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- 1 (A) protect the public;
2 (B) maintain health;
3 (C) create or improve occupational skills;
4 (D) enhance educational qualifications;
5 (E) support court-ordered restitution; and
6 (F) otherwise provide for the rehabilitation and
7 reformation of prisoners, facilitating their reintegration into
8 society;

9 (4) provide necessary medical services for prisoners in
10 correctional facilities or who are committed by a court to the custody
11 of the commissioner, including examinations for communicable and
12 infectious diseases; and

13 (5) provide necessary psychological or psychiatric treat-
14 ment if a physician or other health care provider, exercising ordinary
15 skill and care at the time of observation, concludes that

- 16 (A) a prisoner exhibits symptoms of a serious disease
17 or injury that is curable or may be substantially alleviated; and
18 (B) the potential for harm to the prisoner by reason
19 of delay or denial of care is substantial.

20 Sec. 33.30.021. REGULATIONS. The commissioner shall adopt
21 regulations to implement this chapter.

22 Sec. 33.30.031. CONTRACT FOR CONFINEMENT AND CARE OF PRISONERS.

23 (a) The commissioner shall determine the availability of state cor-
24 rectional facilities suitable for the detention and confinement of
25 persons held under authority of state law. If the commissioner deter-
26 mines that suitable state correctional facilities are not available,
27 the commissioner may enter into an agreement with a public or private
28 agency to provide necessary facilities. Correctional facilities
29 provided through agreement may be in this state or in another state.

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

4 (b) Unless the purpose is to involve prisoners in a program
5 established under AS 33.30.091 - 33.30.131 or to confine prisoners
6 convicted of a misdemeanor, the commissioner may not enter into an
7 agreement with a privately operated correctional facility under (a) of
8 this section.

9 (c) An agreement with a private agency to provide necessary
10 facilities under (a) of this section is subject to the provisions of
11 the Fiscal Procedures Act (AS 37.05).

12 (d) A person employed outside the facility while confined in a
13 privately operated correctional facility established under (a) of this
14 section is subject to the provisions of AS 33.30.131.

15 (e) The commissioner may enter into an agreement with the United
16 States, another state, a municipality of this state, or another state
17 agency, to provide a correctional facility for the custody, care, and
18 discipline of a person held under authority of the law of that juris-
19 diction.

20 Sec. 33.30.041. LEASE OF CORRECTIONAL FACILITY TO MUNICIPALITY.

21 (a) If the commissioner determines that it would be in the best
22 interest of the state, the commissioner may enter into an agreement
23 with a municipality of the state for the lease of a state correctional
24 facility or for the use and operation of a state correctional facility
25 for the joint benefit of the municipality and the state.

26 (b) An agreement executed by the commissioner under (a) of this
27 section must provide that

28 (1) the state has the right to detain or confine a prisoner
29 held under authority of law in the correctional facility;

1 (2) the administrator of the correctional facility agrees
2 to implement an order, concerning a prisoner, issued by a court of the
3 state;

4 (3) the administrator of the correctional facility shall
5 comply with the law, and regulations adopted by the commissioner,
6 relating to the custody, care, and discipline of a prisoner detained
7 or confined in the correctional facility; and

8 (4) the commissioner may inspect the correctional facility
9 at any time to determine the conditions under which a prisoner is
10 detained or confined.

11 (c) The agreement executed by the commissioner under (a) of this
12 section may require the administrator of the correctional facility to
13 comply with requirements that the commissioner considers necessary for
14 the protection of the public or for the quality of care and programs
15 for prisoners required by this chapter and regulations adopted by the
16 commissioner.

17 ARTICLE 2. COMMITMENTS, PROGRAMS, AND FURLOUGHS.

18 Sec. 33.30.051. COMMITMENT TO COMMISSIONER. A person convicted
19 of an offense against the state shall be committed to the custody of
20 the commissioner for the term of imprisonment that the court directs.

21 Sec. 33.30.061. COMMISSIONER TO DESIGNATE FACILITY. (a) The
22 commissioner shall designate the correctional facility to which a
23 prisoner is to be committed to serve a term of imprisonment or period
24 of temporary commitment. The commissioner may designate a facility
25 without regard to whether it is maintained by the state, is located
26 within the judicial district in which the prisoner was convicted, or
27 is located in the state.

28 (b) The commissioner may designate an out-of-state facility
29 under this section only if the commissioner determines that

1 rehabilitation or treatment of the prisoner will not be substantially
2 impaired.

3 Sec. 33.30.071. RESPONSIBILITY FOR PRISONERS PENDING COMMITMENT.

4 (a) Notwithstanding AS 33.30.011(1), the commissioner of public
5 safety shall provide for the custody, care, and discipline of prison-
6 ers pending arraignment, commitment by a court to the custody of the
7 commissioner of corrections, or admission to a state correctional
8 facility. Except as provided in (c) of this section, the responsibil-
9 ity for providing necessary medical services for prisoners remains
10 with the commissioner of corrections under AS 33.30.011(4). The
11 commissioner of corrections and the commissioner of public safety are
12 not responsible for providing custody, care, and discipline for a
13 person detained under AS 47.30.705 or AS 47.37.170, unless the person
14 is admitted into a state correctional facility.

15 (b) The responsibility of the commissioner of public safety
16 under (a) of this section does not begin until a prisoner is accepted
17 into the custody of the commissioner of public safety, or admitted
18 into a correctional facility or other facility designed for holding
19 prisoners, and the commissioner of public safety is notified of the
20 acceptance or admission.

21 (c) Medical services for a prisoner who is unconscious or in
22 immediate need of medical attention before admission to a correctional
23 facility or commitment by a court to the custody of the commissioner
24 of corrections shall be provided by the law enforcement agency having
25 custody of the prisoner. The law enforcement agency may require the
26 prisoner to compensate the agency for the cost of medical services
27 provided for a preexisting medical condition not arising out of the
28 prisoner's arrest.

29 Sec. 33.30.081. TRANSPORTATION OF PRISONERS. (a) The

1 commissioner of public safety is responsible for transporting a pris-
2 oner to and from the court having jurisdiction over the prisoner and
3 for delivering a prisoner to a correctional facility upon temporary or
4 final commitment by a court or upon transfer of a prisoner from one
5 correctional facility to another either inside or outside the state.

6 (b) The commissioner of corrections shall make available return
7 transportation to the place of arrest for a prisoner who is released
8 from custody in a state correctional facility.

9 (c) The commissioner of public safety shall make available
10 return transportation to the place of arrest for a prisoner who is
11 released from custody before admission to a state correctional facili-
12 ty.

13 (d) The commissioner of corrections shall adopt regulations
14 governing the furnishing of transportation, discharge payments, and
15 clothing to prisoners upon release from a state correctional facility
16 at any stage of a criminal proceeding.

17 Sec. 33.30.091. DESIGNATION OF PROGRAMS. Except as provided in
18 AS 33.30.111, the commissioner may assign a prisoner committed to the
19 commissione-'s custody to a program established under AS 33.30.011(3)
20 considering

- 21 (1) safeguards to the public;
- 22 (2) the prospects for the prisoner's rehabilitation;
- 23 (3) the availability of program and facility space;
- 24 (4) the prospect of future judicial proceedings requiring
25 the presence of the prisoner;
- 26 (5) the nature and circumstances of the offense for which
27 the prisoner was sentenced;
- 28 (6) the needs of the prisoner as determined by a classi-
29 ficat..on committee and any recommendations made by the sentencing

1 court;

2 (7) the record of convictions of the prisoner with particu-
3 lar emphasis on crimes specified in AS 11.41;

4 (8) the use of drugs or alcohol by the prisoner;

5 (9) the length of the prisoner's sentence; and

6 (10) other criteria considered appropriate by the commis-
7 sioner, including experimental evaluation of correctional programs
8 that are consistent with protection of the public and reformation of
9 the prisoner.

10 Sec. 33.30.101. FURLOUGHS. (a) The commissioner shall adopt
11 regulations governing the granting of prerelease and short-duration
12 furloughs to prisoners to

13 (1) obtain counseling and treatment for alcohol or drug
14 abuse;

15 (2) secure or attend vocational training;

16 (3) obtain medical or psychiatric treatment;

17 (4) secure or engage in employment;

18 (5) attend educational institutions;

19 (6) secure a residence or make other preparation for re-
20 lease;

21 (7) appear before a group whose purpose is a better under-
22 standing of crime or corrections; or

23 (8) for any other rehabilitative purpose the commissioner
24 determines to be in the interests of the prisoner and the public.

25 (b) If the commissioner determines with reasonable probability
26 that a prisoner can live under reduced supervision without violating
27 the law or the conditions established for the conduct of the prisoner,
28 the commissioner may grant a furlough after considering

29 (1) the factors in AS 33.30.091;

1 (2) violations, if any, by the prisoner of a condition of a
2 prior furlough;

3 (3) the history, if any, of institutional misconduct by the
4 prisoner; and

5 (4) the best interests of the prisoner and the public.

6 Sec. 33.30.111. PRERELEASE FURLOUGHS. (a) Furlough programs
7 established under AS 33.30.101 must include prerelease furloughs
8 designed to facilitate the reintegration of a prisoner into society.

9 (b) A facility that is specifically adapted to provide a resi-
10 dence outside prison, including a halfway house, group home, or other
11 placement that provides varying levels of restriction and supervision,
12 may be used for a prisoner on a prerelease furlough.

13 (c) The restrictions and supervision required for a prerelease
14 furlough shall provide safeguards that minimize risk to the public and
15 include, as a minimum,

16 (1) frequent contact with the prisoner by persons supervis-
17 ing the prisoner;

18 (2) knowledge by supervisory staff of the location of the
19 prisoner;

20 (3) periodic reports by supervisory staff to the commis-
21 sioner on the performance of the prisoner while on furlough; and

22 (4) a residential setting in which persons supervising a
23 prisoner are obliged to immediately report to the commissioner any
24 violation of a condition set for the prisoner's conduct.

25 (d) Notwithstanding AS 33.30.101(b), and other eligibility
26 criteria established by the commissioner, that relate to risks to the
27 public posed by the proposed furlough of a prisoner,

28 (1) a prisoner sentenced to a definite term of imprisonment
29 of more than one year but less than five years is not eligible for a

1 prerelease furlough until the prisoner has served at least one-third
2 of the sentence;

3 (2) a prisoner sentenced to a definite term of imprisonment
4 of five years or more is not eligible for a prerelease furlough until
5 the prisoner has served at least one-third of the sentence or is
6 within three years of the release date, whichever is later; and

7 (3) a prisoner who is denied discretionary parole under
8 AS 33.15.080 may not be granted a prerelease furlough for a period of
9 at least one year following the denial unless the board of parole
10 expressly waives this provision.

11 (e) A prisoner may request a prerelease furlough under proce-
12 dures adopted by the commissioner. If the commissioner denies a
13 request for a prerelease furlough, the commissioner shall provide the
14 prisoner with a written explanation of the reasons for the denial.

15 (f) Upon request of the victim, in the case of a prisoner con-
16 victed of a crime against a person, notice of the commissioner's
17 intent to consider the prisoner for a prerelease furlough shall be
18 sent to the victim. The victim may comment in writing on the intent
19 of the commissioner to release the prisoner on prerelease furlough
20 status. The commissioner shall consider the comments of the victim
21 before making a final decision to release a prisoner on a prerelease
22 furlough. If the victim requests notification, the commissioner shall
23 make every reasonable effort to notify the victim of an intent to
24 release the prisoner on a prerelease furlough. The notice must con-
25 tain the expected date of the prisoner's release, the geographic area
26 in which the prisoner will reside and other pertinent information
27 concerning the prisoner's release that may affect the victim.

28 Sec. 33.30.121. SHORT-DURATION FURLOUGHS. (a) A short-duration
29 furlough is an authorized leave of absence from a correctional

1 facility for a period not to exceed 12 hours at any one time, except
2 for

3 (1) family visitations, that may not exceed one week or
4 occur more frequently than once in each two-month period; or

5 (2) medical treatment, for which the furlough may not last
6 longer than necessary for the treatment.

7 (b) A short-duration furlough may be granted to a prisoner at
8 any time under regulations adopted by the commissioner.

9 Sec. 33.30.131. PRERELEASE OR SHORT-DURATION FURLOUGH INVOLVING
10 EMPLOYMENT. (a) The commissioner may grant a prerelease or short-
11 duration furlough to permit a prisoner to participate in suitable
12 employment under conditions and at wages that represent the prevailing
13 standard for the area. A prisoner may not participate in employment
14 where an organized labor dispute is in progress.

15 (b) Unless alternative arrangements are expressly approved by
16 the commissioner, when a prisoner is employed outside a correctional
17 facility as part of a prerelease or short-duration furlough program,
18 the earnings of the prisoner shall be delivered to the commissioner.
19 If an employer transmits the earnings to the commissioner, the em-
20 ployer has no liability to the prisoner for the earnings. The commis-
21 sioner shall disburse the earnings of the prisoner, in an order deter-
22 mined appropriate, under procedures adopted by the commissioner to

23 (1) pay for the room, board, and personal expenses of the
24 prisoner in an amount or at a rate determined by the commissioner;

25 (2) pay any restitution or fine ordered by the sentencing
26 court;

27 (3) reimburse the state for an award made for violent
28 crimes compensation under AS 18.67 arising out of the criminal conduct
29 of the prisoner;

1 (4) pay a civil judgment arising out of the criminal con-
2 duct of the prisoner; and

3 (5) support the dependents of the prisoner, and to provide
4 child support payments as required by AS 09.65.132.

5 (c) After making the disbursements authorized under (b) of this
6 section, the commissioner shall retain the balance remaining in the
7 account of the prisoner and give it to the prisoner upon release. The
8 commissioner may permit the prisoner to draw upon a portion of this
9 money for other purposes that the commissioner considers appropriate.

10 (d) Only the earnings retained by the commissioner under (c) of
11 this section are subject to lien, attachment, garnishment, execution,
12 or other proceedings to encumber money or property.

13 Sec. 33.30.141. EFFECT OF VIOLATION OF FURLOUGH CONDITIONS OR
14 FAILURE TO RETURN. (a) If, after a hearing, a prisoner on a furlough
15 is found to have violated the conditions established for the prison-
16 er's conduct, the commissioner may immediately require the return of
17 the prisoner to actual confinement for a period not to exceed the
18 balance of the term of imprisonment or initiate disciplinary proceed-
19 ings authorized by regulations adopted by the commissioner or both.

20 (b) The failure of a prisoner on a furlough to return to the
21 place of confinement or residence within the time specified by those
22 having direct supervision over the prisoner is an unlawful evasion
23 under AS 11.56.340 - 11.56.350.

24 ARTICLE 3. GENERAL PROVISIONS.

25 Sec. 33.30.151. EMPLOYMENT OF PRISON INMATES. (a) It is the
26 policy of the state that prisoners be productively employed for as
27 many hours each day as feasible, not to exceed 40 hours a week unless
28 overtime has been specifically approved by the commissioner.

29 (b) The commissioner may enter into contracts or cooperative

1 agreements with any public agency for the performance of conservation
2 projects. The commissioner may enter into a contract with an indi-
3 vidual or agency for the employment of prisoners if the work to be
4 performed will have minimal negative impact on an existing private
5 industry or labor force in the state as determined by the Correctional
6 Industries Commission under AS 33.32.015.

7 (c) The commissioner may direct a prisoner to participate in a
8 type of productive employment listed in (d)(1), and (d)(4)-(6) of this
9 section while the prisoner is confined in a correctional facility. A
10 prisoner who refuses to participate in productive employment when
11 directed under this section is subject to disciplinary sanctions
12 imposed in accordance with regulations adopted by the commissioner.

13 (d) In this section "productively employed" includes the follow-
14 ing kinds of employment:

15 (1) routine maintenance and support services essential to
16 the operation of a correctional facility;

17 (2) education including both academic and vocational;

18 (3) industrial, agricultural, and service activities con-
19 ducted in accordance with AS 33.32;

20 (4) public conservation projects including but not limited
21 to forest fire prevention and control, forest and watershed enhance-
22 ment, recreational area development, construction and maintenance of
23 trails and campsites, fish and game enhancement, soil conservation,
24 and forest watershed revegetation;

25 (5) renovation, repair or alteration of existing correc-
26 tional facilities as permitted by AS 44.65.050(d); and

27 (6) other work performed inside or outside of a correction-
28 al facility if the work has minimal negative impact on an existing
29 private industry or labor force in the state as determined by the

1 Correctional Industries Commission under AS 33.32.015.

2 Sec. 33.30.156. PAY OF PRISON INMATES. Each prisoner who is
3 productively employed, as defined in AS 33.30.151(d)(1) or 33.30.-
4 151(d)(3) - (6), may receive for that work compensation at a rate
5 determined by the commissioner under AS 33.32.050 if the money is
6 available from legislative appropriations. The provisions of AS 33.-
7 32.050 and AS 33.32.040(b) apply to prisoners employed in the correc-
8 tional industries program and to prisoners productively employed in
9 activities outside that program.

10 Sec. 33.30.161. TRANSMISSION OF DOCUMENTS. (a) When a prisoner
11 is admitted to a correctional facility, a copy of the commitment shall
12 be delivered with the prisoner as evidence of the authority of the
13 correctional facility to hold the prisoner.

14 (b) When a person is sentenced to a term of imprisonment, copies
15 of the pre-sentence report, sentencing report prepared under AS 12.-
16 55.025, and any other information of the probation office or of the
17 court that may affect the person's rehabilitation shall be transmitted
18 to the superintendent of the correctional facility in which the pris-
19 oner will be confined.

20 (c) The commissioner shall adopt regulations providing for the
21 security, confidentiality, and use of documents transmitted under (b)
22 of this section.

23 Sec. 33.30.171. SUPERINTENDENT OF CORRECTIONAL FACILITY MAY
24 ADMINISTER OATHS AND ACKNOWLEDGMENTS. The superintendent of a correc-
25 tional facility or the superintendent's assistant may administer oaths
26 to and take acknowledgments from a prisoner, but may not request or
27 accept compensation from a prisoner for acts performed under this
28 section.

29 Sec. 33.30.181. TELEPHONE ACCESS AND MONITORING INSIDE

1 CORRECTIONAL INSTITUTIONS. (a) Except as provided in (b) of this
2 section, a prisoner shall have reasonable access to a telephone.

3 (b) A prisoner who is classified maximum custody, is placed in
4 segregation as punishment for a rule infraction, or is placed in
5 segregation because the prisoner poses a threat to others or to the
6 security of a correctional facility may not have access to a telephone
7 except to communicate with an attorney, to otherwise communicate as
8 provided in Rule 5(b) of the Alaska Rules of Criminal Procedure, or in
9 an emergency as determined appropriate by the commissioner.

10 (c) Notwithstanding AS 42.20.300 and 42.20.310, in order to
11 preserve the security and orderly administration of the institution
12 and to protect the public, the commissioner may authorize the use of
13 monitoring or recording equipment to listen to a telephone conversa-
14 tion of a prisoner who has been convicted of an offense if a warning
15 is posted by the telephone informing the prisoner that a call may be
16 monitored or recorded. A telephone call made by or to a prisoner who
17 has not been convicted or a telephone call between an attorney and a
18 prisoner may not be monitored or recorded except when authorized by a
19 court.

20 Sec. 33.30.191. EFFECT OF JUDGMENT OF CONVICTION ON CIVIL
21 RIGHTS. (a) A person who is convicted of a felony involving moral
22 turpitude as defined in AS 15.60.010 is disqualified from voting in a
23 state or municipal election until the person's unconditional dis-
24 charge.

25 (b) A person who is convicted of a felony is disqualified from
26 serving as a juror until the person's unconditional discharge.

27 (c) In this section "unconditional discharge" has the meaning
28 given in AS 12.55.185.

29 Sec. 33.30.201. DISPOSAL OF ABANDONED PERSONAL PROPERTY. (a)

1 Except as provided in (b) of this section, it is the obligation of
2 each person committed to the custody of the commissioner to provide
3 for the appropriate disposition of all of the person's property re-
4 maining at a correctional facility within 90 days of the date of the
5 person's release or transfer from the correction facility.

6 (b) The commissioner shall provide for the shipment to the
7 receiving facility of a reasonable amount of a prisoner's property, as
8 determined by the commissioner, when the prisoner is transferred from
9 one correctional facility to another.

10 (c) A prisoner's personal property that remains at a correction-
11 al facility after 90 days from the date of the prisoner's release or
12 transfer is considered abandoned, and shall be delivered to the De-
13 partment of Administration for disposal under AS 44.71.010.

14 (d) The state is not liable for any loss or damage to personal
15 property properly determined to be abandoned under (c) of this sec-
16 tion.

17 Sec. 33.30.211. EXCESS MONEY AS CONTRABAND. (a) A prisoner who
18 possesses money in an amount greater than that permitted by the com-
19 missioner is subject to disciplinary sanctions under regulations
20 adopted by the commissioner.

21 (b) Money in the possession of a prisoner in an amount greater
22 than that permitted by the commissioner is contraband. If, after a
23 hearing under regulations adopted by the commissioner, a prisoner is
24 found to have been in possession of contraband under this section, the
25 contraband shall be forfeited and deposited into the general fund.

26 Sec. 33.30.221. FORFEITURE OF PROPERTY. A conviction of a
27 person for a crime does not work a forfeiture of property, except in
28 cases where a forfeiture is expressly provided by law.

29 Sec. 33.30.231. CRIME AGAINST SENTENCED PRISONER. A person who

1 commits a crime against a sentenced prisoner is punishable as if the
2 prisoner was not sentenced and incarcerated.

3 Sec. 33.30.901. DEFINITIONS. In this chapter, unless the con-
4 text requires otherwise,

5 (1) "commissioner" means the commissioner of the Department
6 of Corrections;

7 (2) "correctional facility" or "facility" means a prison,
8 jail, camp, farm, half-way house, group home, or other placement
9 designated by the commissioner for the custody, care, and discipline
10 of prisoners; a "state correctional facility" means a correctional
11 facility owned or run by the state;

12 (3) "court" means the supreme court, the court of appeals,
13 the superior court, the district or magistrate court, or a justice or
14 judge of a court;

15 (4) "crime against a person" means a crime as set out in
16 AS 11.41, except custodial interference under AS 11.41.320 and 11.41.-
17 330; or a crime against a person in this or another jurisdiction
18 having elements substantially identical to those of a crime as set out
19 in AS 11.41, except custodial interference under AS 11.41.320 and
20 11.41.330;

21 (5) "department" means the Department of Corrections;

22 (6) "furlough" means an authorized leave of absence from
23 actual confinement for a designated purpose and period of time;

24 (7) "health care provider" means

25 (A) a physician's assistant or nurse practitioner
26 licensed to practice in the state and working under the direct
27 supervision of a licensed physician or psychiatrist; or

28 (B) a mental health professional as defined in AS 47.-
29 30.915;

1 (8) "municipality" means a borough or city in the state, or
2 a municipality unified under AS 29.68.240 - 29.68.440, authorized by
3 law to establish a correctional facility;

4 (9) "prisoner" means a person, other than a juvenile, held
5 under authority of state law in official detention as defined in
6 AS 11.81.900(b);

7 (10) "temporary commitment" means detention of a person for
8 any period under authority of state law, but does not include confine-
9 ment upon conviction and judgment of a court of this state;

10 (11) "victim" has the meaning given in AS 12.55.185.

11 * Sec. 6. AS 33.32.015(l) is amended to read:

12 (b) The commissioner of corrections may

13 (1) subject to the Fiscal Procedures Act (AS 37.05), use,
14 purchase, lease, equip, and maintain buildings, machinery, and other
15 equipment, and may purchase materials and enter into contracts, which
16 may be necessary for the correctional industries program;

17 (2) provide for prisoners to be employed in rendering
18 services and producing articles, materials, and supplies needed by a
19 state agency, a political subdivision of the state, an agency of the
20 federal government, other states or their political subdivisions, or
21 for use by nonprofit organizations;

22 (3) if the Correctional Industries Commission established
23 in AS 33.32.070 approves, employ prisoners to provide services or
24 products as needed by private industry if the services or products
25 have potential for contributing to the economy of the state and will
26 have minimal negative impact on an existing private industry or labor
27 force in the state;

28 (4) authorize a prisoner to engage in productive employment
29 within or outside a correctional facility or enter into a contract

1 under AS 33.30.151 for the employment of a prisoner if the Correction-
2 al Industries Commission determines that the employment will have
3 minimal negative impact on an existing private industry or labor force
4 in the state; and

5 (5) subject to the provisions of AS 37.05, enter into joint
6 cooperative ventures with private industry for the establishment and
7 operation of "Free Venture" industries under AS 33.32.017, if the
8 Correctional Industries Commission determines that the "Free Venture"
9 industry will have minimal negative impact on an existing private
10 industry or labor force in the state.

11 * Sec 7. AS 33.32 is amended by adding a new section to read:

12 Sec. 33.32.017. "FREE VENTURE" CORRECTIONAL INDUSTRIES. (a)
13 Upon recommendation of the Correctional Industries Commission estab-
14 lished under AS 33.32.070, the commissioner may establish "Free Ven-
15 ture" correctional industries for the sale of goods or services to the
16 public or private sector. A "Free Venture" correctional industry is a
17 correctional industry that is operated and managed in total or in part
18 by a private industry or organization within a correctional facility
19 under an agreement entered into under AS 33.32.015(b)(5).

20 (b) The commissioner shall provide appropriate space, utilities,
21 security and inmate workers to the private industry or organization.

22 (c) The private industry or organization shall provide all
23 machinery, tools, supplies, materials, transportation, training,
24 supervisory personnel, management marketing, and insurance necessary
25 for the operation of the "Free Venture" industry.

26 (d) In exchange for the space, utilities, and inmate workers
27 provided to it, the private industry or organization shall pay to the
28 commissioner a weekly payment in an amount not less than the sum of
29 the existing minimum hourly wage, established under AS 23.10.065,

1 multiplied by the total number of hours worked during that week by
2 inmates employed in the "Free Venture" correctional industry.

3 (e) The private industry or organization shall indemnify, save
4 harmless, and defend the state, its agents, officers, and employees
5 from liability of any kind resulting from injuries or damages sus-
6 tained by a person or property as a result of the use of the goods or
7 services of the "Free Venture" industry.

8 * Sec. 8. AS 33.32.030 is amended by adding a new subsection to read:

9 (f) The provisions of this section do not apply to "Free Ven-
10 ture" industries established under AS 33.32.017.

11 * Sec. 9. AS 39.35.360(e) is amended to read:

12 (e) An employee of a detention facility provided by a local
13 government unit to the territorial or state government under AS 33.-
14 30.031 or former AS 33.30.060, who continues in state employment upon
15 transfer of the facility to the state, is entitled to credited service
16 for prior service with the facility if the employee remains in contin-
17 uous employment with the state until July 1, 1976. To obtain credited
18 service the employee is required to make retroactive contributions for
19 the period of service between January 1, 1961, and the effective date
20 of the transfer of the facility to the state.

21 * Sec. 10. AS 44.65.050 is amended by adding a new subsection to read:

22 (d) The Department of Corrections and the Department of Trans-
23 portation and Public Facilities may enter into agreements under this
24 chapter for the construction, renovation, repair or alteration of
25 state correctional facilities as defined in AS 33.30.301. An agree-
26 ment entered into under this subsection is limited to an estimated
27 cost of \$100,000 for each project as determined by the terms of the
28 agreement.

29 * Sec. 11. The following laws are repealed: AS 33.30.010, 33.30.020,

1 33.30.030, 33.30.040, 33.30.050, 33.30.060, 33.30.070, 33.30.080, 33.30.-
2 090, 33.30.100, 33.30.110, 33.30.120, 33.30.130, 33.30.140, 33.30.150,
3 33.30.160, 33.30.170, 33.30.180, 33.30.185, 33.30.190, 33.30.225, 33.30.-
4 227, 33.30.250, 33.30.260, 33.30.290, 33.30.300, 33.30.310, 33.30.320, and
5 33.30.900.

6 * Sec. 12. Regulations adopted under a statute amended or repealed by
7 this Act continue in effect until amended or repealed by the commissioner
8 of corrections, except to the extent that a regulation is inconsistent or
9 in conflict with a provision of this Act.

Offered: 3/25/85
Referred: Judiciary and Finance

Original sponsor: Rules/Governor

1 IN THE HOUSE

2

3 CS FOR HOUSE BILL NO. 114 (HESS)

4 IN THE LEGISLATURE OF THE STATE OF ALASKA

5 FOURTEENTH LEGISLATURE - FIRST SESSION

6 A BILL

7 For an Act entitled: "An Act relating to correctional facilities, and the

8 imprisonment and rehabilitation of offenders."

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

10 * Section 1. AS 09.10.140 is amended to read:

11 Sec. 09.10.140. DISABILITIES OF MINORITY AND [,] INCOMPETENCY

12 [AND IMPRISONMENT]. If a person entitled to bring an action mentioned

13 in this chapter is at the time the cause of action accrues either (1)

14 under the age of majority[,] or (2) incompetent by reason of mental

15 illness[, OR (3) IMPRISONED ON A CRIMINAL CHARGE, OR IN EXECUTION

16 UNDER SENTENCE OF A COURT FOR A TERM LESS THAN THE PERSON'S NATURAL

17 LIFE], the time of the disability is not a part of the time limited

18 for the commencement of the action. The [BUT THE] period within which

19 the action may be brought is not extended in any case longer than two

20 years after the disability ceases.

21 * Sec. 2. AS 09.20.020 is amended to read:

22 Sec. 09.20.020. DISQUALIFICATION OF JURORS. A person is dis-

23 qualified from serving [TO ACT] as a juror if the person

24 (1) has served as a juror in the state within one year of

25 the time of examination for service; or

26 (2) has been convicted of a crime for which the person has

27 not been unconditionally discharged. Unconditional discharge has the

28 meaning given in AS 12.55.185 [FELONY AND THE CIVIL RIGHTS OF THE

29 PERSON HAVE NOT BEEN RESTORED].

30 * Sec. 3. AS 11.56.340 is repealed and reenacted to read:

1 Sec. 11.56.340. UNLAWFUL EVASION IN THE FIRST DEGREE. (a) A
2 person commits the crime of unlawful evasion in the first degree if,
3 while charged with or convicted of a felony,

4 (1) the person fails to return to official detention within
5 the time authorized following temporary leave granted for a specific
6 purpose or limited period; or

7 (2) while on furlough under AS 33.30.101 - 33.30.131 the
8 person fails to return to the place of confinement or residence within
9 the time authorized by those having direct supervision.

10 (b) Unlawful evasion in the first degree is a class A misdemean-
11 or.

12 * Sec. 4. AS 11.56.350 is repealed and reenacted to read:

13 Sec. 11.56.350. UNLAWFUL EVASION IN THE SECOND DEGREE. (a) A
14 person commits the crime of unlawful evasion in the second degree if,
15 while charged with or convicted of a misdemeanor,

16 (1) the person fails to return to official detention within
17 the time authorized following temporary leave granted for a specific
18 purpose or limited period; or

19 (2) while on furlough under AS 33.30.101 - 33.30.131 the
20 person fails to return to the place of confinement or residence within
21 the time authorized by those having direct supervision.

22 (b) Unlawful evasion in the second degree is a class B misde-
23 meanor.

24 * Sec. 5. AS 12.47.050(d) is repealed and reenacted to read:

25 (d) Notwithstanding a contrary provision of law, a defendant
26 receiving treatment under (b) of this section may not be released

27 (1) on furlough under AS 33.30.101 - 33.30.131, except for
28 treatment in a secure setting; or

29 (2) on parole.

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

2 ARTICLE 1. ESTABLISHMENT, CONTROL, AND MANAGEMENT.

3 Sec. 33.30.011. DUTIES OF COMMISSIONER. The commissioner shall

4 (1) establish, maintain, operate, and control correctional
5 facilities suitable for the custody, care, and discipline of persons
6 charged or convicted of offenses against the state or held under
7 authority of state law;

8 (2) classify prisoners and, for persons committed to the
9 custody of the commissioner, establish programs, including furlough
10 programs that are reasonably calculated to

11 (A) protect the public;

12 (B) maintain health;

13 (C) create or improve occupational skills;

14 (D) enhance educational qualifications;

15 (E) support court-ordered restitution; and

16 (F) otherwise provide for the rehabilitation and
17 reformation of prisoners, facilitating their reintegration into
18 society;

19 (3) provide necessary medical services for prisoners in
20 correctional facilities or who are committed by a court to the custody
21 of the commissioner, including examinations for communicable and
22 infectious diseases; and

23 (4) provide necessary psychological or psychiatric treat-
24 ment if a physician or other health care provider, exercising ordinary
25 skill and care at the time of observation, concludes with reasonable
26 medical certainty that

27 (A) a prisoner exhibits symptoms of a serious disease
28 or injury that is curable or may be substantially alleviated; and

29 (B) the potential for harm to the prisoner by reason

1 of delay or denial of care is substantial.

2 Sec. 33.30.021. REGULATIONS. The commissioner shall adopt
3 regulations to implement this chapter.

4 Sec. 33.30.031. CONTRACT FOR CONFINEMENT AND CARE OF PRISONERS.

5 (a) The commissioner shall determine the availability of state cor-
6 rectional facilities suitable for the detention and confinement of
7 persons held under authority of state law. If the commissioner deter-
8 mines that suitable state correctional facilities are not available,
9 the commissioner may enter into an agreement with a public or private
10 agency to provide necessary facilities. Correctional facilities
11 provided through agreement may be in this state or in another state.
12 The commissioner may not enter into an agreement with an agency unable
13 to provide a degree of custody, care, and discipline similar to that
14 required by the laws of this state.

15 (b) Unless the purpose is to involve prisoners in a program
16 established under AS 33.30.091 - 33.30.131 or to confine prisoners
17 convicted of a misdemeanor, the commissioner may not enter into an
18 agreement with a privately operated correctional facility under (a) of
19 this section.

20 (c) Earnings of a person employed while confined in a privately
21 operated correctional facility established under (a) of this section
22 are subject to the provisions of AS 33.30.131.

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

28 Sec. 33.30.041. LEASE OF CORRECTIONAL FACILITY TO MUNICIPALITY.

29 (a) If the commissioner determines that it would be in the best

1 interest of the state, the commissioner may enter into an agreement
2 with a municipality of the state for the lease of a state correctional
3 facility or for the use and operation of a state correctional facility
4 for the joint benefit of the municipality and the state.

5 (b) An agreement executed by the commissioner under (a) of this
6 section must provide that

7 (1) the state has the right to detain or confine a prisoner
8 held under authority of law in the correctional facility;

9 (2) the administrator of the correctional facility agrees
10 to implement an order, concerning a prisoner, issued by a court of the
11 state;

12 (3) the administrator of the correctional facility shall
13 comply with the law, and regulations adopted by the commissioner,
14 relating to the custody, care, and discipline of a prisoner detained
15 or confined in the correctional facility; and

16 (4) the commissioner may inspect the correctional facility
17 at reasonable times to determine the conditions under which a prisoner
18 is detained or confined.

19 (c) The agreement executed by the commissioner under (a) of this
20 section may require the administrator of the correctional facility to
21 comply with requirements that the commissioner considers necessary for
22 the protection of the public or for the quality of care and programs
23 for prisoners required by this chapter and regulations adopted by the
24 commissioner.

25 ARTICLE 2. COMMITMENTS, PROGRAMS, AND FURLOUGHS.

26 Sec. 33.30.051. COMMITMENT TO COMMISSIONER. A person convicted
27 of an offense against the state shall be committed to the custody of
28 the commissioner for the term of imprisonment that the court directs.

29 Sec. 33.30.061. COMMISSIONER TO DESIGNATE FACILITY. (a) The

1 commissioner shall designate the correctional facility to which a
2 prisoner is to be committed to serve a term of imprisonment or period
3 of temporary commitment. The commissioner may designate a facility
4 without regard to whether it is maintained by the state, is located
5 within the judicial district in which the prisoner was convicted, or
6 is located in the state.

7 (b) The decision of the commissioner to designate a facility for
8 the commitment of a prisoner pending appeal is not subject to review
9 absent a clear and convincing showing by the prisoner that the prison-
10 er would be denied the right to effective assistance of counsel. The
11 decision of the commissioner to designate a facility may not, under
12 any other circumstance, be enjoined unless the prisoner makes a clear
13 and convincing showing of an abuse of discretion.

14 Sec. 33.30.071. RESPONSIBILITY FOR PRISONERS PENDING COMMITMENT.

15 (a) Notwithstanding AS 33.30.011(1), the commissioner of public
16 safety shall provide for the custody, care, and discipline of prison-
17 ers pending arraignment, commitment by a court to the custody of the
18 commissioner of corrections, or admission to a state correctional
19 facility. Except as provided in (c) of this section, the
20 responsibility for providing necessary medical services for prisoners
21 remains with the commissioner of corrections under AS 33.30.011(3).
22 The commissioner of corrections and the commissioner of public safety
23 are not responsible for providing custody, care, and discipline for a
24 person detained under AS 47.30.705 or AS 47.37.170, unless the person
25 is admitted into a state correctional facility.

26 (b) The responsibility of the commissioner of public safety
27 under (a) of this section does not begin until a prisoner is accepted
28 into the custody of the commissioner of public safety, or admitted
29 into a correctional facility or other facility designed for holding

1 prisoners, and the commissioner of public safety is notified of the
2 acceptance or admission.

3 (c) Medical services for a prisoner who is unconscious or in
4 immediate need of medical attention before admission to a correctional
5 facility or commitment by a court to the custody of the commissioner
6 of corrections shall be provided by the law enforcement agency having
7 custody of the prisoner. The law enforcement agency may require the
8 prisoner to compensate the agency for the cost of medical services
9 provided for a preexisting medical condition not arising out of the
10 prisoner's arrest.

11 Sec. 33.30.081. TRANSPORTATION OF PRISONERS. (a) The commis-
12 sioner of public safety is responsible for transporting a prisoner to
13 and from the court having jurisdiction over the prisoner and for
14 delivering a prisoner to a correctional facility upon temporary or
15 final commitment by a court or upon transfer of a prisoner from one
16 correctional facility to another either inside or outside the state.

17 (b) The commissioner of corrections is responsible for furnish-
18 ing return transportation to the place of arrest for a prisoner who is
19 released from custody in a state correctional facility.

20 (c) The commissioner of public safety is responsible for fur-
21 nishing return transportation to the place of arrest for a prisoner
22 who is released from custody before admission to a state correctional
23 facility.

24 (d) The commissioner of corrections shall adopt regulations
25 governing the furnishing of transportation, discharge payments, and
26 clothing to prisoners upon release from a state correctional facility
27 at any stage of a criminal proceeding.

28 Sec. 33.30.091. DESIGNATION OF PROGRAMS. Except as provided in
29 AS 33.30.111, the commissioner may assign a prisoner committed to the

1 commissioner's custody to a program established under AS 33.30.011(2)
2 considering

- 3 (1) safeguards to the public;
- 4 (2) the prospects for the prisoner's rehabilitation;
- 5 (3) the availability of program and facility space;
- 6 (4) the prospect of future judicial proceedings requiring
7 the presence of the prisoner;
- 8 (5) the nature and circumstances of the offense for which
9 the prisoner was sentenced;
- 10 (6) the needs of the prisoner as determined by a classi-
11 fication committee and any recommendations made by the sentencing
12 court;
- 13 (7) the record of convictions of the prisoner with particu-
14 lar emphasis on crimes specified in AS 11.41;
- 15 (8) the use of drugs or alcohol by the prisoner;
- 16 (9) the length of the prisoner's sentence; and
- 17 (10) other criteria considered appropriate by the commis-
18 sioner, including experimental evaluation of correctional programs
19 that are consistent with protection of the public.

20 Sec. 33.30.101. FURLOUGHS. (a) The commissioner shall adopt
21 regulations governing the granting of furloughs to prisoners to

- 22 (1) obtain counseling and treatment for alcohol or drug
23 abuse;
- 24 (2) secure or attend vocational training;
- 25 (3) obtain medical or psychiatric treatment;
- 26 (4) secure or engage in employment;
- 27 (5) attend educational institutions;
- 28 (6) secure a residence or make other preparation for re-
29 lease;

1 (7) appear before a group whose purpose is a better under-
2 standing of crime or corrections; or

3 (8) for any other rehabilitative purpose the commissioner
4 determines to be in the interests of the prisoner and the public.

5 (b) If the commissioner determines that a prisoner can live
6 under reduced supervision without violating the law or the conditions
7 established for the conduct of the prisoner, the commissioner may
8 grant a furlough after considering

9 (1) the factors in AS 33.30.091;

10 (2) violations, if any, by the prisoner of a condition of a
11 prior furlough;

12 (3) the history, if any, of institutional misconduct by the
13 prisoner; and

14 (4) the best interests of the prisoner and the public.

15 Sec. 33.30.111. PRERELEASE FURLOUGHS. (a) Furlough programs
16 established under AS 33.30.101 must include prerelease furloughs
17 designed to facilitate the reintegration of a prisoner into society.

18 (b) A facility that is specifically adapted to provide a resi-
19 dence outside prison, including a halfway house, group home, or other
20 placement that provides varying levels of restriction and supervision,
21 may be used for a prisoner on a prerelease furlough.

22 (c) The restrictions and supervision required for a prerelease
23 furlough shall provide safeguards that minimize risk to the public and
24 include, as a minimum,

25 (1) frequent contact with the prisoner by persons supervis-
26 ing the prisoner;

27 (2) knowledge by supervisory staff of the location of the
28 prisoner;

29 (3) periodic reports by supervisory staff to the

1 commissioner on the performance of the prisoner while on furlough; and

2 (4) a residential setting in which persons supervising a
3 prisoner are obliged to immediately report to the commissioner any
4 violation of a condition set for the prisoner's conduct.

5 (d) Notwithstanding AS 33.30.101(b), and other eligibility
6 criteria established by the commissioner, that relate to risks to the
7 public posed by the proposed furlough of a prisoner,

8 (1) a prisoner sentenced to a definite term of imprisonment
9 of more than one year but less than five years is not eligible for a
10 prerelease furlough until the prisoner has served at least one-third
11 of the sentence;

12 (2) a prisoner sentenced to a definite term of imprisonment
13 of five years or more is not eligible for a prerelease furlough until
14 the prisoner has served at least one-third of the sentence or is
15 within three years of the release date, whichever is later.

16 (e) A prisoner may request a prerelease furlough under proce-
17 dures adopted by the commissioner. If the commissioner denies a
18 request for a prerelease furlough, the commissioner shall provide the
19 prisoner with a written explanation of the reasons for the denial.

20 (f) Upon request of the victim, in the case of a prisoner con-
21 victed of a crime against a person, notice of the commissioner's
22 intent to consider the prisoner for a prerelease furlough shall be
23 sent to the victim. The victim may comment in writing on the intent
24 of the commissioner to release the prisoner on prerelease furlough
25 status. The commissioner shall consider the comments of the victim
26 before making a final decision to release a prisoner on a prerelease
27 furlough. The victim shall keep the commissioner apprised of the
28 victim's current mailing address. If the victim requests notifica-
29 tion, the commissioner shall make every reasonable effort to notify

1 the victim of an intent to release the prisoner on a prerelease
2 furlough. The notice must contain the expected date of the prisoner's
3 release, the geographic area in which the prisoner will reside and
4 other pertinent information concerning the prisoner's release that may
5 affect the victim.

6 Sec. 33.30.121. SHORT-DURATION FURLOUGHS. (a) A short-duration
7 furlough is an authorized leave of absence from a correctional facili-
8 ty for a period not to exceed 12 hours at any one time, except for

9 (1) family visitations, that may not exceed one week or
10 occur more frequently than once in each six month period; or

11 (2) medical treatment, for which the furlough may not last
12 longer than necessary for the treatment.

13 (b) A short-duration furlough may be granted to a prisoner at
14 any time under regulations adopted by the commissioner.

15 Sec. 33.30.131. PRERELEASE FURLOUGH INVOIVING EMPLOYMENT. (a)
16 Unless alternative arrangements are expressly approved by the commis-
17 sioner, when a prisoner is employed outside a correctional facility as
18 part of a furlough program, the earnings of the prisoner shall be
19 delivered by the employer to the commissioner. If an employer
20 transmits the earnings to the commissioner, the employer has no
21 liability to the prisoner for the earnings. The commissioner shall
22 disburse the earnings of the prisoner, in an order determined
23 appropriate, under procedures adopted by the commissioner to

24 (1) pay for the room, board, and personal expenses of the
25 prisoner in an amount or at a rate determined by the commissioner;

26 (2) pay any restitution or fine ordered by the sentencing
27 court;

28 (3) reimburse the state for an award made for violent
29 crimes compensation under AS 18.67 arising out of the criminal conduct

1 of the prisoner;

2 (4) pay a civil judgment arising out of the criminal con-
3 duct of the prisoner; and

4 (5) support the dependents of the prisoner, and to provide
5 child support payments as required by AS 09.65.132.

6 (b) After making the disbursements authorized under (a) of this
7 section, the commissioner shall retain the balance remaining in the
8 account of the prisoner and give it to the prisoner upon release. The
9 commissioner may permit the prisoner to draw upon a portion of this
10 money for other purposes that the commissioner considers appropriate.

11 (c) Only the earnings retained by the commissioner under (b) of
12 this section are subject to lien, attachment, garnishment, execution,
13 or other proceedings to encumber money or property.

14 Sec. 33.30.141. EFFECT OF VIOLATION OF FURLOUGH CONDITIONS OR
15 FAILURE TO RETURN. (a) If a prisoner on a furlough violates the
16 conditions established for the prisoner's conduct, the commissioner
17 may immediately require the return of the prisoner to actual confine-
18 ment for a period not to exceed the balance of the term of imprison-
19 ment and may initiate disciplinary proceedings authorized by regu-
20 lations adopted by the commissioner.

21 (b) The failure of a prisoner on a furlough to return to the
22 place of confinement or residence within the time specified by those
23 having direct supervision over the prisoner is an unlawful evasion
24 under AS 11.56.340 - 11.56.350.

25 ARTICLE 3. GENERAL PROVISIONS.

26 Sec. 33.30.151. EMPLOYMENT OF PRISON INMATES. (a) It is the
27 policy of the state that prisoners be productively employed for as
28 many hours each day as feasible, not to exceed 40 hours a week unless
29 overtime has been specifically approved by the commissioner.

1 (b) The commissioner may enter into contracts or cooperative
2 agreements with any public agency for the performance of conservation
3 projects. The commissioner may enter into a contract with an indi-
4 vidual or agency for the employment of prisoners if the work to be
5 performed will have minimal negative impact on an existing private
6 industry or labor force in the state as determined by the commission-
7 er.

8 (c) The commissioner may direct a prisoner to participate in a
9 type of productive employment listed in (d)(1), and (d)(4)-(6) of this
10 section while the prisoner is confined in a correctional facility. A
11 prisoner who refuses to participate in productive employment when
12 directed under this section is subject to disciplinary sanctions
13 imposed in accordance with regulations adopted by the commissioner.

14 (d) In this section "productively employed" includes the
15 following kinds of employment:

16 (1) routine maintenance and support services essential to
17 the operation of a correctional facility;

18 (2) education including both academic and vocational;

19 (3) industrial, agricultural, and service activities con-
20 ducted in accordance with AS 33.32;

21 (4) public conservation projects including but not limited
22 to forest fire prevention and control, forest and watershed enhance-
23 ment, recreational area development, construction and maintenance of
24 trails and campsites, fish and game enhancement, soil conservation,
25 and forest watershed revegetation;

26 (5) renovation, repair or alteration of existing correc-
27 tional facilities as permitted by AS 44.65.050(d); and

28 (6) other work performed inside or outside of a correction-
29 al facility if the work has minimal negative impact on an existing

1 private industry or labor force in the state as determined by the
2 commissioner.

3 Sec. 33.30.156. PAY OF PRISON INMATES. Each prisoner who is
4 productively employed, as defined in AS 33.30.151(d)(1) or 33.30.-
5 151(d)(3) - (6), may receive for that work compensation at a rate
6 determined by the commissioner under AS 33.32.050 if the money is
7 available from legislative appropriations. The provisions of
8 AS 33.32.050 and AS 33.32.040(b) apply to prisoners employed in the
9 correctional industries program and to prisoners productively employed
10 in activities outside that program.

11 Sec. 33.30.161. TRANSMISSION OF DOCUMENTS. (a) When a prisoner
12 is admitted to a correctional facility, a copy of the commitment shall
13 be delivered with the prisoner as evidence of the authority of the
14 correctional facility to hold the prisoner.

15 (b) When a person is sentenced to a term of imprisonment, copies
16 of the pre-sentence report, sentencing report prepared under AS 12.-
17 55.025, and any other information of the probation office or of the
18 court that may affect the person's rehabilitation shall be transmitted
19 to the superintendent of the correctional facility in which the pris-
20 oner will be confined.

21 (c) The commissioner shall adopt regulations providing for the
22 security, confidentiality, and use of documents transmitted under (b)
23 of this section.

24 Sec. 33.30.171. SUPERINTENDENT OF CORRECTIONAL FACILITY MAY
25 ADMINISTER OATHS AND ACKNOWLEDGMENTS. The superintendent of a correc-
26 tional facility or the superintendent's assistant may administer oaths
27 to and take acknowledgments from a prisoner, but may not request or
28 accept compensation from a prisoner for acts performed under this
29 section.

1 Sec. 33.30.181. TELEPHONE MONITORING INSIDE CORRECTIONAL INSTI-
2 TUTIONS. Notwithstanding AS 42.30.300 and 42.30.310, the commissioner
3 may authorize the use of monitoring or recording equipment to listen
4 to a telephone conversation of a prisoner in order to preserve the
5 security and orderly administration of the institution and to protect
6 the public, if a warning is posted by the telephone informing the
7 prisoner that a call may be monitored or recorded. Prisoner telephone
8 calls to attorneys may not be monitored or recorded except when
9 authorized by a court.

10 Sec. 33.30.191. EFFECT OF JUDGMENT OF CONVICTION ON CIVIL
11 RIGHTS. (a) A person who is convicted of a felony involving moral
12 turpitude as defined in AS 15.60.010 is disqualified from voting in a
13 state or municipal election until the person's unconditional dis-
14 charge.

15 (b) A person who is convicted of a crime is disqualified from
16 serving as a juror until the person's unconditional discharge.

17 (c) In this section "unconditional discharge" has the meaning
18 given in AS 12.55.185.

19 Sec. 33.30.201. DISPOSAL OF ABANDONED PERSONAL PROPERTY. (a)
20 Except as provided in (b) of this section, it is the obligation of
21 each person committed to the custody of the commissioner to provide
22 for the appropriate disposition of all of the person's property re-
23 maining at a correctional facility within 90 days of the date of the
24 person's release or transfer from the correction facility.

25 (b) The commissioner shall provide for the shipment to the
26 receiving facility of a reasonable amount of a prisoner's property, as
27 determined by the commissioner, when the prisoner is transferred from
28 one correctional facility to another.

29 (c) A prisoner's personal property that remains at a

1 correctional facility after 90 days from the date of the prisoner's
2 release or transfer is considered abandoned, and shall be delivered to
3 the Department of Administration for disposal under AS 44.71.010.

4 (d) The state is not liable for any loss or damage to personal
5 property determined to be abandoned under (c) of this section.

6 Sec. 33.30.211. EXCESS MONEY AS CONTRABAND. (a) A prisoner who
7 possesses money in an amount greater than that permitted by the com-
8 missioner is subject to disciplinary sanctions under regulations
9 adopted by the commissioner.

10 (b) Money in the possession of a prisoner in an amount greater
11 than that permitted by the commissioner is contraband. If, after a
12 hearing under regulations adopted by the commissioner, a prisoner is
13 found to have been in possession of contraband under this section, the
14 contraband shall be forfeited and deposited into the general fund.

15 Sec. 33.30.301. DEFINITIONS. In this chapter, unless the con-
16 text requires otherwise,

17 (1) "commissioner" means the commissioner of the Department
18 of Corrections;

19 (2) "correctional facility" or "facility" means a prison,
20 jail, camp, farm, half-way house, group home, or other placement
21 designated by the commissioner for the custody, care, and discipline
22 of prisoners; a "state correctional facility" means a correctional
23 facility owned or run by the state;

24 (3) "court" means the supreme court, the court of appeals,
25 the superior court, the district or magistrate court, or a justice or
26 judge of a court;

27 (4) "crime against a person" means a crime as set out in
28 AS 11.41, except custodial interference under AS 11.41.320 and 11.41.-
29 330; or a crime against a person in this or another jurisdiction

1 having elements substantially identical to those of a crime as set out
2 in AS 11.41, except custodial interference under AS 11.41.320 and
3 11.41.330;

4 (5) "department" means the Department of Corrections;

5 (6) "furlough" means an authorized leave of absence from
6 actual confinement for a designated purpose and period of time;

7 (7) "health care provider" means

8 (A) a physician's assistant or nurse practitioner
9 licensed to practice in the state and working under the direct
10 supervision of a licensed physician or psychiatrist; or

11 (B) a mental health professional as defined in AS 47.-
12 30.915;

13 (8) "municipality" means a borough or city in the state, or
14 a municipality unified under AS 29.68.240 - 29.68.440, authorized by
15 law to establish a correctional facility;

16 (9) "prisoner" means a person, other than a juvenile, held
17 under authority of state law in official detention as defined in
18 AS 11.81.900(b);

19 (10) "temporary commitment" means detention of a person for
20 any period under authority of state law, but does not include confine-
21 ment upon conviction and judgment of a court of this state;

22 (11) "victim" has the meaning given in AS 12.55.185.

23 * Sec. 7. AS 33.32.015(b) is amended to read:

24 (b) The commissioner of corrections may

25 (1) subject to the Fiscal Procedures Act (AS 37.05), use,
26 purchase, lease, equip, and maintain buildings, machinery, and other
27 equipment, and may purchase materials and enter into contracts, which
28 may be necessary for the correctional industries program;

29 (2) provide for prisoners to be employed in rendering

1 services and producing articles, materials, and supplies needed by a
2 state agency, a political subdivision of the state, an agency of the
3 federal government, other states or their political subdivisions, or
4 for use by nonprofit organizations;

5 (3) if the Correctional Industries Commission established
6 in AS 33.32.070 approves, employ prisoners to provide services or
7 products as needed by private industry if the services or products
8 have potential for contributing to the economy of the state and will
9 have minimal negative impact on an existing private industry or labor
10 force in the state;

11 (4) subject to the provisions of AS 37.05, enter into joint
12 cooperative ventures with private industry for the establishment and
13 operation of "Free Venture" industries under AS 33.32.017, or as
14 otherwise necessary to fulfill the purpose of this chapter.

15 * Sec 8. AS 33.32 is amended by adding a new section to read:

16 Sec. 33.32.017. "FREE VENTURE" CORRECTIONAL INDUSTRIES. (a)
17 Upon recommendation of the Correctional Industries Commission estab-
18 lished under AS 33.32.070, the commissioner may establish "Free Ven-
19 ture" correctional industries for the sale of goods or services to the
20 public or private sector. A "Free Venture" correctional industry is a
21 correctional industry that is operated and managed in total or in part
22 by a private industry or organization within a correctional facility
23 under an agreement entered into under AS 33.32.015(b)(4).

24 (b) The commissioner shall provide appropriate space, utilities,
25 security and inmate workers to the private industry or organization.

26 (c) The private industry or organization shall provide all
27 machinery, tools, supplies, materials, transportation, training,
28 supervisory personnel, management marketing, and insurance necessary
29 for the operation of the "Free Venture" industry.

1 (d) In exchange for the space, utilities, and inmate workers
2 provided to it, the private industry or organization shall pay to the
3 commissioner a weekly payment in an amount not less than the sum of
4 the existing minimum hourly wage, established under AS 23.10.065,
5 multiplied by the total number of hours worked during that week by
6 inmates employed in the "Free Venture" correctional industry.

7 (e) The private industry or organization shall indemnify, save
8 harmless, and defend the state, its agents, officers, and employees
9 from liability of any kind resulting from injuries or damages sus-
10 tained by a person or property as a result of the use of the goods or
11 services of the "Free Venture" industry.

12 * Sec. 9. AS 33.32.030 is amended by adding a new subsection to read:

13 (f) The provisions of this section do not apply to "Free Ven-
14 ture" industries established under AS 33.32.017.

15 * Sec. 10. AS 39.35.360(e) is amended to read:

16 (e) An employee of a detention facility provided by a local
17 government unit to the territorial or state government under AS 33.-
18 30.031 or former AS 33.30.060, who continues in state employment upon
19 transfer of the facility to the state, is entitled to credited service
20 for prior service with the facility if the employee remains in contin-
21 uous employment with the state until July 1, 1976. To obtain credited
22 service the employee is required to make retroactive contributions for
23 the period of service between January 1, 1961, and the effective date
24 of the transfer of the facility to the state.

25 * Sec. 11. AS 44.65.050 is amended by adding a new subsection to read:

26 (d) The Department of Corrections and the Department of Trans-
27 portation and Public Facilities may enter into agreements under this
28 chapter for the construction, renovation, repair or alteration of
29 state correctional facilities as defined in AS 33.30.301. An

1 agreement entered into under this subsection is limited to an
2 estimated cost of \$100,000 project as determined by the terms of the
3 agreement.

4 * Sec. 12. The following laws are repealed: AS 33.30.010, 33.30.020,
5 33.30.030, 33.30.040, 33.30.050, 33.30.060, 33.30.070, 33.30.080,
6 33.30.090, 33.30.100, 33.30.110, 33.30.120, 33.30.130, 33.30.140,
7 33.30.150, 33.30.160, 33.30.170, 33.30.180, 33.30.185, 33.30.190,
8 33.30.225, 33.30.227, 33.30.250, 33.30.260, 33.30.290, 33.30.300,
9 33.30.310, 33.30.320, and 33.30.900.

10 * Sec. 13. Regulations adopted under a statute amended or repealed by
11 this Act continue in effect until amended or repealed by the commissioner
12 of corrections, except to the extent that a regulation is inconsistent or
13 in conflict with a provision of this Act.

14

Introduced: 1/25/85
Referred: Health, Education &
Social Services, Judiciary and
Finance

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2

HOUSE BILL NO. 114

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 facilities, and the
7 imprisonment and rehabilitation of offenders."

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

9 * Section 1. AS 11.56.340 is repealed and reenacted to read:

10 Sec. 11.56.340. UNLAWFUL EVASION IN THE FIRST DEGREE. (a) A
11 person commits the crime of unlawful evasion in the first degree if,
12 while charged with or convicted of a felony,

13 (1) the person fails to return to official detention within
14 the time authorized following temporary leave granted for a specific
15 purpose or limited period; or

16 (2) while on furlough under AS 33.30.101 -- 33.30.131 the
17 person fails to return to the place of confinement or residence within
18 the time authorized by those having direct supervision.

19 (b) Unlawful evasion in the first degree is a class A misdemean-
20 or.

21 * Sec. 2. AS 11.56.350 is repealed and reenacted to read:

22 Sec. 11.56.350. UNLAWFUL EVASION IN THE SECOND DEGREE. (a) A
23 person commits the crime of unlawful evasion in the second degree if,
24 while charged with or convicted of a misdemeanor,

25 (1) the person fails to return to official detention within
26 the time authorized following temporary leave granted for a specific
27 purpose or limited period; or

28 (2) while on furlough under AS 33.30.101 -- 33.30.131 the
29 person fails to return to the place of confinement or residence within

1 the time authorized by those having direct supervision.

2 (b) Unlawful evasion in the second degree is a class B misde-
3 meanor.

4 * Sec. 3. AS 12.47.050(d) is repealed and reenacted to read:

5 (d) Notwithstanding any contrary provision of law, a defendant
6 receiving treatment under (b) of this section may not be released on
7 either furlough under AS 33.30.101 -- 33.30.131, except for treatment
8 in a secure setting, or parole.

9 * Sec. 4. AS 33.30.010 -- 33.30.900 are repealed.

10 * Sec. 5. AS 33.30 is amended by adding new sections to read:

11 CHAPTER 30. CORRECTIONAL [PRISON] FACILITIES AND
12 PROGRAMS [PRISONERS].

13 ARTICLE 1. ESTABLISHMENT, CONTROL, AND MANAGEMENT.

14 Sec. 33.30.011. DUTIES OF COMMISSIONER. The commissioner shall

15 (1) establish, maintain, operate, and control correctional
16 facilities suitable for the custody, care, and discipline of persons
17 charged or convicted of offenses against the state or held under
18 authority of state law;

19 (2) classify prisoners and, for persons committed to the
20 custody of the commissioner, establish programs, including furlough
21 programs that are reasonably calculated to

22 (A) protect the public;

23 (B) maintain health;

24 (C) create or improve occupational skills;

25 (D) enhance educational qualifications;

26 (E) support court-ordered restitution; and

27 (F) otherwise provide for the rehabilitation and
28 reformation of prisoners, facilitating their reintegration into
29 society;

1 (3) provide necessary medical services for prisoners in
2 correctional facilities or who are committed by a court to the custody
3 of the commissioner, including examinations for communicable and
4 infectious diseases; and

5 (4) provide necessary psychological or psychiatric treat-
6 ment if a physician or other health care provider, exercising ordinary
7 skill and care at the time of observation, concludes with reasonable
8 medical certainty that

9 (A) a prisoner exhibits symptoms of a serious disease
10 or injury that is curable or may be substantially alleviated; and

11 (B) the potential for harm to the prisoner by reason
12 of delay or denial of care would be substantial.

13 Sec. 33.30.021. REGULATIONS. The commissioner shall adopt
14 regulations to implement this chapter.

15 Sec. 33.30.031. CONTRACT FOR CONFINEMENT AND CARE OF PRISONERS.

16 (a) The commissioner shall determine the availability of state cor-
17 rectional facilities suitable for the detention and confinement of
18 persons held under authority of state law. If the commissioner deter-
19 mines that suitable state correctional facilities are not available,
20 the commissioner may enter into an agreement with a public or private
21 agency to provide necessary facilities. Correctional facilities
22 provided through agreement may be in this state or in another state.
23 The commissioner may not enter into an agreement with an agency unable
24 to provide a degree of custody, care, and discipline similar to that
25 required by the laws of this state.

26 (b) The commissioner may not enter into an agreement with a
27 privately operated correctional facility under (a) of this section
28 unless the purpose is to involve prisoners in a program established
29 under AS 33.30.091 -- 33.30.131 or to confine prisoners convicted of a

1 misdemeanor.

2 (c) Earnings of a person employed while confined in a privately
3 operated correctional facility established under (a) of this section
4 are subject to the provisions of AS 33.30.131.

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

10 Sec. 33.30.041. LEASE OF CORRECTIONAL FACILITY TO MUNICIPALITY.

11 (a) The commissioner may enter into an agreement with a municipality
12 of the state for the lease of a state correctional facility or for the
13 use and operation of a state correctional facility for the joint
14 benefit of the municipality and the state, if the commissioner deter-
15 mines that it would be in the best interest of the state.

16 (b) An agreement executed by the commissioner under (a) of this
17 section must provide that

18 (1) the state has the right to detain or confine persons
19 held under authority of law in the correctional facility;

20 (2) the administrator of the correctional facility agrees
21 to implement an order, concerning a prisoner, issued by a court of the
22 state;

23 (3) the administrator of the correctional facility shall
24 comply with the law, and regulations adopted by the commissioner,
25 relating to the custody, care, and discipline of persons detained or
26 confined in the correctional facility; and

27 (4) the commissioner may inspect the correctional facility
28 at reasonable times to determine the conditions under which a prisoner
 is detained or confined.

1 (c) The agreement executed by the commissioner under (a) of this
2 section may require the administrator of the correctional facility to
3 comply with requirements that the commissioner considers necessary for
4 the protection of the public or for the quality of care and programs
5 for prisoners required by this chapter and regulations adopted by the
6 commissioner.

7 ARTICLE 2. COMMITMENTS, PROGRAMS, AND FURLOUGHS.

8 Sec. 33.30.051. COMMITMENT TO COMMISSIONER. A person convicted
9 of an offense against the state must be committed to the custody of
10 the commissioner for the term of imprisonment which the court directs.

11 Sec. 33.30.061. COMMISSIONER TO DESIGNATE FACILITY. (a) The
12 commissioner shall designate the correctional facility to which a
13 prisoner is to be committed to serve a term of imprisonment or period
14 of temporary commitment. The commissioner may designate a facility
15 without regard to whether it is maintained by the state, is located
16 within the judicial district in which the prisoner was convicted, or
17 is located in the state.

18 (b) The decision of the commissioner to designate a facility for
19 the commitment of a prisoner pending appeal is not subject to review
20 absent a clear and convincing showing by the prisoner that the prison-
21 er would be denied the right to counsel. The decision of the commis-
22 sioner to designate a facility is not, under any other circumstance,
23 subject to review unless the prisoner makes a clear and convincing
24 showing of an abuse of discretion.

25 Sec. 33.30.071. RESPONSIBILITY FOR PRISONERS PENDING COMMITMENT.

26 (a) Notwithstanding AS 33.30.011(1), the commissioner of public
27 safety shall provide for the custody, care, and discipline of prison-
28 ers pending arraignment or commitment by a court to the custody of the
29 commissioner of corrections. Except as provided in (c) of this

1 section, the responsibility for providing necessary medical services
2 for prisoners remains with the commissioner of corrections under
3 AS 33.30.011(3). The commissioner of corrections and the commissioner
4 of public safety are not responsible for providing custody, care, and
5 discipline for a person detained under AS 47.37.170, unless the person
6 is admitted into a state correctional facility.

7 (b) The responsibility of the commissioner of public safety
8 under (a) of this section does not begin until a prisoner is accepted
9 into the custody of the commissioner of public safety, or admitted
10 into a correctional facility or other facility designed for holding
11 prisoners, and the commissioner of public safety is notified of the
12 acceptance or admission.

13 (c) Medical services for a prisoner who is unconscious or in
14 immediate need of medical attention before admission to a correctional
15 facility or commitment by a court to the custody of the commissioner
16 of corrections must be provided by the law enforcement agency having
17 custody of the prisoner. The law enforcement agency may require the
18 prisoner to compensate the agency for the cost of medical services
19 provided for a pre-existing medical condition not arising out of the
20 prisoner's arrest.

21 Sec. 33.30.081. TRANSPORTATION OF PRISONERS. (a) The commis-
22 sioner of public safety is responsible for transporting a prisoner to
23 and from the court having jurisdiction over the prisoner and for
24 delivering a prisoner to a correctional facility upon temporary or
25 final commitment by a court or upon transfer of a prisoner from one
26 correctional facility to another either inside or outside the state.

27 (b) The commissioner of corrections is responsible for furnish-
28 ing return transportation to the place of arrest for a prisoner held
29 in a state correctional facility, upon release from custody.

1 (c) The commissioner of public safety is responsible for fur-
2 nishing return transportation to the place of arrest for a prisoner
3 who is released from custody before admission to a state correctional
4 facility.

5 (d) The commissioner of corrections shall adopt regulations
6 governing the furnishing of transportation, discharge payments, and
7 clothing to prisoners upon release from a state correctional institu-
8 tion at any stage of a criminal proceeding.

9 Sec. 33.30.091. DESIGNATION OF PROGRAMS. Except as provided in
10 AS 33.30.111, the commissioner may assign a prisoner committed to the
11 commissioner's custody to any program established under AS 33.30.-
12 011(2) considering

13 (1) safeguards to the public;

14 (2) the prospects for the prisoner's rehabilitation;

15 (3) the availability of program and facility space;

16 (4) the prospect of future judicial proceedings requiring
17 the presence of the prisoner;

18 (5) the nature and circumstances of the offense for which
19 the prisoner was sentenced;

20 (6) the needs of the prisoner as determined by a classi-
21 fication committee and any recommendations made by the sentencing
22 court;

23 (7) the record of convictions of the prisoner with particu-
24 lar emphasis on crimes specified in AS 11.41;

25 (8) the use of drugs or alcohol by the prisoner;

26 (9) the length of the prisoner's sentence; and

27 (10) other criteria considered appropriate by the commis-
28 sioner, including experimental evaluation of correctional programs
29 that are consistent with protection of the public.

1 Sec. 33.30.101. FURLOUGHS. (a) The commissioner shall adopt
2 regulations governing the granting of furloughs to prisoners to

3 (1) obtain counseling and treatment for alcohol or drug
4 abuse;

5 (2) secure or attend vocational training;

6 (3) obtain medical or psychiatric treatment;

7 (4) secure or engage in employment;

8 (5) attend educational institutions;

9 (6) secure a residence or make other preparation for re-
10 lease;

11 (7) appear before a group whose purpose is a better under-
12 standing of crime or corrections; or

13 (8) for any other rehabilitative purpose the commissioner
14 determines to be in the interests of the prisoner and the public.

15 (b) If the commissioner determines that a prisoner can live
16 under reduced supervision without violating the law or the conditions
17 established for the conduct of the prisoner, the commissioner may
18 grant a furlough after considering

19 (1) the factors in AS 33.30.091;

20 (2) violations, if any, by the prisoner of a condition of a
21 prior furlough;

22 (3) the history, if any, of institutional misconduct by the
23 prisoner; and

24 (4) the best interests of the prisoner and the public.

25 Sec. 33.30.111. PRE-RELEASE FURLOUGHS. (a) Furlough programs
26 established under AS 33.30.101 must include pre-release furloughs
27 designed to facilitate the reintegration of a prisoner into society.

28 (b) A facility that is specifically adapted to provide a resi-
29 dence outside prison, including a halfway house, group home, or other

1 placement which provides varying levels of restriction and super-
2 vision, may be used for a prisoner on a pre-release furlough.

3 (c) The restrictions and supervision required for a pre-release
4 furlough must provide safeguards that minimize risk to the public and
5 include, as a minimum,

6 (1) frequent contact with the prisoner by persons supervis-
7 ing the prisoner;

8 (2) knowledge by supervisory staff of the location of the
9 prisoner;

10 (3) periodic reports by supervisory staff to the commis-
11 sioner on the performance of the prisoner while on furlough; and

12 (4) a residential setting in which persons supervising a
13 prisoner are obliged to immediately report to the commissioner any
14 violation of a condition set for the prisoner's conduct.

15 (d) Notwithstanding AS 33.30.101(b) and other eligibility crite-
16 ria established by the commissioner,

17 (1) a prisoner sentenced to a definite term of imprisonment
18 of more than one year but less than five years is not eligible for a
19 pre-release furlough until the prisoner has served at least one-third
20 of the sentence;

21 (2) a prisoner sentenced to a definite term of imprisonment
22 of five years or more is not eligible for a pre-release furlough until
23 the prisoner has served at least one-third of the sentence or is
24 within three years of the release date, whichever is later.

25 (e) A prisoner may request a pre-release furlough under proce-
26 dures adopted by the commissioner. If the commissioner denies a
27 request for a pre-release furlough, the commissioner shall provide the
28 prisoner with a written explanation of the reasons for the denial.

29 (f) Upon request of the victim, in the case of a prisoner

1 convicted of a crime against a person, notice of the commissioner's
2 intent to consider the prisoner for a pre-release furlough must be
3 sent to the victim. The victim may comment in writing on the intent
4 of the commissioner to release the prisoner on pre-release furlough
5 status. The commissioner shall consider the comments of the victim
6 before making a final decision to release a prisoner on a pre-release
7 furlough. The victim shall keep the commissioner apprised of the
8 victim's current mailing address. If the victim requests notifica-
9 tion, the commissioner shall make every reasonable effort to notify
10 the victim of an intent to release the prisoner on a pre-release
11 furlough. The notice must contain the expected date of the prisoner's
12 release, the geographic area in which the prisoner will reside and
13 other pertinent information concerning the prisoner's release that may
14 affect the victim.

15 Sec. 33.30.121. SHORT-DURATION FURLOUGHS. (a) A short-duration
16 furlough is an authorized leave of absence from a correctional facili-
17 ty for a period not to exceed 12 hours at any one time, except for

18 (1) family visitations, which may not exceed one week nor
19 occur more frequently than once in each six month period; or

20 (2) medical treatment, for which the furlough may not last
21 longer than necessary for the treatment.

22 (b) A short-duration furlough may be granted to a prisoner at
23 any time under regulations adopted by the commissioner.

24 Sec. 33.30.131. PRE-RELEASE FURLOUGH INVOLVING EMPLOYMENT. (a)
25 Unless alternative arrangements are expressly approved by the commis-
26 sioner, when a prisoner is employed outside a correctional facility as
27 part of a furlough program, the earnings of the prisoner must be sent
28 by the employer to the commissioner. If an employer transmits the
29 earnings to the commissioner, the employer has no liability to the

1 prisoner for the earnings. The commissioner shall disburse the earn-
2 ings of the prisoner under procedures adopted by the commissioner to

3 (1) pay for the room, board, and personal expenses of the
4 prisoner in an amount or at a rate determined by the commissioner;

5 (2) pay any restitution or fine ordered by the sentencing
6 court;

7 (3) reimburse the state for an award made for violent
8 crimes compensation under AS 18.67 arising out of the criminal conduct
9 of the prisoner;

10 (4) pay a civil judgment arising out of the criminal con-
11 duct of the prisoner; and

12 (5) support the dependents of the prisoner.

13 (b) After making the disbursements authorized under (a) of this
14 section, the commissioner shall retain the balance remaining in the
15 account of the prisoner and give it to the prisoner upon release. The
16 commissioner may permit the prisoner to draw upon a portion of this
17 money for other purposes that the commissioner considers appropriate.

18 (c) Only the earnings retained by the commissioner under (b) of
19 this section are subject to lien, attachment, garnishment, execution,
20 or other proceedings to encumber money or property.

21 Sec. 33.30.141. EFFECT OF VIOLATION OF FURLOUGH CONDITIONS OR
22 FAILURE TO RETURN. (a) If a prisoner on a furlough violates the
23 conditions established for the prisoner's conduct, the commissioner
24 may immediately require the return of the prisoner to actual confine-
25 ment for a period not to exceed the balance of the term of imprison-
26 ment and may initiate disciplinary proceedings authorized by regu-
27 lations adopted by the commissioner.

28 (b) The failure of a prisoner on a furlough to return to the
29 place of confinement or residence within the time specified by those

1 having direct supervision over the prisoner is an unlawful evasion
2 under AS 11.56.340 -- 11.56.350.

3 ARTICLE 3. GENERAL PROVISIONS.

4 Sec. 33.30.151. EMPLOYMENT OF PRISON INMATES. (a` It is the
5 policy of the state that prisoners be productively employed for as
6 many hours each day as feasible, not to exceed 40 hours per week
7 unless overtime has been specifically approved by the commissioner.
8 The term "productively employed" includes the following kinds of
9 employment:

10 (1) routine maintenance and support services essential to
11 the operation of a correctional facility;

12 (2) education including both academic and vocational;

13 (3) industrial, agricultural, and service activities con-
14 ducted in accordance with AS 33.32;

15 (4) public conservation projects including but not limited
16 to forest fire prevention and control, forest and watershed enhance-
17 ment, recreational area development, construction and maintenance of
18 trails and campsites, fish and game enhancement, soil conservation,
19 and forest watershed revegetation;

20 (5) renovation, repair or alteration of existing correc-
21 tional facilities as permitted by AS 44.65.050(d); and

22 (6) other work performed inside or outside of a correction-
23 al facility if the work has minimal negative impact on an existing
24 private industry or labor force in the state as determined by the
25 commissioner.

26 (b) The commissioner may enter into contracts or cooperative
27 agreements with any public agency for the performance of conservation
28 projects. The commissioner may enter into a contract with an indi-
29 vidual or agency for the employment of prisoners if the work to be

1 performed will have minimal negative impact on an existing private
2 industry or labor force in the state as determined by the commission-
3 er.

4 (c) The commissioner may direct a prisoner to participate in a
5 type of productive employment listed in (a)(1), and (4)-(6) of this
6 section while the prisoner is confined in a correctional facility. A
7 prisoner who refuses to participate in productive employment when
8 directed under this section is subject to disciplinary sanctions
9 imposed in accordance with regulations adopted by the commissioner.

10 Sec. 33.30.156. PAY OF PRISON INMATES. Each prisoner who is
11 productively employed, as defined in AS 33.30.151(a)(1) or (3) - (6),
12 may receive for that work compensation at a rate determined by the
13 commissioner under AS 33.32.050 if the money is available from legis-
14 lative appropriations. The provisions of AS 33.32.050 and AS 33.32.-
15 040(b) apply to prisoners employed in the correctional industries
16 program and to prisoners productively employed in activities outside
17 that program.

18 Sec. 33.30.161. TRANSMISSION OF DOCUMENTS. (a) When a prisoner
19 is admitted to a correctional facility, a copy of the commitment must
20 be delivered with the prisoner as evidence of the authority of the
21 correctional facility to hold the prisoner.

22 (b) When a person is sentenced to a term of imprisonment, copies
23 of the pre-sentence report, sentencing report prepared under AS 12.55-
24 .025, and any other information of the probation office or of the
25 court that may affect the person's rehabilitation must be transmitted
26 to the superintendent of the correctional facility in which the pris-
27 oner will be confined.

28 (c) The commissioner shall adopt regulations providing for the
:9 security, confidentiality, and use of documents transmitted under (b)

1 of this section.

2 Sec. 33.30.171. SUPERINTENDENT OF CORRECTIONAL FACILITY MAY
3 ADMINISTER OATHS AND ACKNOWLEDGMENTS. The superintendent of a correc-
4 tional facility or the superintendent's assistant may administer oaths
5 to and take acknowledgments from a prisoner, but may not request nor
6 accept compensation from a prisoner for acts performed under this
7 section.

8 Sec. 33.30.181. TELEPHONE MONITORING INSIDE CORRECTIONAL INSTI-
9 TUTIONS. Notwithstanding AS 42.30.300 and 42.30.310, the commissioner
10 may authorize the use of monitoring or recording equipment to listen
11 to a telephone conversation of a prisoner in order to preserve the
12 security and orderly administration of the institution and to protect
13 the public, if a warning is posted by the telephone informing the
14 prisoner that a call may be monitored or recorded. Prisoner telephone
15 calls to attorneys may not be monitored nor recorded except when
16 authorized by a court.

17 Sec. 33.30.191. EFFECT OF JUDGMENT OF CONVICTION ON CIVIL
18 RIGHTS. (a) A person who is convicted of a felony involving moral
19 turpitude as defined in AS 15.60.010 is disqualified from voting in a
20 state or municipal election until the person's unconditional dis-
21 charge.

22 (b) A person who is convicted of a crime is disqualified from
23 serving as a juror until the person's unconditional discharge.

24 (c) A person who is convicted of a criminal charge or is serving
25 a term of imprisonment for a criminal offense may not bring a civil
26 action against the state, a state agency, or an employee of the state
27 unless it is an action for violation of the person's constitutional
28 rights during the time of imprisonment. The time within which the
29 action may be brought is limited as set out in AS 09.10.140.

1 (d) In this section, "unconditional discharge" has the meaning
2 given in AS 12.55.185.

3 Sec. 33.30.201. DISPOSAL OF ABANDONED PERSONAL PROPERTY. (a)
4 It is the obligation of each person committed to the custody of the
5 commissioner to provide for the appropriate disposition of all person-
6 al property within 90 days of the date of the person's release or
7 transfer from a correctional facility.

8 (b) Any personal property remaining at a correctional facility
9 after 90 days from the date of release or transfer is deemed aban-
10 doned, and will be delivered to the Department of Administration for
11 disposal pursuant to AS 44.71.010.

12 (c) The state shall not be liable for any loss or damage to
13 personal property deemed abandoned under (b) of this section.

14 Sec. 33.30.301. DEFINITIONS. In this chapter, unless the con-
15 text requires otherwise,

16 (1) "crime against a person" means a crime as set out in
17 AS 11.41, except custodial interference under AS 11.41.320 and 11.41-
18 .330; or a crime against a person in this or another jurisdiction
19 having elements substantially identical to those of a crime as set out
20 in AS 11.41, except custodial interference under AS 11.41.320 and
21 11.41.330;

22 (2) "commissioner" means the commissioner of the Department
23 of Corrections or the commissioner's designee;

24 (3) "correctional facility" or "facility" means a prison,
25 jail, camp, farm, half-way house, group home, or other placement
26 designated by the commissioner for the custody, care, and discipline
27 of prisoners; a "state correctional facility" means any correctional
28 facility owned or run by the state;

29 (4) "court" means the supreme court, the court of appeals,

1 the superior court, the district or magistrate court, or a justice or
2 judge of a court;

3 (5) "department" means the Department of Corrections;

4 (6) "furlough" means an authorized leave of absence from
5 actual confinement for a designated purpose and period of time;

6 (7) "municipality" means a borough or city in the state, or
7 a municipality unified under AS 29.68.240 -- 29.68.440, authorized by
8 law to establish a correctional facility;

9 (8) "prisoner" means a person, other than a juvenile, held
10 under authority of state law in official detention as defined in
11 AS 11.81.900(b);

12 (9) "temporary commitment" means detention of a person for
13 any period under authority of state law, but does not include confine-
14 ment upon conviction and judgment of a court of this state;

15 (10) "victim" has the meaning given in AS 12.55.185.

16 * Sec. 6. AS 33.32.015(b) is amended to read:

17 (b) The commissioner of corrections may

18 (1) subject to the Fiscal Procedures Act (AS 37.05), use,
19 purchase, lease, equip, and maintain buildings, machinery, and other
20 equipment, and may purchase materials and enter into contracts, which
21 may be necessary for the correctional industries program;

22 (2) provide for prisoners to be employed in rendering
23 services and producing articles, materials, and supplies needed by a
24 state agency, a political subdivision of the state, an agency of the
25 federal government, other states or their political subdivisions, or
26 for use by nonprofit organizations;

27 (3) if the Correctional Industries Commission established
28 in AS 33.32.070 approves, employ prisoners to provide services or
29 products as needed by private industry if the services or products

1 have potential for contributing to the economy of the state and will
2 have minimal negative impact on an existing private industry or labor
3 force in the state;

4 (4) subject to the provisions of AS 37.05, enter into joint
5 cooperative ventures with private industry for the establishment and
6 operation of "Free Venture" industries pursuant to AS 33.32.017, or as
7 otherwise necessary to fulfill the purpose of this chapter.

8 * Sec 7. AS 33.32 is amended by adding a new section to read:

9 Sec. 33.32.017. "FREE VENTURE" CORRECTIONAL INDUSTRIES. (a)
10 Upon recommendation of the Correctional Industries Commission estab-
11 lished under AS 33.32.070, the commissioner may establish "Free Ven-
12 ture" correctional industries for the sale of goods or services to the
13 public or private sector. A "Free Venture" correctional industry is a
14 correctional industry which is operated and managed in total or in
15 part by a private industry or organization within a correctional
16 facility pursuant to an agreement entered into under AS 33.32.-
17 015(b)(4).

18 (b) The commissioner shall provide appropriate space, utilities,
19 security and inmate workers to the private industry or organization.

20 (c) The private industry or organization shall provide all
21 machinery, tools, supplies, materials, transportation, training,
22 supervisory personnel, management marketing, and insurance necessary
23 for the operation of the "Free Venture" industry.

24 (d) In exchange for the space, utilities, and inmate workers
25 provided to it, the private industry or organization shall pay to the
26 commissioner a weekly payment in an amount not less than the sum of
27 the existing minimum hourly wage, established under AS 23.10.065,
28 multiplied by the total number of hours worked during that week by
29 inmates employed in the "Free Venture" correctional industry.

1 * Sec. 8. AS 33.32.030 is amended by adding a new subsection to read:

2 (f) The provisions of this section do not apply to "Free Ven-
3 ture" industries established under AS 33.32.017.

4 * Sec. 9. AS 39.35.360(e) is amended to read:

5 (e) An employee of a detention facility provided by a local
6 government unit to the territorial or state government under AS 33.-
7 30.031 [AS 33.30.060], who continues in state employment upon transfer
8 of the facility to the state, is entitled to credited service for
9 prior service with the facility if the employee remains in continuous
10 employment with the state until July 1, 1976. To obtain credited
11 service the employee is required to make retroactive contributions for
12 the period of service between January 1, 1961, and the effective date
13 of the transfer of the facility to the state.

14 * Sec. 10. AS 44.65.050 is amended by adding a new subsection to read:

15 (d) The Department of Corrections and the Department of Trans-
16 portation and Public Facilities may enter into agreements under this
17 chapter for the construction, renovation, repair or alteration of
18 state correctional facilities as defined in AS 33.30.301. An agree-
19 ment entered into under this subsection is limited to an estimated
20 cost of \$100,000 per project as determined by the terms of the agree-
21 ment.

22 * Sec. 11. Regulations adopted under a statute amended or repealed by
23 this Act continue in effect until amended or repealed by the commissioner
24 of corrections.

25

COMMITTEE REPORT
SENATE

FURTHER:

5/2/86

Date 5/8/86

Mr. President

The Committee on FINANCE considered CSHB 114(Jud)am
correctional facilities, and the imprisonment and rehabilitation of
offenders.

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 SCS for CSHB 114 (Jud)
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation DOA
 DOC.
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS

Paul Gish NR
[Signature] NR
Rich Helford NR

[Signature]
Chairman
C - [Signature]
Chairman recommendation

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

Page 1 of 1

REQUEST HB 114, No. 1
 Bill/Resolution No.: None
 Title: "An act relating to correctional facilities and the imprisonment and rehabilitation of offenders"
 Sponsor: _____
 Requestor: Governor
 Date of Request: _____

FISCAL DETAIL
 Agency Affected: Administration
 Program Category Affected: Centralized Administrative Services
 BRU, Program or Subprogram(s) Affected: Property Management

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						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

This proposed Legislation, as it would apply to property disposition (p.15, lines 3-13) would not have a fiscal impact on this Division.

Prepared By: Robert J. Link *Robert Link* A Phone: 465-2250
 Division: General Services and Supply Date: December 4, 1984

Approved by Commissioner: Lisa Rudd *LJR* Date: 12/12/84
 Agency: Department of Administration

Distribution (by Agency preparing fiscal note):

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

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST:

Bill/Resolution No.: CS HB 114 (Jud)
 Title: "An Act relating to correctional facilities and the imprisonment and rehabilitation of offenders."
 Sponsor: Rules/Governor
 Requestor: House Finance
 Date of Request: April 29, 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						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
----------------	------------	------------	------------	------------	------------	------------

REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
----------------	------------	------------	------------	------------	------------	------------

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	0-
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

ANALYSIS: Attach a separate page if necessary.

This legislation will have no fiscal impact on the Department of Corrections.

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

Phone: 465-3376
 Date: April 29, 1985

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

Date: April 29, 1985

Distribution (by Agency preparing fiscal note):

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

Offered: 5/2/86
Referred: Finance

Original sponsor: Rules/Governor

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE
2 SENATE CS FOR CS FOR HOUSE BILL NO. 114 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND SESSION
5 A BILL
6 For an Act entitled: "An Act relating to correctional facilities, and the
7 imprisonment and rehabilitation of offenders."
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
9 * Section 1. AS 09.10.140 is amended to read:
10 Sec. 09.10.140. DISABILITIES OF MINORITY AND [,] INCOMPETENCY
11 [AND IMPRISONMENT]. If a person entitled to bring an action mentioned
12 in this chapter is at the time the cause of action accrues either (1)
13 under the age of majority, or (2) incompetent by reason of mental
14 illness, [OR (3) IMPRISONED ON A CRIMINAL CHARGE, OR IN EXECUTION
15 UNDER SENTENCE OF A COURT FOR A TERM LESS THAN THE PERSON'S NATURAL
16 LIFE,] the time of the disability is not a part of the time limited
17 for the commencement of the action. The [BUT THE] period within which
18 the action may be brought is not extended in any case longer than two
19 years after the disability ceases.
20 * Sec. 2. AS 09.20.020 is amended to read:
21 Sec. 09.20.020. DISQUALIFICATION OF JURORS. A person is dis-
22 qualified from serving [TO ACT] as a juror if the person
23 (1) has served as a juror in the state within one year of
24 the time of examination for service; or
25 (2) has been convicted of a felony for which the person has
26 not been unconditionally discharged. Unconditional discharge has the
27 meaning given in AS 12.55.185 [FELONY AND THE CIVIL RIGHTS OF THE
28 PERSON HAVE NOT BEEN RESTORED].
29 * Sec. 3. AS 11.56.340 is repealed and reenacted to read:

1 Sec. 11.56.340. UNLAWFUL EVASION IN THE FIRST DEGREE. (a) A
2 person commits the crime of unlawful evasion in the first degree if,
3 while charged with or convicted of a felony,

4 (1) the person fails to return to official detention within
5 the time authorized following temporary leave granted for a specific
6 purpose or limited period, including leave granted under AS 33.30.181;
7 or

8 (2) while on furlough under AS 33.30.101 - 33.30.131 the
9 person fails to return to the place of confinement or residence within
10 the time authorized by those having direct supervision.

11 (b) Unlawful evasion in the first degree is a class A misdemea-
12 or.

13 * Sec. 4. AS 11.56.350 is repealed and reenacted to read:

14 Sec. 11.56.350. UNLAWFUL EVASION IN THE SECOND DEGREE. (a) A
15 person commits the crime of unlawful evasion in the second degree if,
16 while charged with or convicted of a misdemeanor,

17 (1) the person fails to return to official detention within
18 the time authorized following temporary leave granted for a specific
19 purpose or limited period, including leave granted under AS 33.30.181;
20 or

21 (2) while on furlough under AS 33.30.101 - 33.30.131 the
22 person fails to return to the place of confinement or residence within
23 the time authorized by those having direct supervision.

24 (b) Unlawful evasion in the second degree is a class B misde-
25 meanor.

26 * Sec. 5. AS 12.47.050(d) is repealed and reenacted to read:

27 (d) Notwithstanding a contrary provision of law, a defendant
28 receiving treatment under (b) of this section may not be released

29 (1) on furlough under AS 33.30.101 - 33.30.131, except for

1 treatment in a secure setting; or

2 (2) on parole.

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

4 ARTICLE 1. ESTABLISHMENT, CONTROL, AND MANAGEMENT.

5 Sec. 33.30.011. DUTIES OF COMMISSIONER. The commissioner shall

6 (1) establish, maintain, operate, and control correctional
7 facilities suitable for the custody, care, and discipline of persons
8 charged or convicted of offenses against the state or held under
9 authority of state law;

10 (2) classify prisoners;

11 (3) for persons committed to the custody of the commis-
12 sioner, establish programs, including furlough programs that are
13 reasonably calculated to

14 (A) protect the public;

15 (B) maintain health;

16 (C) create or improve occupational skills;

17 (D) enhance educational qualifications;

18 (E) support court-ordered restitution; and

19 (F) otherwise provide for the rehabilitation and
20 reformation of prisoners, facilitating their reintegration into
21 society;

22 (4) provide necessary medical services for prisoners in
23 correctional facilities or who are committed by a court to the custody
24 of the commissioner, including examinations for communicable and
25 infectious diseases; and

26 (5) provide necessary psychological or psychiatric treat-
27 ment if a physician or other health care provider, exercising ordinary
28 skill and care at the time of observation, concludes that

29 (A) a prisoner exhibits symptoms of a serious disease

1 or injury that is curable or may be substantially alleviated; and

2 (B) the potential for harm to the prisoner by reason
3 of delay or denial of care is substantial.

4 Sec. 33.30.021. REGULATIONS. The commissioner shall adopt
5 regulations to implement this chapter.

6 Sec. 33.30.031. CONTRACT FOR CONFINEMENT AND CARE OF PRISONERS.

7 (a) The commissioner shall determine the availability of state cor-
8 rectional facilities suitable for the detention and confinement of
9 persons held under authority of state law. If the commissioner deter-
10 mines that suitable state correctional facilities are not available,
11 the commissioner may enter into an agreement with a public or private
12 agency to provide necessary facilities. Correctional facilities
13 provided through agreement with a public agency may be in this state
14 or in another state. Correctional facilities provided through agree-
15 ment with a private agency must be located in this state. The commis-
16 sioner may not enter into an agreement with an agency unable to pro-
17 vide a degree of custody, care, and discipline similar to that re-
18 quired by the laws of this state.

19 (b) Unless the purpose is to involve prisoners in a program
20 established under AS 33.30.091 - 33.30.131 or AS 33.30.151 - 33.30.181
21 or to confine prisoners convicted of a misdemeanor, the commissioner
22 may not enter into an agreement with a privately operated correctional
23 facility under (a) of this section.

24 (c) Notwithstanding AS 37.05.230(1)(B), an agreement with a
25 private agency to provide necessary facilities under (a) of this
26 section must be based on competitive bids.

27 (d) A person employed outside the facility while confined in a
28 privately operated correctional facility established under (a) of this
29 section is subject to the provisions of AS 33.30.131.

1 (e) The commissioner may enter into an agreement with the United
2 States, another state, a municipality of this state, or another state
3 agency, to provide a correctional facility for the custody, care, and
4 discipline of a person held under authority of the law of that juris-
5 diction.

6 Sec. 37.30.041. LEASE OF CORRECTIONAL FACILITY TO MUNICIPALITY.

7 (a) If the commissioner determines that it would be in the best
8 interest of the state, the commissioner may enter into an agreement
9 with a municipality of the state for the lease of a state correctional
10 facility or for the use and operation of a state correctional facility
11 for the joint benefit of the municipality and the state.

12 (b) An agreement executed by the commissioner under (a) of this
13 section must provide that

14 (1) the state has the right to detain or confine a prisoner
15 held under authority of law in the correctional facility;

16 (2) the administrator of the correctional facility agrees
17 to implement an order, concerning a prisoner, issued by a court of the
18 state;

19 (3) the administrator of the correctional facility shall
20 comply with the law, and regulations adopted by the commissioner,
21 relating to the custody, care, and discipline of a prisoner detained
22 or confined in the correctional facility; and

23 (4) the commissioner may inspect the correctional facility
24 at any time to determine the conditions under which a prisoner is
25 detained or confined.

26 (c) The agreement executed by the commissioner under (a) of this
27 section may require the administrator of the correctional facility to
28 comply with requirements that the commissioner considers necessary for
29 the protection of the public or for the quality of care and programs

1 for prisoners required by this chapter and regulations adopted by the
2 commissioner.

3 ARTICLE 2. COMMITMENTS, PROGRAMS, AND FURLOUGHS.

4 Sec. 33.30.051. COMMITMENT TO COMMISSIONER. A person convicted
5 of an offense against the state shall be committed to the custody of
6 the commissioner for the term of imprisonment that the court directs.

7 Sec. 33.30.061. COMMISSIONER TO DESIGNATE FACILITY. (a) The
8 commissioner shall designate the correctional facility to which a
9 prisoner is to be committed to serve a term of imprisonment or period
10 of temporary commitment. The commissioner may designate a facility
11 without regard to whether it is maintained by the state, is located
12 within the judicial district in which the prisoner was convicted, or
13 is located in the state.

14 (b) The commissioner may designate an out-of-state facility
15 under this section only if the commissioner determines that rehabili-
16 tation or treatment of the prisoner will not be substantially im-
17 paired.

18 Sec. 33.30.071. RESPONSIBILITY FOR PRISONERS PENDING COMMITMENT.

19 (a) Notwithstanding AS 33.30.011(1), the commissioner of public
20 safety shall provide for the custody, care, and discipline of prison-
21 ers pending arraignment, commitment by a court to the custody of the
22 commissioner of corrections, or admission to a state correctional
23 facility. Except as provided in (c) of this section, the responsibil-
24 ity for providing necessary medical services for prisoners remains
25 with the commissioner of corrections under AS 33.30.011(4). The
26 commissioner of corrections and the commissioner of public safety are
27 not responsible for providing custody, care, and discipline for a
28 person detained under AS 47.30.705 or AS 47.37.170, unless the person
29 is admitted into a state correctional facility.

1 (b) The responsibility of the commissioner of public safety
2 under (a) of this section does not begin until a prisoner is accepted
3 into the custody of the commissioner of public safety, or admitted
4 into a correctional facility or other facility designed for holding
5 prisoners, and the commissioner of public safety is notified of the
6 acceptance or admission.

7 (c) Medical services for a prisoner who is unconscious or in
8 immediate need of medical attention before admission to a correctional
9 facility or commitment by a court to the custody of the commissioner
10 of corrections shall be provided by the law enforcement agency having
11 custody of the prisoner. The law enforcement agency may require the
12 prisoner to compensate the agency for the cost of medical services
13 provided for a preexisting medical condition not arising out of the
14 prisoner's arrest.

15 Sec. 33.30.081. TRANSPORTATION OF PRISONERS. (a) The commis-
16 sioner of public safety is responsible for transporting a prisoner to
17 and from the court having jurisdiction over the prisoner and for
18 delivering a prisoner to a correctional facility upon temporary or
19 final commitment by a court or upon transfer of a prisoner from one
20 correctional facility to another either inside or outside the state.

21 (b) The commissioner of corrections shall make available return
22 transportation to the place of arrest for a prisoner who is released
23 from custody in a state correctional facility.

24 (c) The commissioner of public safety shall make available
25 return transportation to the place of arrest for a prisoner who is
26 released from custody before admission to a state correctional facili-
27 ty.

28 (d) The commissioner of corrections shall adopt regulations
29 governing the furnishing of transportation, discharge payments, and

1 clothing to prisoners upon release from a state correctional facility
2 at any stage of a criminal proceeding.

3 (e) Except as provided in (f) of this section or as necessary in
4 a criminal action pending against the prisoner, a court may not order
5 the transportation of a prisoner.

6 (f) A court may order a prisoner who is a party or witness to a
7 civil action or a witness to a criminal action to appear at a place
8 other than within a correctional facility only if the court deter-
9 mines, after providing a reasonable opportunity for the commissioner
10 to comment, that the prisoner's personal appearance is essential to
11 the just disposition of the action. In making its determination, the
12 court shall consider available alternatives to the prisoner's personal
13 appearance including deposition and telephone testimony.

14 (g) Except as provided in (h) of this section, the expenses
15 associated with the transportation of a prisoner ordered under (f) of
16 this section, including the costs of travel for the prisoner and
17 escorting officers and the salary and per diem costs of the escorting
18 officers, shall be borne by the party who has requested the prisoner's
19 appearance, and shall be paid to the commissioner of public safety
20 before the prisoner is transported.

21 (h) A prisoner who is a party to a civil action is not required
22 to bear the full costs of the prisoner's own transportation under (g)
23 of this section if the court determines that the prisoner is indigent.
24 In these cases, the court may require the prisoner to bear a portion
25 of the costs, and the commissioner of public safety shall bear the re-
26 maining costs of transporting the prisoner. If an indigent prisoner
27 recovers a money judgment, the court may require the prisoner to bear
28 all or part of the expenses required under (g) of this section.

29 Sec. 33.30.091. DESIGNATION OF PROGRAMS. Except as provided in

1 AS 33.30.111 and 33.30.161, the commissioner may assign a prisoner
2 committed to the commissioner's custody to a program established under
3 AS 33.30.011(3) considering

- 4 (1) safeguards to the public;
- 5 (2) the prospects for the prisoner's rehabilitation;
- 6 (3) the availability of program and facility space;
- 7 (4) the prospect of future judicial proceedings requiring
8 the presence of the prisoner;
- 9 (5) the nature and circumstances of the offense for which
10 the prisoner was sentenced;
- 11 (6) the needs of the prisoner as determined by a classi-
12 fication committee and any recommendations made by the sentencing
13 court;
- 14 (7) the record of convictions of the prisoner with particu-
15 lar emphasis on crimes specified in AS 11.41;
- 16 (8) the use of drugs or alcohol by the prisoner;
- 17 (9) the length of the prisoner's sentence; and
- 18 (10) other criteria considered appropriate by the commis-
19 sioner, including experimental evaluation of correctional programs
20 that are consistent with protection of the public and reformation of
21 the prisoner.

22 Sec. 33.30.101. FURLOUGHS. (a) The commissioner shall adopt
23 regulations governing the granting of prerelease and short-duration
24 furloughs to prisoners to

- 25 (1) obtain counseling and treatment for alcohol or drug
26 abuse;
- 27 (2) secure or attend vocational training;
- 28 (3) obtain medical or psychiatric treatment;
- 29 (4) secure or engage in employment;

- 1 (5) attend educational institutions;
2 (6) secure a residence or make other preparation for re-
3 lease;
4 (7) appear before a group whose purpose is a better under-
5 standing of crime or corrections; or
6 (8) for any other rehabilitative purpose the commissioner
7 determines to be in the interests of the prisoner and the public.

8 (b) If the commissioner determines with reasonable probability
9 that a prisoner can live under reduced supervision without violating
10 the law or the conditions established for the conduct of the prisoner,
11 the commissioner may grant a furlough after considering

- 12 (1) the factors in AS 33.30.091;
13 (2) violations, if any, by the prisoner of a condition of a
14 prior furlough;
15 (3) the history, if any, of institutional misconduct by the
16 prisoner; and
17 (4) the best interests of the prisoner and the public.

18 Sec. 33.30.111. PRERELEASE FURLOUGHS. (a) Furlough programs
19 established under AS 33.30.101 must include prerelease furloughs
20 designed to facilitate the reintegration of a prisoner into society.

21 (b) A facility that is specifically adapted to provide a resi-
22 dence outside prison, including a halfway house, group home, or other
23 placement that provides varying levels of restriction and supervision,
24 may be used for a prisoner on a prerelease furlough.

25 (c) The restrictions and supervision required for a prerelease
26 furlough shall provide safeguards that minimize risk to the public and
27 include, as a minimum,

- 28 (1) frequent contact with the prisoner by persons supervis-
29 ing the prisoner;

1 (2) knowledge by supervisory staff of the location of the
2 prisoner;

3 (3) periodic reports by supervisory staff to the commis-
4 sioner on the performance of the prisoner while on furlough; and

5 (4) a residential setting in which persons supervising a
6 prisoner are obliged to immediately report to the commissioner any
7 violation of a condition set for the prisoner's conduct.

8 (d) Notwithstanding AS 33.30.101(b), and other eligibility
9 criteria established by the commissioner, that relate to risks to the
10 public posed by the proposed furlough of a prisoner,

11 (1) a prisoner sentenced to a definite term of imprisonment
12 of more than one year but less than five years is not eligible for a
13 prerelease furlough until the prisoner has served at least one-third
14 of the sentence; and

15 (2) a prisoner sentenced to a definite term of imprisonment
16 of five years or more is not eligible for a prerelease furlough until
17 the prisoner has served at least one-third of the sentence or is
18 within three years of the release date, whichever is later.

19 (e) A prisoner may request a prerelease furlough under proce-
20 dures adopted by the commissioner. If the commissioner denies a
21 request for a prerelease furlough, the commissioner shall provide the
22 prisoner with a written explanation of the reasons for the denial.

23 (f) Upon request of the victim, in the case of a prisoner con-
24 victed of a crime against a person, notice of the commissioner's
25 intent to consider the prisoner for a prerelease furlough shall be
26 sent to the victim. The victim may comment in writing on the intent
27 of the commissioner to release the prisoner on prerelease furlough
28 status. The commissioner shall consider the comments of the victim
29 before making a final decision to release a prisoner on a prerelease

1 furlough. If the victim requests notification, the commissioner shall
2 make every reasonable effort to notify the victim of an intent to
3 release the prisoner on a prerelease furlough. The notice must con-
4 tain the expected date of the prisoner's release, the geographic area
5 in which the prisoner will reside and other pertinent information
6 concerning the prisoner's release that may affect the victim.

7 Sec. 33.30.121. SHORT-DURATION FURLOUGHS. (a) A short-duration
8 furlough is an authorized leave of absence from a correctional facili-
9 ty for a period not to exceed 12 hours at any one time, except for

10 (1) family visitations, that may not exceed one week or
11 occur more frequently than once in each four-month period; or

12 (2) medical treatment, for which the furlough may not last
13 longer than necessary for the treatment.

14 (b) A short-duration furlough may be granted to a prisoner at
15 any time under regulations adopted by the commissioner.

16 Sec. 33.30.131. PRERELEASE OR SHORT DURATION FURLOUGH OR CORREC-
17 TIONAL RESTITUTION CENTER PLACEMENT INVOLVING EMPLOYMENT. (a) The
18 commissioner may grant a prerelease or short-duration furlough to
19 permit a prisoner to participate in suitable employment under con-
20 ditions and at wages that represent the prevailing standard for the
21 area. A prisoner may not participate in employment where an organized
22 labor dispute is in progress.

23 (b) Unless alternative arrangements are expressly approved by
24 the commissioner, when a prisoner is employed outside a correctional
25 facility as part of a prerelease or short-duration furlough program,
26 or as part of serving time in a correctional restitution center under
27 AS 33.30.151 - 33.30.181, the earnings of the prisoner shall be de-
28 livered to the commissioner. If an employer transmits the earnings to
29 the commissioner, the employer has no liability to the prisoner for

1 the earnings. The commissioner shall disburse the earnings of the
2 prisoner, in an order determined appropriate, under procedures adopted
3 by the commissioner to

4 (1) pay for the room, board, and personal expenses of the
5 prisoner in an amount or at a rate determined by the commissioner;

6 (2) pay any restitution or fine ordered by the sentencing
7 court;

8 (3) reimburse the state for an award made for violent
9 crimes compensation under AS 18.67 arising out of the criminal conduct
10 of the prisoner;

11 (4) pay a civil judgment arising out of the criminal con-
12 duct of the prisoner; and

13 (5) support the dependents of the prisoner, and to provide
14 child support payments as required by AS 09.65.132.

15 (c) After making the disbursements authorized under (b) of this
16 section, the commissioner shall retain the balance remaining in the
17 account of the prisoner and give it to the prisoner upon release. The
18 commissioner may permit the prisoner to draw upon a portion of this
19 money for other purposes that the commissioner considers appropriate.

20 (d) Only the earnings retained by the commissioner under (c) of
21 this section are subject to lien, attachment, garnishment, execution,
22 or other proceedings to encumber money or property.

23 Sec. 33.30.141. EFFECT OF VIOLATION OF FURLOUGH CONDITIONS OR
24 FAILURE TO RETURN. (a) If, after a hearing, a prisoner on a furlough
25 is found to have violated the conditions established for the prison-
26 er's conduct, the commissioner may immediately require the return of
27 the prisoner to actual confinement for a period not to exceed the
28 balance of the term of imprisonment or initiate disciplinary proceed-
29 ings authorized by regulations adopted by the commissioner or both.

1 (b) The failure of a prisoner on a furlough to return to the
2 place of confinement or residence within the time specified by those
3 having direct supervision over the prisoner is an unlawful evasion
4 under AS 11.56.340 - 11.56.350.

5 Sec. 33.30.151. CORRECTIONAL RESTITUTION CENTERS. (a) The
6 commissioner shall establish correctional restitution centers in the
7 state. The purpose of the centers is to provide certain nonviolent
8 offenders with rehabilitation through community service and employment
9 while protecting the community through partial incarceration of the
10 offender, and to create a means to provide restitution to victims of
11 crimes.

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

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

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

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

20 (4) standards for classifying prisoners to centers;

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

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

25 Sec. 33.30.161. ELIGIBILITY TO SERVE TIME IN A CORRECTIONAL
26 RESTITUTION CENTER. (a) The commissioner may not allow a prisoner to
27 serve time in a correctional restitution center unless the commission-
28 er specifically finds that the prisoner meets the eligibility require-
29 ments of this section.

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

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

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

13 (3) may not have been convicted of an offense under AS 11.-
14 41.410 - 11.41.470 or an offense in the state or another jurisdiction
15 having elements substantially identical to an offense under AS 11.-
16 41.410 - 11.41.470.

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

21 Sec. 33.30.171. COMMUNITY ADVISORY COMMITTEES. The commissioner
22 shall appoint a community advisory committee for each center, to
23 consist of five members of the community in which the center is locat-
24 ed. The committee shall act as a liaison between the community and
25 the department regarding community concerns with the center.

26 Sec. 33.30.181. 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) at and traveling to and from a community service

1 project approved by the commissioner;

2 (3) on emergency absence;

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

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

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

8 ARTICLE 3. GENERAL PROVISIONS.

9 Sec. 33.30.191. EMPLOYMENT OF PRISON INMATES. (a) It is the
10 policy of the state that prisoners be productively employed for as
11 many hours each day as feasible, not to exceed 40 hours a week unless
12 overtime has been specifically approved by the commissioner.

13 (b) The commissioner may enter into contracts or cooperative
14 agreements with any public agency for the performance of conservation
15 projects. The commissioner may enter into a contract with an indi-
16 vidual or agency for the employment of prisoners if the work to be
17 performed will have minimal negative impact on an existing private
18 industry or labor force in the state as determined by the Correctional
19 Industries Commission under AS 33.32.015.

20 (c) The commissioner may direct a prisoner to participate in a
21 type of productive employment listed in (d)(1), and (d)(4)-(6) of this
22 section while the prisoner is confined in a correctional facility. A
23 prisoner who refuses to participate in productive employment inside a
24 correctional facility when directed under this section is subject to
25 disciplinary sanctions imposed in accordance with regulations adopted
26 by the commissioner.

27 (d) In this section "productively employed" includes the follow-
28 ing kinds of employment:

29 (1) routine maintenance and support services essential to

- 1 the operation of a correctional facility;
- 2 (2) education, including both academic and vocational;
- 3 (3) industrial, agricultural, and service activities con-
4 ducted in accordance with AS 33.32;
- 5 (4) public conservation projects, including forest fire
6 prevention and control, forest and watershed enhancement, recreational
7 area development, construction and maintenance of trails and camp-
8 sites, fish and game enhancement, soil conservation, and forest water-
9 shed revegetation;
- 10 (5) renovation, repair or alteration of existing correc-
11 tional facilities as permitted by AS 44.65.050(d); and
- 12 (6) other work performed inside or outside of a correction-
13 al facility if the work has minimal negative impact on an existing
14 private industry or labor force in the state as determined by the
15 Correctional Industries Commission under AS 33.32.015.

16 Sec. 33.30.201. PAY OF PRISON INMATES. Each prisoner who is
17 productively employed, as defined in AS 33.30.191(d)(1) or 33.30.-
18 191(d)(3) - (6), may receive for that work compensation at a rate
19 determined by the commissioner under AS 33.32.050 if the money is
20 available from legislative appropriations. The provisions of AS 33.-
21 32.050 and AS 33.32.040(b) apply to prisoners employed in the correc-
22 tional industries program and to prisoners productively employed in
23 activities outside that program.

24 Sec. 33.30.211. TRANSMISSION OF DOCUMENTS. (a) When a prisoner
25 is admitted to a correctional facility, a copy of the commitment shall
26 be delivered with the prisoner as evidence of the authority of the
27 correctional facility to hold the prisoner.

28 (b) When a person is sentenced to a term of imprisonment, copies
29 of the pre-sentence report, sentencing report prepared under

1 AS 12.55.025, and any other information of the probation office or of
2 the court that may affect the person's rehabilitation shall be trans-
3 mitted to the superintendent of the correctional facility in which the
4 prisoner will be confined.

5 (c) The commissioner shall adopt regulations providing for the
6 security, confidentiality, and use of documents transmitted under (b)
7 of this section.

8 Sec. 33.30.221. SUPERINTENDENT OF CORRECTIONAL FACILITY MAY
9 ADMINISTER OATHS AND ACKNOWLEDGMENTS. The superintendent of a correc-
10 tional facility or the superintendent's assistant may administer oaths
11 to and take acknowledgments from a prisoner, but may not request or
12 accept compensation from a prisoner for acts performed under this
13 section.

14 Sec. 33.30.231. TELEPHONE ACCESS AND MONITORING INSIDE CORREC-
15 TIONAL INSTITUTIONS. (a) Except as provided in (b) of this section,
16 a prisoner shall have reasonable access to a telephone.

17 (b) A prisoner who is classified maximum custody, is placed in
18 segregation as punishment for a rule infraction, or is placed in
19 segregation because the prisoner poses a threat to others or to the
20 security of a correctional facility may not have access to a telephone
21 except to communicate with an attorney, to otherwise communicate as
22 provided in AS 12.25.150, or in an emergency as determined appropriate
23 by the commissioner.

24 (c) Notwithstanding AS 42.20.300 and 42.20.310, in order to
25 preserve the security and orderly administration of the institution
26 and to protect the public, the commissioner may authorize the use of
27 monitoring or recording equipment to listen to a telephone conversa-
28 tion of a prisoner if a warning is posted by the telephone informing
29 the prisoner that a call may be monitored or recorded. A telephone

1 call between an attorney and a prisoner may not be monitored or re-
2 corded except when authorized by a court.

3 Sec. 33.30.241. EFFECT OF JUDGMENT OF CONVICTION ON CIVIL
4 RIGHTS. (a) A person who is convicted of a felony involving moral
5 turpitude as defined in AS 15.60.010 is disqualified from voting in a
6 state or municipal election until the person's unconditional dis-
7 charge.

8 (b) A person who is convicted of a felony is disqualified from
9 serving as a juror until the person's unconditional discharge.

10 (c) In this section "unconditional discharge" has the meaning
11 given in AS 12.55.185.

12 Sec. 33.30.251. DISPOSAL OF ABANDONED PERSONAL PROPERTY. (a)
13 Except as provided in (b) of this section, it is the obligation of
14 each person committed to the custody of the commissioner to provide
15 for the appropriate disposition of all of the person's property re-
16 maining at a correctional facility within 90 days of the date of the
17 person's release or transfer from the correction facility.

18 (b) The commissioner shall provide for the shipment to the
19 receiving facility of a reasonable amount of a prisoner's property, as
20 determined by the commissioner, when the prisoner is transferred from
21 one correctional facility to another.

22 (c) A prisoner's personal property that remains at a correction-
23 al facility after 90 days from the date of the prisoner's release or
24 transfer is considered abandoned, and shall be delivered to the De-
25 partment of Administration for disposal under AS 44.71.010.

26 (d) The state is not liable for any loss or damage to personal
27 property properly determined to be abandoned under (c) of this sec-
28 tion.

29 Sec. 33.30.261. EXCESS MONEY AS CONTRABAND. (a) A prisoner who

1 possesses money in an amount greater than that permitted by the com-
2 missioner is subject to disciplinary sanctions under regulations
3 adopted by the commissioner.

4 (b) Money in the possession of a prisoner in an amount greater
5 than that permitted by the commissioner is contraband. If, after a
6 hearing under regulations adopted by the commissioner, a prisoner is
7 found to have been in possession of contraband under this section, the
8 contraband shall be forfeited and deposited into the general fund.

9 Sec. 33.30.271. FORFEITURE OF PROPERTY. A conviction of a
10 person for a crime does not work a forfeiture of property, except in
11 cases where a forfeiture is expressly provided by law.

12 Sec. 33.30.281. CRIME AGAINST SENTENCED PRISONER. A person who
13 commits a crime against a sentenced prisoner is punishable as if the
14 prisoner was not sentenced and incarcerated.

15 Sec. 33.30.291. TREATIES. If a treaty in effect between the
16 United States and a foreign country provides for the transfer or
17 exchange of prisoners sentenced to serve a term of incarceration to
18 the country where they are citizens or nationals, the commissioner
19 may, on behalf of the state and subject to the terms of the treaty,
20 consent to the transfer or exchange of prisoners and take any other
21 action necessary to initiate the participation of the state in the
22 treaty.

23 Sec. 33.30.901. DEFINITIONS. In this chapter, unless the con-
24 text requires otherwise,

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

26 (2) "commissioner" means the commissioner of the Department
27 of Corrections;

28 (3) "community service" means work on projects designed to
29 reduce or eliminate environmental damage, protect the public health,