shall designate the correctional facility to which a prisoner is to be committed to serve a term of imprisonment or period of temporary commitment. The commissioner may designate a facility without regard to whether it is maintained by the state, is located within the judicial district in which the prisoner was convicted, or is located in the state.

(b) The commissioner may designate an out-of-state facility under this section only if the commissioner determines that rehabilitation or treatment of the prisoner will not be substantially impaired. (§ 6 ch 88 SLA 1986)

#### NOTES TO DECISIONS

**Editor's notes.** — The Department of Corrections was created from the Division of Corrections of the Department of Health and Social Services by E.O. No. 55 (1984). Earlier cases refer to the executive administration then in effect.

**Authority for administration placed with commissioner.** — Alaska's statutory provisions leave little doubt that the legislature intended to place authority for administering matters affecting prisoners with the Commissioner of Health and Social Services. *Rust v. State*, Sup. Ct. Op. No. 1668 (File No. 3172), 582 P.2d 134, on rehearing modified on other grounds, Sup. Ct. Op. No. 1668 (File No. 3172), 584 P.2d 38 (1978), decided under former AS 33.30.100.

**Inmate's due process rights relating to classification of prisoners.** — Decisions of prison authorities relating to classification of prisoners are completely administrative matters regarding which an inmate has no due process rights beyond the expectation of fair and impartial allocation of the resources of the prison system to its charges. *Rust v. State*, Sup. Ct. Op. No. 1668 (File No. 3172), 582 P.2d 134, on rehearing modified on other grounds, Sup. Ct. Op. No. 1668 (File No. 3172), 584 P.2d 38 (1978), decided under former AS 33.30.100.

**Administration must be neither arbitrary nor vindictive.** — As an extension

of the state, the Division of Corrections must administer Alaska's prisons in a manner which is neither arbitrary nor vindictive. *Rust v. State*, Sup. Ct. Op. No. 1668 (File No. 3172), 582 P.2d 134, on rehearing modified on other grounds, Sup. Ct. Op. No. 1668 (File No. 3172), 584 P.2d 38 (1978), decided under former AS 33.30.100.

**Authority to designate specific facility for incarceration.** — The authority to designate a specific prison facility is "plainly vested" in the Commissioner of Health and Social Services. *Rust v. State*, Sup. Ct. Op. No. 1668 (File No. 3172), 582 P.2d 134, on rehearing modified on other grounds, Sup. Ct. Op. No. 1668 (File No. 3172), 584 P.2d 38 (1978). See also *Nell v. State*, Ct. App. Op. No. 77 (File No. 5565), 642 P.2d 1361 (1982), decided under former AS 33.30.100.

The matter of a prisoner's classification, which encompasses designation of the prison facility to which the prisoner is to be confined, is committed to the administrative discretion of the Division of Corrections, and not to the sentencing courts of Alaska, although it is appropriate that the Division of Corrections give weight to the sentencing court's recommendations, and thus, the sentencing court does not have the authority to designate a particular prison facility in which a prisoner is to be confined. *Rust v. State*, Sup. Ct. Op.

No. 1668 (File No. 3172), 582 P.2d 38 (1978), decided under former AS 33.30.100.

Although the court recommended that the statute be amended in a particular manner, Alaska's statutes do not contain any authority for the classification of prisoners committed to the Division of Corrections. *Rust v. State*, Sup. Ct. Op. No. 1668 (File No. 3172), 582 P.2d 38 (1978), decided under former AS 33.30.100.

Resource allocation is a matter of concern involving prisoners which necessitates that the court's recommendation be kept in mind. *Rust v. State*, Sup. Ct. Op. No. 1668 (File No. 3172), 582 P.2d 38 (1978), decided under former AS 33.30.100.

#### Secs. 33.30.

**Sec. 33.30.062. Commissioner to designate facility.** (a) Notwithstanding any other law, the public safety shall have authority to designate the correctional facility to which a prisoner is to be committed to serve a term of imprisonment or period of temporary commitment. The commissioner may designate a facility without regard to whether it is maintained by the state, is located within the judicial district in which the prisoner was convicted, or is located in the state.

(b) The commissioner may designate an out-of-state facility under this section only if the commissioner determines that rehabilitation or treatment of the prisoner will not be substantially impaired. (§ 6 ch 88 SLA 1986)

(c) Medical attention and medical care shall be provided to a prisoner in the custody of the division of corrections. The commissioner shall have authority to designate the facility to which a prisoner is to be committed to serve a term of imprisonment or period of temporary commitment. The commissioner may designate a facility without regard to whether it is maintained by the state, is located within the judicial district in which the prisoner was convicted, or is located in the state.

NOTES TO DECISIONS

**Primary function of agreement.** — A defendant was not denied due process of law under the fourteenth amendment to the United States Constitution and Article 1, § 7 of the Alaska Constitution because the state did not supplement its extradition proceedings with a specific request for return of the defendant under

the Interstate Agreement on Detainers, for the primary function of the Interstate Agreement on Detainers is to give the defendant a means, if he wishes to exercise it, of compelling the state to return him for retrial. *Conway v. State*, Ct. App. Op. No. 537 (File No. A-326), 707 P.2d 930 (1985).

**Sec. 33.35.020. "Appropriate court" defined.** The phrase "appropriate court" in AS 33.35.010, with reference to the courts of this state, means the superior court. (§ 1 ch 39 SLA 1981)

**Sec. 33.35.030. Enforcement.** All courts, departments, agencies, officers, and employees of the state and its political subdivisions shall enforce the Agreement on Detainers under AS 33.35.010 and cooperate with one another and with other party states in enforcing the agreement and effectuating its purpose. (§ 1 ch 39 SLA 1981)

**Sec. 33.35.040. Central administrator and information agent.** The commissioner of corrections or the designee of the commissioner of corrections is the central administrator of and information agent for the Agreement on Detainers under AS 33.35.010. (§ 1 ch 39 SLA 1981; am E.O. No. 55, § 33 (1984))

**Effect of amendments.** — The 1984 amendment substituted "corrections" for "health and social services" in two places.

**Chapter 36. Interstate Corrections Compacts.**

**Article**

1. Interstate Corrections Compact (§§ 33.36.010 — 33.36.040)
2. Western Interstate Corrections Compact (§§ 33.36.060 — 33.36.100)
3. Interstate Compact on Probation and Parole (§§ 33.36.110 — 33.36.120)

**Article 1. Interstate Corrections Compact.**

**Section**

10. Compact enacted.
20. Commitment or transfer of inmates under compact

**Section**

30. Enforcement of compact
40. Implementation

**Sec. 33.36.010. Compact enacted.** The Interstate Corrections Compact as contained in this section is enacted into law and entered into on behalf of the State of Alaska with any other states legally joining in it in a form substantially as follows. It is the policy of the State of Alaska not to transfer a resident inmate outside of the state

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under this compact if that inmate's continued confinement in Alaska will better facilitate rehabilitation or treatment:

## INTERSTATE CORRECTIONS COMPACT

### ARTICLE I

#### PURPOSE AND POLICY

The party states, desiring by common action to fully utilize and improve their institutional facilities and provide adequate programs for the confinement, treatment and rehabilitation of various types of offenders, declare that it is the policy of each of the party states to provide those facilities and programs on a basis of cooperation with one another, thereby serving the best interests of the offenders and of society and effecting economies in capital expenditures and operational costs. The purpose of this compact is to provide for the mutual development and execution of programs of cooperation for the confinement, treatment and rehabilitation of offenders with the most economical use of human and material resources.

### ARTICLE II

#### DEFINITIONS

As used in this compact, unless the context clearly requires otherwise:

(a) "state" means a state of the United States, the United States of America, a territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico:

(b) "sending state" means a state party to this compact in which conviction or court commitment was had:

(c) "receiving state" means a state party to this compact to which an inmate is sent for confinement other than a state in which conviction or court commitment was had;

(d) "inmate" means a male or female offender who is committed, under sentence to, or confined in a penal or correctional institution;

(e) "institution" means any penal or correctional facility, including but not limited to a facility for the mentally ill or mentally defective, in which inmates, as defined in (d) of this article, may lawfully be confined.

### ARTICLE III

#### CONTRACTS

(a) Each party state may make one or more contracts with any one or more of the other party states for the confinement of inmates on behalf of a sending state in institutions situated within receiving states. Such a contract shall provide for:

- (1) its duration;
  - (2) payments to be made to the receiving state by the sending state for inmate maintenance, extraordinary medical and dental expenses, and the participation in or receipt by inmates of rehabilitative or correctional services, facilities, programs or treatment not reasonably included as part of normal maintenance;
  - (3) participation in programs of inmate employment, if any; the disposition or crediting of any payments received by inmates on account of their employment; and the crediting of proceeds from or disposal of any products resulting from their employment;
  - (4) delivery and retaking of inmates;
  - (5) other matters as may be necessary and appropriate to fix the obligations, responsibilities and rights of the sending and receiving states.
- (b) The terms and provisions of this compact shall be a part of a contract entered into under this compact, and nothing in such a contract may be inconsistent with this compact.

ARTICLE IV

PROCEDURES AND RIGHTS

- (a) Whenever the duly constituted authorities in a state party to this compact, which state has entered into a contract under Article III, decide that confinement in, or transfer of an inmate to, an institution within the territory of another party state is necessary or desirable in order to provide adequate quarters and care or an appropriate program of rehabilitation or treatment, those authorities may direct that the confinement be in an institution within the territory of the other party state, the receiving state to act in that regard solely as agent for the sending state.
- (b) The appropriate officials of a state party to this compact shall have access, at all reasonable times, to an institution in which it has a contractual right to confine inmates, for the purpose of inspecting the facilities of the institution and visiting those of its inmates who may be confined in the institution.
- (c) Inmates confined in an institution under this compact are at all times subject to the jurisdiction of the sending state and may at any time be removed from the institution for transfer to a prison or other institution in the sending state, for transfer to another institution in which the sending state may have a contractual or other right to confine inmates, for release on probation or parole, for discharge, or for any other purpose permitted by the laws of the sending state; however, the sending state continues to be obligated to make any payments that may be required under a contract entered into the terms of Article III of this compact.

- (d) A receipt on the inmate compact, including record to the each inmate mining and the law in the source of information.
- (e) All inmate provisions of inmate manner receiving state.
- (f) Any hearing may be entitled appropriate authorized by adequate facilities appropriate officials of the sending state state shall be of the hearing officials before place in the this subject agents of the any matter.
- (g) An inmate the territory and receiving sending state territory.
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(d) A receiving state shall provide regular reports to a sending state on the inmates of that sending state in institutions under this compact, including a conduct record of each inmate, and certify that record to the official designated by the sending state, in order that each inmate may have official review of the inmate's record in determining and altering the disposition of that inmate in accordance with the law in the sending state and in order that the record may be a source of information for the sending state.

(e) All inmates who may be confined in an institution under the provisions of this compact shall be treated in a reasonable and humane manner and shall be treated equally with similar inmates of the receiving state as may be confined in the same institution.

(f) Any hearing to which an inmate, confined under this compact, may be entitled by the laws of the sending state may be had before the appropriate authorities of the sending state or of the receiving state if authorized by the sending state. The receiving state shall provide adequate facilities for those hearings which may be conducted by the appropriate officials of a sending state. If a hearing is had before officials of the receiving state, the governing law shall be that of the sending state and a record of the hearing as prescribed by the sending state shall be made. That record together with any recommendations of the hearing officials shall be transmitted immediately to the officials before whom the hearing would have been had if it had taken place in the sending state. In a proceeding had under the provisions of this subsection, the officials of the receiving state shall act solely as agents of the sending state and no final determination may be made in any matter except by the appropriate officials of the sending state.

(g) An inmate confined under this compact shall be released within the territory of the sending state unless the inmate, and the sending and receiving states, agree upon release in some other place. The sending state shall bear the cost of the return of an inmate to its territory.

(h) An inmate confined under the terms of this compact has all rights to participate in and derive any benefits or incur or be relieved of any obligations or have those obligations modified or the inmate's status changed on account of an action or proceeding in which the inmate could have participated if confined in an appropriate institution of the sending state located in that state.

(i) The parent, guardian, trustee, or other person or persons entitled under the laws of the sending state to act for or otherwise function with respect to an inmate may not be deprived of or restricted in the exercise of any power in respect to an inmate confined under the terms of this compact.

## ARTICLE V

## ACTS NOT REVIEWABLE IN RECEIVING STATE: EXTRADITION

(a) A decision of the sending state in respect to a matter over which it retains jurisdiction under this compact is conclusive upon and not reviewable in the receiving state, but if at the time the sending state seeks to remove an inmate from an institution in the receiving state there is pending against the inmate in that state any criminal charge or if the inmate is formally accused of having committed in that state a criminal offense, the inmate may not be returned without the consent of the receiving state until discharged from prosecution or other form of proceeding, imprisonment or detention for the offense. The duly accredited officers of the sending state shall be permitted to transport inmates under this compact through any state party to this compact without interference.

(b) An inmate who escapes from an institution in which the inmate is confined under this compact is considered a fugitive from the sending state and from the state in which the institution is situated. In the case of an escape to a jurisdiction other than the sending or receiving state, the responsibility for institution of extradition or rendition proceedings is that of the sending state, but nothing contained in this compact may be construed to prevent or affect the activities of officers and agencies of any jurisdiction directed toward the apprehension and return of an escapee.

## ARTICLE VI

## FEDERAL AID

A state party to this compact may accept federal aid for use in connection with any institution or program, the use of which is or may be affected by this compact or a contract under it and an inmate in a receiving state under this compact may participate in a federally aided program or activity for which the sending and receiving states have made contractual provision; however, if the program or activity is not part of the customary correctional regimen, the express consent of the appropriate official of the sending state shall be required.

## ARTICLE VII

## BECOMING EFFECTIVE

When this compact has been enacted into law by any two states, it becomes effective and binding upon them. Thereafter, this compact becomes effective and binding as to any other state upon similar action by that state.

This compact shall remain in full force and effect until the receiving state withdraws from the compact to the extent of its withdrawal. If the receiving state withdraws before the effective date of withdrawal, a withdrawal, at its own expense, shall be required of this compact.

Nothing contained herein shall impair any agreement or arrangement between the parties hereto with respect to the treatment of inmates, or any agreement authorizing the

The provisions of this compact shall be severable. If any provision of this compact is declared to be invalid by a court of the United States or any state, the remainder of this compact shall remain in full force and effect. (S 1 c)

Revisor's notes  
33.24.010. Renumb.

## ARTICLE VIII

## WITHDRAWAL AND TERMINATION

This compact continues in force and remains binding upon a party state until the state enacts a statute repealing the compact and providing for sending formal written notice of withdrawal from the compact to the appropriate officials of all other party states. An actual withdrawal does not take effect until one year after the notices provided in the statute have been sent. A withdrawal does not relieve the withdrawing state from its obligations assumed under this compact before the effective date of withdrawal. Before the effective date of withdrawal, a withdrawing state shall remove to its territory, at its own expense, those inmates it may have confined under the provisions of this compact.

## ARTICLE IX

## OTHER ARRANGEMENTS UNAFFECTED

Nothing contained in this compact may be construed to abrogate or impair any agreement or other arrangement which a party state may have with a nonparty state for the confinement, rehabilitation or treatment of inmates nor to repeal any other laws of a party state authorizing the making of cooperative institutional arrangements.

## ARTICLE X

## CONSTRUCTION AND SEVERABILITY

The provisions of this compact shall be liberally construed and are severable. If any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of a participating state or of the United States, or the applicability of it to a government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability of it to a government, agency, person or circumstance is not affected by that holding. If this compact is held contrary to the constitution of a state participating in it, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters. (§ 1-ch 127 SLA 1982)

Revisor's notes. — Enacted as AS 33.24.010. Renumbered in 1982.

DOC INMATE POPULATION COMPARISON '93 TO '94 SNAPSHOT

LOCATION	MARCH 16, 1993	MARCH 16, 1994	Difference
State Correctional Facility	2647	2717	+70
Out-of-State	63	53	-10
CRC	272	389	+117
Treatment Beds	0	51	+51
Pt. MacKenzie	0	30	+30
Out-of-CRC	0	8	+8
	2,982	3,248	+266

Cost per day per bed = \$113 per state correctional bed  
 = \$ 57 per CRC bed, statewide  
 = \$ 98 average (weighted average of all beds)

Construction per bed = \$ 50,000 per minimum security bed  
 = \$ 90,000 per medium security bed  
 = \$160,000 per maximum security bed  
 = \$100,000 average

Instate Inmate Count -- Alaska Department of Corrections -- March 1994																		
	104	403	200	233	53	170	79	56	172	176	108	486	210	113	92	Emergency Capacity = 2665		
	102	397	189	225	47	164	76	62	165	176	104	466	204	112	88	Maximum Capacity = 2577		
Qty	AMCC	CIPT	FCC	HWCC	KCC	LCCC	MSPT	WCCC	PCC/MED	PCC/MIN	SIXTH	SCCC	WWCC	WWPT	YKCC	Emerg. Cap.	Telels	%
1	99	397	213	233	55	198	69	60	238	172	132	439	150	111	176	2665	2710	102%
2	97	401	219	235	60	186	95	61	236	172	119	439	149	110	116	2665	2705	102%
3	99	397	220	236	64	195	91	61	229	176	114	439	150	108	119	2665	2697	101%
4	98	391	218	230	63	197	89	61	235	173	125	439	150	111	119	2665	2705	102%
5	99	402	215	230	65	193	92	60	232	176	137	439	150	108	118	2665	2729	102%
6	100	403	214	240	66	197	98	60	238	176	124	439	147	109	118	2665	2730	102%
7	99	415	212	236	64	198	99	60	238	176	124	439	150	99	99	2665	2698	101%
8	100	407	206	236	65	197	98	59	237	173	131	439	148	107	103	2665	2706	102%
9	99	415	206	235	69	198	92	59	245	174	128	439	147	111	102	2665	2707	102%
10	102	397	198	237	69	194	96	62	239	176	136	440	154	113	102	2665	2715	102%
11	102	404	201	237	57	195	97	62	243	176	127	440	158	105	103	2665	2707	102%
12	101	398	202	233	60	193	94	60	242	180	135	442	164	113	104	2665	2721	102%
13	100	394	208	227	61	196	92	66	241	182	133	441	165	112	105	2665	2713	102%
14	100	414	207	227	60	195	86	60	238	182	121	441	164	117	100	2665	2720	102%
15	100	404	228	225	62	193	84	60	225	182	120	441	165	116	106	2665	2725	102%
16	100	415	228	224	62	192	82	65	220	180	121	441	165	115	111	2665	2717	102%
17	99	409	225	224	60	193	86	65	222	179	127	441	165	111	113	2665	2709	102%
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10 day	0	4	7	0	31	401	76	0	520	6	76	0	0	0	35			
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To: Glenn Schenker From: Tom Martin

Co. Chas of Justice

Dept: Juneau Prob. Phone #         

Fax #         

\* NOTE - Emergency and maximum capacities include 105 beds which are not operational, due to funding.

Community Residential Centers - Inmate Beds March 17, 1994								
	Cardova	Parkview	Glenwood	N.S.	Tundra	Glacier		
<b>Total Contract Beds</b>								
	120	80	75	80	24	30	Total	409
<b>Institutional Beds</b>								
# Assigned Beds	120	80	50	65	17	23	Total	355
# Beds Filled								
Furlough	81	78	41	45	21	23	Total	252
Confined Misd.	28	1	17	19	0	1	Total	66
Restitutor.	0	1	34	5	0	0	Total	40
Total Filled Beds	109	80	55	69	21	24	Total	358
<b>Field Beds</b>								
# Assigned Beds	0	0	25	15	7	7	Total	54
# Beds Filled								
Probation	2	0	12	3	2	5	Total	24
Parole	2	0	6	5	0	1	Total	14
Unsentenced	0	0	0	0	0	0	Total	0
Total Filled Beds	4	0	18	8	2	6	Total	38
<b>TOTAL CRC BEDS</b>								
Total Filled Beds	113	80	73	77	23	30	Total	396
<b>TOTAL INSTITUTIONAL OUT OF STATE AND CRC COUNT</b>								
INSTITUTIONAL			2709					
OUT OF STATE			53					
CRC			396					
TREATMENT BEDS			52					
PROJECT HOPE			30					
OUT OF CRC			8					
<b>TOTAL</b>			3248					

Community Residential Program - Treatment Beds March 17, 1994											
	G.H.S.	Citroce	ANARC	Akaela	Ketch	RCAOA	PATC	NLRC	HOPE H.		
<b>Total Contract Beds</b>											
	3	20	2	3	2	2	2	2	1	Total	37
<b>Institutional Beds</b>											
# Assigned Beds	0	12	1	3	2	1	1	1	0	Total	21
# Beds Filled											
Furlough	0	11	2	3	2	4	4	1	1	Total	28
Confined Misd.	0	0	0	0	0	0	0	0	0	Total	0
Restitution	0	0	0	0	0	0	0	0	0	Total	0
Total Filled Beds	0	11	2	3	2	4	4	1	1	Total	28
<b>Field Beds</b>											
# Assigned Beds	3	8	1	0	0	1	1	1	1	Total	16
# Beds Filled											
Probation	3	9	0	0	0	6	3	1	1	Total	23
Parole	0	0	0	0	0	1	0	0	0	Total	1
Unsentenced	0	0	0	0	0	0	0	0	0	Total	0
Total Filled Beds	3	9	0	0	0	7	3	1	1	Total	24
<b>TOTAL TREATMENT BEDS</b>											
Total Filled Beds	3	20	2	3	2	11	7	2	2	Total	52

# FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL NO: SB 292

Revision Date: \_\_\_\_\_ Dept. Affected: Public Safety

Title: Interstate transfer of prisoners BRU: Alaska State Troopers

Component: Detachments

Sponsor: Senator Frank

Requestor: Senator Frank COMPONENT SERIAL NO. 799

**EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)**

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ( ) <small>Revenue Code</small>	-0-	-0-	-0-	-0-	-0-	-0-

**FUNDING: (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 94) impact: \$ \_\_\_\_\_

**POSITIONS:**

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

**ANALYSIS: (Attach a separate page if necessary.)**

As currently written, the Department of Public Safety does not anticipate any fiscal impact.

Prepared By: Lee Ann Lucas Phone: 465-4322

Division: Commissioner's Office Date: 02/28/94

Approved by Commissioner:  Date: 02/28/94

Agency: Richard J. Burton, Dept. of Public Safety

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# FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL NO. SB 292

Revision Date: \_\_\_\_\_ Dept. Affected: Corrections  
 Title: An Act relating to transfers of BRU: All  
prisoners under the Interstate Compact Component: Office of Commissioner;  
 Sponsor: Sen. Frank Institutions; Admin. Svcs.  
 Requestor: Senate Judiciary COMPONENT SERIAL NO. 694-1884

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0	0	0	0	0	0
<b>CAPITAL EXPENDITURES</b>	0	0	0	0	0	0
<b>CHANGE IN REVENUES ( )</b>	0	0	0	0	0	0

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004-GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	0	0	0	0	0	0

Estimate of any current year (FY94) cost: \$ 0

POSITIONS						
FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary)  
 Please see the attached fiscal analysis.

Prepared by: Diane Schenker, Special Assistant Phone: 65-4643/786-2147  
 Division: Office of the Commissioner Date: 2/14/94  
 Approved by Commissioner: J. Frank Prewitt, Jr. Date: 2/14/94  
 Agency: Department of Corrections

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Fiscal Analysis/DOC

SB 292

February 14, 1994

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The bill would modify language in the Interstate Corrections Compact, making the standard for determining the impact of an out-of-state transfer consistent with AS 33.30.061, i.e., that the transfer will not substantially impair the prisoner's rehabilitation. This could lessen the chances of successful inmate litigation protesting out-of-state placement.

By facilitating out-of-state transfer of prisoners, the bill provides a greater opportunity for the department to avoid increasing operating and capital expenditures for new prison beds in Alaska. Although there is a nationwide shortage of prison space, any prison space available outside Alaska is likely to cost less than building, operating, maintaining, and repairing prison space in Alaska.

According to The Corrections Yearbook (1993), Alaska's daily operating cost per bed in 1992 (\$100.76) was double the national average (\$50.22). Construction costs were almost twice as high as in other states.