

SJR

3

INFORMATION RELATED TO: SJR3

Distributed by Senate Judiciary at the request of:

Mr. Paul J. Sweet
P. O. Box 1562
Palmer, Alaska 99645

Paul J Sweet

P&B 1562

Palmer, Alaska 99645

745-2242



I ENTIRELY RESCIND THE CLEARY DECISION

Paul Sweet points out that prisoners in the State of Alaska are provided first class accommodations, recreation, health care, education, counseling, vocational training and opportunities. In addition, there are a myriad of dictates provided for prisoners because of the Cleary decision. Some examples follow--

Corrections provides at state expense,

• Eyeglasses to pretrial detainees if they're in custody longer than 15 days

• Law library provided for inmates at expense of the state--includes an extensive materials and resource lists, a trained law librarian, typing paper, typewriter and carbon paper. As of this date, the Matanuska-Susitna Borough does not have a law library. The space dedicated to the law library has been converted to office space. The residents of the Mat-Su Borough have been told they must commute to Anchorage in order to use the nearest law library. The law library that was housed in the Mat-Su courthouse had less than half of the items the Cleary decision requires in all prisons, there was not a trained clerk to assist citizens using the law library.

• Rehabilitation has not worked as is evidenced by the

• recidivism rate of the prisoners.

• Health, dental and eye care budget totaled 15 million dollars, divide 3600 prisoners into the budget and this allows for \$4150 per prisoner. 8.5 million dollars was spent on surgical, hospital and doctor care last year for 3,000 prisoners in correctional institutions and 600 in half-way houses. Dental care totaled \$850,000 for 3,600 prisoners. Eye care totaled \$60,000. There are 100 nurses to serve the 3,000 prisoners in correction institutions, plus 8 physician's assistants and dentists on call with top of the line equipment. Psychiatrists, physicians and therapists are also available.

State of Alaska Public Health Services received 13.5 million dollars last year for 650,000 residents. Divided into 13.5 million equals approximately \$21.00 per resident. A total of 108 nurses serves the entire state. Eye and dental care are not covered. Hospitalization is not included except in the case of emergency. The Public Health Center in Waukena state that 408 of the residents in the Matanuska-Susitna Borough are not properly immunized due to lack of personnel. Public health care facilities are only open 8 hours per day.

2

5 days per week. Public health care facilities are not staffed with psychiatrists, physicians or therapists. The same standards should be applied to correctional facilities.

I wrote this last year. I noticed new statutes being proposed such as no fees, prisoner payment of medical care. Last two years, only 60,000 have collected in 2 years for insurance from prisoners according to Health Care (Mrs. Miklos?) I think. We spent 30,000,000 in two years. I am sure more prisoners than indicated have insurance. Dept. has not found it easier to bill state.

I don't have my glasses on in an
scratching

over

Get rid of Clay decision and
put the conventions Dept back
where it belongs, not the
courts,

Paul J. Peters

P.S.

Pg. 79 of Clay Decision will
tell you how to get it back to
Dept for getting rid of the
whole thing or in part.

When you explain the treatment
~~for~~ for medical, mental, lawyers et
compared to what similar population
maybe they will see. Don't

send any more wish lists to
Dad. just get out ask for
it as a whole legislature

sorry about the writing in a hurry

*Senators Parrel and
Lelles requested a CS
reflecting this change*

CS FOR SENATE JOINT RESOLUTION NO. 3()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATORS DONLEY, Halford, Pearce

A RESOLUTION

1 Proposing an amendment to the Constitution of the State of Alaska limiting the
2 rights of prisoners to those required under the Constitution of the United States.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 * Section 1. Article I, sec. 12, Constitution of the State of Alaska, is amended to read:

5 Section 12. Criminal Administration. Excessive bail shall not be required,
6 nor excessive fines imposed, nor cruel and unusual punishments inflicted. Criminal
7 administration shall be based upon the following: the need for protecting the public,
8 community condemnation of the offender, the rights of victims of crimes, restitution
9 from the offender, and the principle of reformation. The rights and protections and
10 the extent of those rights and protections afforded to ^{convicted} prisoners by this constitution
11 shall be limited to those rights and protections and the extent of those rights and
12 protections afforded to prisoners under the Constitution of the United States.

13 * Sec. 2. The amendment proposed by this resolution shall be placed before the voters of
14 the state at the next general election in conformity with art. XIII, sec. 1, Constitution of the
15 State of Alaska, and the election laws of the state.

SENATE COMMITTEE REPORT

First Committee of Referral

DATE: 1/13/97

FURTHER: Finance

Date of 5-Day Notice: 1/30/97
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 2/27/97

Judiciary Committee considered SENATE JOINT RESOLUTION NO. 3

Proposing an amendment to the Constitution of the State of Alaska limiting the rights of prisoners to those required under the Constitution of the United States.

and recommends:

- be replaced with CS SJR 3 (JUD)
- adopt previous CS ()
- attached amendmer.t(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill:**
 same title
 new title
- House Bill:**
 same title
 technical title
 new: SCR# _____

PJM

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Mike Miller</i>	<input checked="" type="checkbox"/>	<i>[Signature]</i>	<input checked="" type="checkbox"/>		
<i>Sean Parnell</i>	<input checked="" type="checkbox"/>				
CHAIR: <i>Chris Taylor</i>	<input checked="" type="checkbox"/>	CHAIR:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
<i>Admin - Pub Def.</i>	<i>2/5/97</i>	<input checked="" type="checkbox"/>	

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal

copies of SJR not 'S.

7-11-97 C.S. for

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

No. 1
 Bill Version: STR 3
 (S) Publish Date: 2/27/97

STATE OF ALASKA
 1997 LEGISLATIVE SESSION

Revision Date: _____
 Title: "Proposing an amendment to the Constitution limiting the rights of prisoners..."
 Sponsor: Senator Donley
 Requestor: (S) Judiciary

Department Affected: Administration
 BRU: Public Defender Agency
 Component: Public Defender Agency
 COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 97) cost: \$ 0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

The resolution places before the voters of Alaska an amendment limiting the rights and protections of Alaskan prisoners against infliction of cruel and unusual punishment to those rights and protections required under the federal constitution.

There is no fiscal impact on the Public Defender Agency.

Prepared by: Barbara K. Brink, Director
 Division: Public Defender Agency

Phone: (907) 264-4414
 Date: _____

Approved by Commissioner: Mark Bover
 Agency: Department of Administration

Alison M. Slego
 Date: 2/5/97

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SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 1/13/97

FURTHER: Finance

Date of 5-Day Notice: 1/30/97
 (in accordance with Uniform Rule 23)

DATE TURNED
 IN TO OFFICE: 2/27/97

Judiciary Committee considered SENATE JOINT RESOLUTION NO. 3

Proposing an amendment to the Constitution of the State of Alaska limiting the rights of prisoners to those required under the Constitution of the United States.

and recommends:

be replaced with CS SJR 3 (TUD)

adopt previous CS ()

attached amendment(s)

adopt Letter of Intent by Committee

further referral to the Committee

Senate Bill:

same title

new title

House Bill:

same title

technical title

new: SCR#

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Mike Nuttle</i>	<input checked="" type="checkbox"/>	<i>[Signature]</i>	<input checked="" type="checkbox"/>		
<i>Sean Parnell</i>	<input checked="" type="checkbox"/>				
CHAIR: <i>Chris Taylor</i>	<input checked="" type="checkbox"/>	CHAIR:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
ADMIN - PUB DEF.	2/5/97	<input checked="" type="checkbox"/>	

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

0-LS0268\F
Luckhaupt
2/25/97

CS FOR SENATE JOINT RESOLUTION NO. 3(JUD)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTIETH LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered:
Referred:

Sponsor(s): SENATORS DONLEY, Halford, Pearce

A RESOLUTION

1 **Proposing an amendment to the Constitution of the State of Alaska limiting the**
2 **rights and protections of prisoners to those required under the Constitution of the**
3 **United States.**

4 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** Article I, Constitution of the State of Alaska, is amended by adding a new
6 section to read:

7 **Section 25. Rights of Prisoners.** The rights and protections, and the extent
8 of those rights and protections, afforded by this constitution to prisoners convicted of
9 crimes shall be limited to those rights and protections, and the extent of those rights
10 and protections, afforded under the Constitution of the United States to prisoners
11 convicted of crimes.

12 * **Sec. 2.** The amendment proposed by this resolution shall be placed before the voters of
13 the state at the next general election in conformity with art. XIII, sec. 1, Constitution of the
14 State of Alaska, and the election laws of the state.

CS FOR SENATE JOINT RESOLUTION NO. 3()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTIETH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATORS DONLEY, Halford, Pearce

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2 rights of prisoners to those required under the Constitution of the United States.

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5 Section 12. Criminal Administration. Excessive bail shall not be required,
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8 community condemnation of the offender, the rights of victims of crimes, restitution
9 from the offender, and the principle of reformation. The rights and protections and
10 the extent of those rights and protections afforded to prisoners by this constitution
11 shall be limited to those rights and protections and the extent of those rights and
12 protections afforded to prisoners under the Constitution of the United States.

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14 the state at the next general election in conformity with art. XIII, sec. 1, Constitution of the
15 State of Alaska, and the election laws of the state.

CS FOR SENATE JOINT RESOLUTION NO. 3(JUD)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTIETH LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered:
Referred:

Sponsor(s): SENATORS DONLEY, Halford, Pearce

A RESOLUTION

1 Proposing an amendment to the Constitution of the State of Alaska limiting the
2 rights and protections of prisoners to those required under the Constitution of the
3 United States.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

5 * Section 1. Article I, Constitution of the State of Alaska, is amended by adding a new
6 section to read:

7 Section 25. Rights of Prisoners. The rights and protections, and the extent
8 of those rights and protections, afforded by this constitution to prisoners convicted of
9 crimes shall be limited to those rights and protections, and the extent of those rights
10 and protections, afforded under the Constitution of the United States to prisoners
11 convicted of crimes.

12 * Sec. 2. The amendment proposed by this resolution shall be placed before the voters of
13 the state at the next general election in conformity with art. XIII, sec. 1, Constitution of the
14 State of Alaska, and the election laws of the state.

0-LS0268\B
Luckhaupt
2/21/97

CS FOR SENATE JOINT RESOLUTION NO. 3()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTIETH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATORS DONLEY, Halford, Pearce

A RESOLUTION

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2 **rights and protections of prisoners to those required under the Constitution of the**
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8 **of those rights and protections, afforded by this constitution to prisoners convicted of**
9 **crimes shall be limited to those rights and protections, and the extent of those rights**
10 **and protections, afforded under the Constitution of the United States to prisoners**
11 **convicted of crimes.**

12 *** Sec. 2. The amendment proposed by this resolution shall be placed before the voters of**
13 **the state at the next general election in conformity with art. XIII, sec. 1, Constitution of the**
14 **State of Alaska, and the election laws of the state.**

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. SJR 3

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 Sponsor: Senator Donley
 Requestor: (S) Judiciary

Department Affected: Administration
 BRU: Public Defender Agency
 Component: Public Defender Agency
 COMPONENT SERIAL NO. 1631

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CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
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CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
-------------------------------	------------	------------	------------	------------	------------	------------

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OTHER						
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POSITIONS:

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TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

The resolution places before the voters of Alaska an amendment limiting the rights and protections of Alaskan prisoners against infliction of cruel and unusual punishment to those rights and protections required under the federal constitution.

There is no fiscal impact on the Public Defender Agency.

Prepared by: Barbara K. Brink, Director
 Division: Public Defender Agency

Phone: (907) 264-4414
 Date: _____

Approved by Commissioner: Mark Boyer
 Agency: Department of Administration

Date: 2/5/97

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SENATOR DAVE DONLEY

ALASKA STATE LEGISLATURE

SPONSOR STATEMENT SJR 3

LIMITING PRISONER RIGHTS UNDER THE ALASKA CONSTITUTION TO THE REQUIREMENTS OF THE U.S. CONSTITUTION

Senate Joint Resolution 3 would limit the rights of prisoners in the State of Alaska to the requirements of the U.S. Constitution. Since the Alaska Constitution is quite different from the U.S. Constitution, in some areas prisoner's rights may vary. SJR 3 adopts a single standard - the Federal standard - for determining prisoner's rights.

Current Alaska prison standards are based on Cleary, a consent decree which has resulted in expanded prisoner's rights in Alaska. The Cleary consent decree did not distinguish between Federal and State constitutional standards. SJR 3 cannot overrule Cleary since it was a consent decree. SJR 3 can, however, assure that the U.S. Constitution, and not a more protective state constitutional standard, will be the standard for future decisions on prisoner's rights in Alaska.

Additionally, pursuant to recent legal developments, the state may be able to modify or overturn the Cleary consent decree in which case the new single standard adopted by SJR 3 could be applied. There will not necessarily be an immediate impact with passage of SJR 3, but as the Federal courts allow tougher Federal prison laws the standard for Alaskan prisoners will get tougher also.

DD/jja

January-May: STATE CAPITOL • JUNEAU, AK • 99801-1182 • (907) 465-3892 • FAX: (907) 465-6595
June-December: 716 W. 4TH AVE. • STE. 430 • ANCHORAGE, AK • 99501 • (907) 258-8181 • FAX: (907) 258-1648

MEMBER: Senate Finance Committee • Legislative Budget & Audit Committee
• Senate Community & Regional Affairs Committee



SENATOR DAVE DONLEY
ALASKA STATE LEGISLATURE

MEMORANDUM

To: Senator Robin Taylor
Chair, Senate Judiciary Committee

From: Senator Dave Donley *DD*

Re: Hearing Request for SJR 3 - Prisoner Rights

Date: January 15, 1997

I request that you schedule Senate Joint Resolution 3, relating to the rights of prisoners, for a hearing in your committee.

SJR 3 establishes that the Federal standard, the United States Constitution, would guide decisions about prisoner's rights in Alaska state prisons. The U.S. Constitutional standards would apply to future state legal decisions regarding prisoner's rights.

If you have any questions, please contact myself or James Armstrong of my staff at 465-3892.

DD/jja

January-May: STATE CAPITOL • JUNEAU, AK • 99801-1182 • (907) 465-3892 • FAX: (907) 465-6595
June-December: 716 W. 4TH AVE. • STE. 430 • ANCHORAGE, AK • 99501 • (907) 258-8181 • FAX: (907) 258-1648

MEMBER: Senate Finance Committee • Legislative Budget & Audit Committee
• Senate Community & Regional Affairs Committee

Produced in House

STATE OF ALASKA
ALASKA PEACE OFFICERS ASSOCIATION

P.O. Box 240106 Anchorage, Alaska 99524-0106 Phone (907) 277-0515 Fax (907) 272-5355



January 17, 1997

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Scott Chalin, Member
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Leroy Mestas, Member
Ketchikan
Pres. First City Chapter

James See, Member
Craig
Pres. Prince of Wales Chapter

Senator Dave Donley
Alaska State Legislature
State Capitol (MS 3100)
Juneau, Alaska 99801-1182

Dear Senator Donley,

On behalf of the Alaska Peace Officers Association, I would like to thank you for introducing Senate Joint Resolution 3 proposing the State Constitutional amendment limiting the rights of prisoners. At a recent meeting of the APOA State Board, we decided to unanimously support this legislation. We believe that prisons are created to incarcerate criminals and to protect society. We do believe that the federal prison system addresses these points without unnecessary frills, benefits, or privileges being afforded prisoners.

We encourage you to call on us when there are hearings on this bill, so that we may testify about the need for this legislation. If you need assistance as you shepherd this bill through the legislative process, please call me at 451-5316, or our business manager, Joseph Young at 277-0515.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Corkill", is written over a horizontal line.

Michael Corkill
APOA State President