

ALASKA LEGISLATURE COMMITTEE FILES 1995-1996 8672

8644 HOUSE JUDICIARY

Alaska State Legislature

Sen. Robin Taylor, Chairman
Sen. Lyda Green, Vice Chairman
Sen. Mike Miller
Sen. Al Adams
Sen. Johnny Ellis



State Capitol
Juneau, Alaska 99801-1182
(907) 465-3717
Fax: (907) 465-3922

Senate Judiciary Committee

Senate Bill 154

"An Act relating to an aggravating factor at sentencing"

In January, 1993 the Alaska Sentencing Commission recommended statutory changes which expand the use of other sexual offenses as aggravating factors in sentencing sex offenders.

Alaska Statute 12.55.155 (c) establishes a series of aggravating factors relevant to presumptive sentencing. Subsection (18) of this statute addresses aggravating factors to be used in sentencing people convicted of sex crimes. As the law now reads, there is an aggravating factor when a defendant is convicted of a sex crime against a minor and has engaged in the same or similar conduct against a minor. Also, there is an aggravating factor when the defendant is convicted of sexual assault (or unlawful exploitation of a minor) and previously engaged in sexual assault (or unlawful exploitation of a minor). However, the law does not currently provide an aggravating factor pertaining to a potential situation whereby a defendant is subject to presumptive sentencing for sexual abuse of a minor and he/she previously committed sexual assault against an adult.

This bill corrects an unfortunate "loophole" currently embodied in existing law. If passed, pursuant to this law, in all cases where a defendant is subject to presumptive sentencing for a sex crime, any other conduct which violates AS 11.41.410 - 11.41.460 constitutes an aggravating factor.

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. SB 154 | _____

Revision Date: _____ Dept. Affected: Corrections
 Title: An Act relating to an aggravating factor in BRU: _____
sentencing Component: _____
 Sponsor: Senate Judiciary
 Requester: Sen. Taylor COMPONENT SERIAL NO. _____

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill would is not expected to noticably effect the lenght of time to be served by the inmate population and no fiscal impact is projected.

Prepared by: Jerry Shriner
 Division: _____
 Approved by Commissioner: Margaret M. Paul
 Agency: Department of Corrections

Phone: 465-4640
 Date: 5/1/95
 Date: 5/1/95

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information, call the Governor's Legislative Office

FISCAL NOTE

No. 2

Bill Version: SB 154

(S) Publish Date: 4/29/95

STATE OF ALASKA
1995 LEGISLATIVE SESSION

Revision Date: _____
Title: "An Act relating to an aggravating factor at sentencing."

Department Affected: Administration
BRU: Public Defender Agency
Component: Public Defender Agency

Sponsor: Senate Judiciary
Requestor: _____

COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
----------------------	-----	-----	-----	-----	-----	-----

CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
------------------------	-----	-----	-----	-----	-----	-----

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 95) cost: \$ 0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

This proposal, if it becomes law, will have no fiscal impact on the Public Defender Agency.

Prepared by: John B. Salemi, Director
Division: Public Defender Agency

Phone: (907) 264-4412
Date: _____

Approved by Commissioner: Mark Boyer
Agency: Department of Administration

Date: 4/29/95

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
For further distribution information, call the Governor's Legislative Office

FISCAL NOTE

No. 3

Bill Version: SB154

BILL (S) Publish Date: 4/29/95

STATE OF ALASKA
1995 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Department of Law
 Title: "An Act relating to an aggravating factor at BRU: Prosecution
sentencing." Component: All
 Sponsor: Senate Judiciary Committee
 Requester: Senator Taylor COMPONENT SERIAL NO. 0085-0090

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

As recommended by the State Sentencing Committee, this bill covers a gap in the aggravating factors used in the state's presumptive sentencing laws under AS 12.55.155(c). This is a sentencing provision that occurs after conviction, and it will not have a fiscal impact.

Prepared by: Richard I. Peques, Director
 Division: Administrative Services Division
 Approved by Commissioner: Bruce M. Botelho, Attorney General
 Agency: Department of Law

Phone: 465-3672
 Date: 4/20/95
 Date: 4/20/95

PREPARER TO PROVIDE A DISTRIBUTION COPY TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution office

FISCAL NOTE

No. 1

Bill Version: SB 154

(S) Publish Date: 4/29/95

STATE OF ALASKA
1995 LEGISLATIVE SESSION

Revision Date: _____
Title: "An Act relating to an aggravating factor at sentencing."

Department Affected: Administration
BRU: Office of Public Advocacy
Component: Office of Public Advocacy

Sponsor: (S) Judiciary Committee
Requestor: _____

COMPONENT SERIAL NO. 43

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

CHANGE IN REVENUES ()	0	0	0	0	0	0
------------------------	---	---	---	---	---	---

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 95) cost: \$ -0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

There is no fiscal impact to the Office of Public Advocacy

Prepared by: Brant McGee
Division: Office of Public Advocacy

Phone: 274-1684
Date: _____

Approved by Commissioner: Mark Bover
Agency: Department of Administration

Date: 4/29/95

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
For further distribution information, call the Governor's Legislative Office

SB

175

HOUSE CS FOR CS FOR SS FOR SENATE BILL NO. 175(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered:

Referred:

Sponsor(s): SENATORS DONLEY, Pearce, Halford, Leman, Kelly, Sharp, Green, Torgerson, Miller, Taylor, Phillips

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to correctional institutions and their administration, and to
2 services provided to prisoners; amending the definition of 'severely medically
3 disabled' applicable to prisoners seeking special medical parole; and amending
4 provisions of the correctional industries program, and extending the termination
5 date of the Correctional Industries Commission and the program."

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

7 * Section 1. Sections 3 - 5 of this Act may be known as the "Alaska No Frills Prison Act."

8 * Sec. 2. AS 33.1C.900(10) is amended to read:

9 (10) "severely medically disabled" means that a person has a medical
10 condition that substantially eliminates the physical ability to commit an offense
11 similar to the offense for which the person was convicted or to commit an offense
12 in violation of AS 11.41 that is punishable as a felony, [REQUIRES THE PERSON
13 SUFFERING FROM THE CONDITION TO BE CONFINED TO BED] and the person

1 is likely to

2 (A) remain subject to the medical condition [BE CONFINED
3 TO BED] throughout the entire period of parole; or

4 (B) [TO] die from the medical condition;

5 * Sec. 3. AS 33.30.011 is amended to read:

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

7 (1) establish, maintain, operate, and control correctional facilities
8 suitable for the custody, care, and discipline of persons charged or convicted of
9 offenses against the state or held under authority of state law; each correctional
10 facility operated by the state shall be established, maintained, operated, and
11 controlled in a manner that is consistent with AS 33.30.015;

12 (2) classify prisoners;

13 (3) for persons committed to the custody of the commissioner, establish
14 programs, including furlough programs that are reasonably calculated to

15 (A) protect the public;

16 (B) maintain health;

17 (C) create or improve occupational skills;

18 (D) enhance educational qualifications;

19 (E) support court-ordered restitution; and

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

22 (4) subject to AS 33.30.028, provide necessary

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

26 (B) psychological or psychiatric treatment if a physician or
27 other health care provider, exercising ordinary skill and care at the time of
28 observation, concludes that

29 (i) a prisoner exhibits symptoms of a serious disease or
30 injury that is curable or may be substantially alleviated; and

31 (ii) the potential for harm to the prisoner by reason of

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

delay or denial of care is substantial;

(5) establish minimum standards for sex offender treatment programs offered to persons who are committed to the custody of the commissioner; and

(6) provide for fingerprinting in correctional facilities in accordance with AS 12.80.060.

* Sec. 4. AS 33.30 is amended by adding a new section to read:

Sec. 33.30.015. WORK REQUIREMENT AND LIVING CONDITIONS FOR PRISONERS. (a) In implementing this chapter, the commissioner may not

(1) provide in a state correctional facility operated by the state

(A) living conditions and recreational opportunities to prisoners within a correctional facility that substantially exceed the conditions that may be required of the state by the Constitution of the United States or the constitution of the state;

(B) living quarters for a prisoner into which the view into the quarters is obstructed; however, the commissioner may not be required to renovate the cells of a correctional facility that, on the effective date of this Act, confines prisoners in cells equipped with doors that do not have bars or windows;

(C) food that exceeds in quality or quantity food that is available to enlisted personnel in the United States Army and use Alaska farm products and salmon to the greatest extent practicable;

(D) equipment or facilities for publishing or broadcasting material the content of which is not subject to prior approval by the department as consistent with keeping order in the institution and prisoner discipline;

(E) cable television service in a correctional facility other than a level of basic cable television service that is available as a substitute for services that are broadcast to the public in the community in which a correctional facility is located;

(2) allow a prisoner held in a state correctional facility operated by the state to

(A) possess a compact disc player;

1 (B) view movies rated "R," "X," or "NC-17," or that do not
2 have a rating unless approved by the department;

3 (C) possess printed material that visually depicts a person's
4 genitals, anus, or female breast;

5 (D) receive instruction in person, or by broadcast or printed
6 medium, or engage in boxing, wrestling, judo, karate, or other martial art, or
7 in any activity that, in the commissioner's discretion, would facilitate violent
8 behavior;

9 (E) possess in the prisoner's cell a coffee pot, hot plate,
10 appliance, or heating element for food preparation;

11 (F) possess or appear in a state of dress, hygiene, grooming, or
12 appearance other than as permitted as uniform or standard in the correctional
13 facility;

14 (G) use a computer other than those approved by the
15 correctional facility; the use may be only as part of the prisoner's employment,
16 education, or vocational training;

17 (H) smoke unless the prisoner smokes in an area that has been
18 designated under AS 18.35.320 to permit smoking.

19 (b) The commissioner may determine whether the provisions of (a) of this
20 section shall apply to correctional facilities that are not operated by the state and may
21 negotiate with a provider of services for the detention and confinement of persons held
22 under authority of state law under contract or agreement whether the work
23 requirements and living conditions set out in (a) of this section shall apply to persons
24 held under authority of state law at a facility operated under contract or agreement.

25 (c) On and after January 1, 1997, the commissioner may not allow a prisoner
26 who, under AS 33.30.011(2), has been classified as maximum custody, to possess a
27 television in the prisoner's cell.

28 (d) Subject to (e) of this section, on and after January 1, 1998, the
29 commissioner may allow a prisoner who, under AS 33.30.011(2), has been classified
30 as other than maximum custody to possess a television in the prisoner's cell only if
31 the prisoner

1 (1) either is incapable of obtaining or has attained a high school
2 diploma or general education development diploma or the equivalent;

3 (2) is actively engaged in an educational, vocational training, or
4 employment program;

5 (3) has satisfied or is on a regular and current payment schedule for all
6 restitution orders entered by the court as part of the prisoner's sentence and, if
7 applicable, is actively engaged in a treatment plan, counseling, or rehabilitation
8 program ordered by the court as part of the prisoner's sentence; and

9 (4) pays for the expense of providing the television or cable television
10 service.

11 (e) The commissioner shall use appropriate technology to screen programs
12 received by prisoners under (d) of this section.

13 * Sec. 5. AS 33.30.071(c) is amended to read:

14 (c) Medical services for a prisoner who is unconscious or in immediate need
15 of medical attention before admission to a correctional facility or commitment by a
16 court to the custody of the commissioner of corrections shall be provided by the law
17 enforcement agency having custody of the prisoner. The law enforcement agency may
18 require the prisoner to compensate the agency for the cost or for a portion of the cost
19 of medical services provided for any [A] preexisting medical condition [NOT
20 ARISING OUT OF THE PRISONER'S ARREST].

21 * Sec. 6. AS 33.32.010 is amended to read:

22 Sec. 33.32.010. PURPOSE OF CHAPTER. It is the purpose of this chapter
23 to [:]

24 (1) develop and operate agricultural, industrial, and service enterprises
25 employing prisoners under the jurisdiction of the commissioner of corrections;

26 (2) provide realistic work experience and vocational training for
27 prisoners under conditions as much like those that prevail in private industry as
28 possible, consistent with proper penal administration, and to direct their efforts toward
29 financial responsibility, acquiring or improving effective work habits and occupational
30 skills, and increasing the probability of opportunities for employment after release; and

31 (3) operate a work program for prisoners that will be as nearly self-

1 supporting as possible by generating a sufficient amount of money from the sale of
2 products and services to pay all or most of the expenses of the program.

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

4 (b) The commissioner of corrections may

5 (1) subject to AS 36.30 (State Procurement Code), use, purchase, lease,
6 equip, and maintain buildings, machinery, and other equipment, and may purchase
7 materials and enter into contracts that [, WHICH] may be necessary for the
8 correctional industries program;

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

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

18 (4) authorize a prisoner to engage in vocational training or in
19 productive employment within or outside a correctional facility, or enter into a contract
20 under AS 33.30.191 for the employment of a prisoner if the Correctional Industries
21 Commission determines that the employment will have minimal negative impact on
22 an existing private industry or labor force in the state; and

23 (5) subject to the provisions of AS 36.30 (State Procurement Code),
24 enter into joint cooperative ventures with private industry for the establishment and
25 operation of "Free Venture" industries under AS 33.32.017 [,] if the Correctional
26 Industries Commission determines at the time of inception that the "Free Venture"
27 industry will not compete with an existing private industry or labor force in the state.

28 * Sec. 8. AS 33.32.015 is amended by adding a new subsection to read:

29 (c) This section does not require the commissioner of corrections to establish
30 and administer a vocational training program under the correctional industries program.

31 * Sec. 9. Section 7, ch. 53, SLA 1982, as amended by sec. 1, ch. 25, SLA 1987, by sec.

1 4, ch. 77, SLA 1991, and by sec. 10, ch. 93, SLA 1995, is amended to read:

2 Sec. 7. AS 33.32 is repealed July 1, 2005 [1999].

Alaska State Legislature



March 29, 1996 House of Representatives
House Judiciary Committee

State Capitol, Room 120
Juneau, Alaska 99801-1182
(907) 465-4990

TO: Leg Legal

FROM: Tom Meyer, House Judiciary

7 total pages

RE: Amendments to SB 175 \W

In addition to the attached amendments, the following:

A 7: P. 5, line 3 following "(1)":
Insert "is incapable of or"

A 2d: P. 4, line 3 following "rating":
Insert "unless approved by the department"

AMENDMENT

by Representative Finkelstein

~~10~~ 9
①

OFFERED IN HOUSE JUDICIARY
TO: CSSSSB 175(FIN) am

Page 5, line 7, following "satisfied":
Insert ", or is on a regular and current payment schedule for"

OK

AMENDMENT

by Representative Finkelstein

1/6

OFFERED IN HOUSE JUDICIARY
TO: CSSSSB 175(FIN) am

Page 4, line 19 following "employment":
Insert ", education"

OK

AMENDMENT

by Representative Finkelstein/3

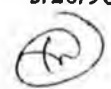
6
TW

OFFERED IN HOUSE JUDICIARY
TO: CSSSSB 175(FIN) am

Page 4, line 10 to 12:
Delete subsection

Renumber the following subsections accordingly.

OK



AMENDMENT

OFFERED IN THE HOUSE

TO: CSSSSB 175(FIN) am

- 1 Page 4, line 32:
- 2 Delete "January 1, 1997"
- 3 Insert "January 1, 1998"



AMENDMENT

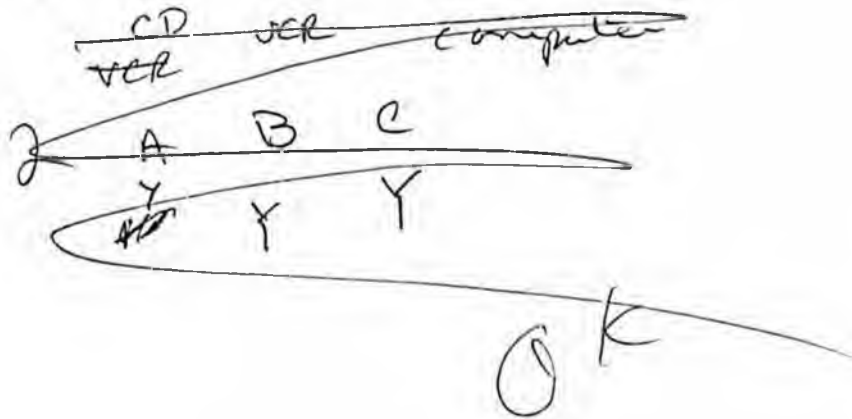
by Representative Finkelstein 12

12

OFFERED IN HOUSE JUDICIARY
TO: CSSSB 175(FIN) am

Page 3, line 32 to page 4, line 1:
Delete subsection

Renumber the following subsections accordingly.



Note to drafter: make any needed
conforming changes, e.g. p. 4, lines
7-8, delete " in body building or weight
lifting "

12

Dawley

AMENDMENT

OFFERED IN THE HOUSE
TO: CSSSSB 175 (FIN) AM

BY

- 1 Page 3, Line 30 to 31
Delete subsection

Renumber the following subsections accordingly.

OK

HOUSE CS FOR CS FOR SS FOR SENATE BILL NO. 175(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered:

Referred:

Sponsor(s): SENATORS DONLEY, Pearce, Halford, Lerman, Kelly, Sharp, Green, Torgerson, Miller, Taylor, Phillips

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to correctional institutions and their administration, and to
 2 services provided to prisoners; amending the definition of 'severely medically
 3 disabled' applicable to prisoners seeking special medical parole; and amending
 4 provisions of the correctional industries program, and extending the termination
 5 date of the Correctional Industries Commission and the program."

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

7 * Section 1. Sections 3 - 5 of this Act may be known as the "Alaska No Frills Prison Act."

8 * Sec. 2. AS 33.16.900(10) is amended to read:

9 (10) "severely medically disabled" means that a person has a medical
 10 condition that substantially eliminates the physical ability to commit an offense
 11 similar to the offense for which the person was convicted or to commit an offense
 12 in violation of AS 11.41 that is punishable as a felony, [REQUIRES THE PERSON
 13 SUFFERING FROM THE CONDITION TO BE CONFINED TO BED] and the person

1 is likely to

2 (A) remain subject to the medical condition [BE CONFINED
3 TO BED] throughout the entire period of parole; or

4 (B) [TO] die from the medical condition;

5 * Sec. 3. AS 33.30.011 is amended to read:

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

7 (1) establish, maintain, operate, and control correctional facilities
8 suitable for the custody, care, and discipline of persons charged or convicted of
9 offenses against the state or held under authority of state law; each correctional
10 facility operated by the state shall be established, maintained, operated, and
11 controlled in a manner that is consistent with AS 33.30.015;

12 (2) classify prisoners;

13 (3) for persons committed to the custody of the commissioner, establish
14 programs, including furlough programs that are reasonably calculated to

15 (A) protect the public;

16 (B) maintain health;

17 (C) create or improve occupational skills;

18 (D) enhance educational qualifications;

19 (E) support court-ordered restitution; and

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

22 (4) subject to AS 33.30.028, provide necessary

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

26 (B) psychological or psychiatric treatment if a physician or
27 other health care provider, exercising ordinary skill and care at the time of
28 observation, concludes that

29 (i) a prisoner exhibits symptoms of a serious disease or
30 injury that is curable or may be substantially alleviated; and

31 (ii) the potential for harm to the prisoner by reason of

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

delay or denial of care is substantial;

(5) establish minimum standards for sex offender treatment programs offered to persons who are committed to the custody of the commissioner; and

(6) provide for fingerprinting in correctional facilities in accordance with AS 12.80.060.

* Sec. 4. AS 33.30 is amended by adding a new section to read:

Sec. 33.30.015. WORK REQUIREMENT AND LIVING CONDITIONS FOR PRISONERS. (a) In implementing this chapter, the commissioner may not

(1) provide in a state correctional facility operated by the state

(A) living conditions and recreational opportunities to prisoners within a correctional facility that substantially exceed the conditions that may be required of the state by the Constitution of the United States or the constitution of the state;

(B) living quarters for a prisoner into which the view into the quarters is obstructed; however, the commissioner may not be required to renovate the cells of a correctional facility that, on the effective date of this Act, confines prisoners in cells equipped with doors that do not have bars or windows;

(C) food that exceeds in quality or quantity food that is available to enlisted personnel in the United States Army and use Alaska farm products and salmon to the greatest extent practicable;

(D) equipment or facilities for publishing or broadcasting material the content of which is not subject to prior approval by the department as consistent with keeping order in the institution and prisoner discipline;

(E) cable television service in a correctional facility other than a level of basic cable television service that is available as a substitute for services that are broadcast to the public in the community in which a correctional facility is located;

(2) allow a prisoner held in a state correctional facility operated by the state to

(A) view movies rated "R," "X," or "NC-17," or that do not

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

have a rating unless approved by the department;

(B) possess printed material that visually depicts a person's genitals, anus, or female breast;

(C) receive instruction in person, or by broadcast or printed medium, or engage in boxing, wrestling, judo, karate, or other martial art, or in any activity that, in the commissioner's discretion, would facilitate violent behavior;

(D) possess in the prisoner's cell a coffee pot, hot plate, appliance, or heating element for food preparation;

(E) possess or appear in a state of dress, hygiene, grooming, or appearance other than as permitted as uniform or standard in the correctional facility;

(F) use a computer other than those approved by the correctional facility; the use may be only as part of the prisoner's employment, education, or vocational training;

(G) smoke unless the prisoner smokes in an area that has been designated under AS 18.35.320 to permit smoking.

(b) The commissioner may determine whether the provisions of (a) of this section shall apply to correctional facilities that are not operated by the state and may negotiate with a provider of services for the detention and confinement of persons held under authority of state law under contract or agreement whether the work requirements and living conditions set out in (a) of this section shall apply to persons held under authority of state law at a facility operated under contract or agreement.

(c) On and after January 1, 1997, the commissioner may not allow a prisoner who, under AS 33.30.011(2), has been classified as maximum custody, to possess a television in the prisoner's cell.

(d) Subject to (e) of this section, on and after January 1, 1998, the commissioner may allow a prisoner who, under AS 33.30.011(2), has been classified as other than maximum custody to possess a television in the prisoner's cell only if the prisoner

(1) either is incapable of obtaining or has attained a high school

1 diploma or general education development diploma or the equivalent;

2 (2) is actively engaged in an educational, vocational training, or
3 employment program;

4 (3) has satisfied or is on a regular and current payment schedule for all
5 restitution orders entered by the court as part of the prisoner's sentence and, if
6 applicable, is actively engaged in a treatment plan, counseling, or rehabilitation
7 program ordered by the court as part of the prisoner's sentence; and

8 (4) pays for the expense of providing the television or cable television
9 service.

10 (e) The commissioner shall use appropriate technology to screen programs
11 received by prisoners under (d) of this section.

12 * Sec. 5. AS 33.30.071(c) is amended to read:

13 (c) Medical services for a prisoner who is unconscious or in immediate need
14 of medical attention before admission to a correctional facility or commitment by a
15 court to the custody of the commissioner of corrections shall be provided by the law
16 enforcement agency having custody of the prisoner. The law enforcement agency may
17 require the prisoner to compensate the agency for the cost or for a portion of the cost
18 of medical services provided for any [A] preexisting medical condition [NOT
19 ARISING OUT OF THE PRISONER'S ARREST].

20 * Sec. 6. AS 33.32.010 is amended to read:

21 Sec. 33.32.010. PURPOSE OF CHAPTER. It is the purpose of this chapter
22 to [:]

23 (1) develop and operate agricultural, industrial, and service enterprises
24 employing prisoners under the jurisdiction of the commissioner of corrections;

25 (2) provide realistic work experience and vocational training for
26 prisoners under conditions as much like those that prevail in private industry as
27 possible, consistent with proper penal administration, and to direct their efforts toward
28 financial responsibility, acquiring or improving effective work habits and occupational
29 skills, and increasing the probability of opportunities for employment after release; and

30 (3) operate a work program for prisoners that will be as nearly self-
31 supporting as possible by generating a sufficient amount of money from the sale of

1 products and services to pay all or most of the expenses of the program.

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

3 (b) The commissioner of corrections may

4 (1) subject to AS 36.30 (State Procurement Code), use, purchase, lease,
5 equip, and maintain buildings, machinery, and other equipment, and may purchase
6 materials and enter into contracts that [, WHICH] may be necessary for the
7 correctional industries program;

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

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

17 (4) authorize a prisoner to engage in vocational training or in
18 productive employment within or outside a correctional facility, or enter into a contract
19 under AS 33.30.191 for the employment of a prisoner if the Correctional Industries
20 Commission determines that the employment will have minimal negative impact on
21 an existing private industry or labor force in the state; and

22 (5) subject to the provisions of AS 36.30 (State Procurement Code),
23 enter into joint cooperative ventures with private industry for the establishment and
24 operation of "Free Venture" industries under AS 33.32.017 [,] if the Correctional
25 Industries Commission determines at the time of inception that the "Free Venture"
26 industry will not compete with an existing private industry or labor force in the state.

27 * Sec. 8. AS 33.32.015 is amended by adding a new subsection to read:

28 (c) This section does not require the commissioner of corrections to establish
29 and administer a vocational training program under the correctional industries program.

30 * Sec. 9. Section 7, ch. 53, SLA 1982, as amended by sec. 1, ch. 25, SLA 1987, by sec.
31 4, ch. 77, SLA 1991, and by sec. 10, ch. 93, SLA 1995, is amended to read:

Sec. 7. AS 33.32 is repealed July 1, 2005 [1999].

CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 175(FIN) am

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Amended: 3/6/96

Offered: 2/21/96

Sponsor(s): SENATORS DONLEY, Pearce, Halford, Leman, Kelly, Sharp, Green, Torgerson, Miller, Taylor, Phillips

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to correctional institutions and their administration, and to
2 services provided to prisoners; amending the definition of 'severely medically
3 disabled' applicable to prisoners seeking special medical parole; and amending
4 provisions of the correctional industries program, and extending the termination
5 date of the Correctional Industries Commission and the program."

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

7 * Section 1. Sections 3 - 5 of this Act may be known as the "Alaska No Frills Prison Act."

8 * Sec. 2. AS 33.16.900(10) is amended to read:

9 (10) "severely medically disabled" means that a person has a medical
10 condition that substantially eliminates the physical ability to commit an offense
11 similar to the offense for which the person was convicted or to commit an offense
12 in violation of AS 11.41 that is punishable as a felony. [REQUIRES THE PERSON
13 SUFFERING FROM THE CONDITION TO BE CONFINED TO BED] and the person

1 is likely to

2 (A) remain subject to the medical condition [BE CONFINED
3 TO BED] throughout the entire period of parole; or

4 (B) [TO] die from the medical condition;

5 * Sec. 3. AS 33.30.011 is amended to read:

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

7 (1) establish, maintain, operate, and control correctional facilities
8 suitable for the custody, care, and discipline of persons charged or convicted of
9 offenses against the state or held under authority of state law; each correctional
10 facility operated by the state shall be established, maintained, operated, and
11 controlled in a manner that is consistent with AS 33.30.015;

12 (2) classify prisoners;

13 (3) for persons committed to the custody of the commissioner, establish
14 programs, including furlough programs that are reasonably calculated to

15 (A) protect the public;

16 (B) maintain health;

17 (C) create or improve occupational skills;

18 (D) enhance educational qualifications;

19 (E) support court-ordered restitution; and

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

22 (4) subject to AS 33.30.028, provide necessary

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

26 (B) psychological or psychiatric treatment if a physician or
27 other health care provider, exercising ordinary skill and care at the time of
28 observation, concludes that

29 (i) a prisoner exhibits symptoms of a serious disease or
30 injury that is curable or may be substantially alleviated; and

31 (ii) the potential for harm to the prisoner by reason of

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

delay or denial of care is substantial;

(5) establish minimum standards for sex offender treatment programs offered to persons who are committed to the custody of the commissioner; and

(6) provide for fingerprinting in correctional facilities in accordance with AS 12.80.060.

* Sec. 4. AS 33.30 is amended by adding a new section to read:

Sec. 33.30.015. WORK REQUIREMENT AND LIVING CONDITIONS FOR PRISONERS. (a) In implementing this chapter, the commissioner may not

(1) provide in a state correctional facility operated by the state

(A) living conditions and recreational opportunities to prisoners within a correctional facility that substantially exceed the conditions that may be required of the state by the Constitution of the United States or the constitution of the state;

(B) living quarters for a prisoner into which the view into the quarters is obstructed; however, the commissioner may not be required to renovate the cells of a correctional facility that, on the effective date of this Act, confines prisoners in cells equipped with doors that do not have bars or windows;

(C) food that exceeds in quality or quantity food that is available to enlisted personnel in the United States Army and use Alaska farm products and salmon to the greatest extent practicable;

(D) equipment or facilities for receiving or broadcasting material the content of which is not subject to prior approval by the department as consistent with keeping order in the institution and prisoner discipline;

(E) cable television service in a correctional facility other than a level of basic cable television service that is available as a substitute for services that are broadcast to the public in the community in which a correctional facility is located;

(2) allow a prisoner held in a state correctional facility operated by the state to

(A) make unmonitored telephone calls, except for calls between the prisoner and the prisoner's legal counsel;

(B) possess a compact disc player, a video cassette recorder

1 (VCR), or a computer in the prisoner's cell;

2 (C) view movies rated "R," "X," or "NC-17," or that do not have
3 a rating;

4 (D) possess printed material that visually depicts a person's
5 genitals, anus, or female breast;

6 (E) receive instruction in person, or by broadcast or printed
7 medium, or engage in boxing, wrestling, judo, karate, or other martial art, in
8 bodybuilding or weight lifting, or in any activity that, in the commissioner's
9 discretion, would facilitate violent behavior;

10 (F) possess or have access to free weights, to bodybuilding or
11 weight-lifting equipment, or to other equipment for use in the activities listed in
12 (E) of this paragraph;

13 (G) possess in the prisoner's cell a coffee pot, hot plate,
14 appliance, or heating element for food preparation;

15 (H) possess or appear in a state of dress, hygiene, grooming, or
16 appearance other than as permitted as uniform or standard in the correctional
17 facility;

18 (I) use a computer other than those approved by the correctional
19 facility; the use may be only as part of the prisoner's employment or vocational
20 training;

21 (J) smoke unless the prisoner smokes in an area that has been
22 designated under AS 18.35.320 to permit smoking.

23 (b) The commissioner may determine whether the provisions of (a) of this
24 section shall apply to correctional facilities that are not operated by the state and may
25 negotiate with a provider of services for the detention and confinement of persons held
26 under authority of state law under contract or agreement whether the work requirements
27 and living conditions set out in (a) of this section shall apply to persons held under
28 authority of state law at a facility operated under contract or agreement.

29 (c) On and after January 1, 1997, the commissioner may not allow a prisoner
30 who, under AS 33.30.011(2), has been classified as maximum custody, to possess a
31 television in the prisoner's cell.

32 (d) Subject to (e) of this section, on and after January 1, 1997, the commissioner

1 may allow a prisoner who, under AS 33.30.011(2), has been classified as other than
2 maximum custody to possess a television in the prisoner's cell only if the prisoner

3 (1) has attained a high school diploma or general education development
4 diploma or the equivalent;

5 (2) is actively engaged in an educational, vocational training, or
6 employment program;

7 (3) has satisfied all restitution orders entered by the court as part of the
8 prisoner's sentence and, if applicable, is actively engaged in a treatment plan, counseling,
9 or rehabilitation program ordered by the court as part of the prisoner's sentence; and

10 (4) pays for the expense of providing the television or cable television
11 service.

12 (e) The commissioner shall use appropriate technology to screen programs
13 received by prisoners under (d) of this section.

14 * Sec. 5. AS 33.30.071(c) is amended to read:

15 (c) Medical services for a prisoner who is unconscious or in immediate need of
16 medical attention before admission to a correctional facility or commitment by a court
17 to the custody of the commissioner of corrections shall be provided by the law
18 enforcement agency having custody of the prisoner. The law enforcement agency may
19 require the prisoner to compensate the agency for the cost or for a portion of the cost
20 of medical services provided for any [A] preexisting medical condition [NOT ARISING
21 OUT OF THE PRISONER'S ARREST].

22 * Sec. 6. AS 33.32.010 is amended to read:

23 Sec. 33.32.010. PURPOSE OF CHAPTER. It is the purpose of this chapter to
24 [:]

25 (1) develop and operate agricultural, industrial, and service enterprises
26 employing prisoners under the jurisdiction of the commissioner of corrections;

27 (2) provide realistic work experience and vocational training for
28 prisoners under conditions as much like those that prevail in private industry as possible,
29 consistent with proper penal administration, and to direct their efforts toward financial
30 responsibility, acquiring or improving effective work habits and occupational skills, and
31 increasing the probability of opportunities for employment after release; and

32 (3) operate a work program for prisoners that will be as nearly self-

1 supporting as possible by generating a sufficient amount of money from the sale of
2 products and services to pay all or most of the expenses of the program.

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

4 (b) The commissioner of corrections may

5 (1) subject to AS 36.30 (State Procurement Code), use, purchase, lease,
6 equip, and maintain buildings, machinery, and other equipment, and may purchase
7 materials and enter into contracts that [, WHICH] may be necessary for the correctional
8 industries program;

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

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

18 (4) authorize a prisoner to engage in vocational training or in
19 productive employment within or outside a correctional facility, or enter into a contract
20 under AS 33.30.191 for the employment of a prisoner if the Correctional Industries
21 Commission determines that the employment will have minimal negative impact on an
22 existing private industry or labor force in the state; and

23 (5) subject to the provisions of AS 36.30 (State Procurement Code), enter
24 into joint cooperative ventures with private industry for the establishment and operation
25 of "Free Venture" industries under AS 33.32.017 [,] if the Correctional Industries
26 Commission determines at the time of inception that the "Free Venture" industry will not
27 compete with an existing private industry or labor force in the state.

28 * Sec. 8. AS 33.32.015 is amended by adding a new subsection to read:

29 (c) This section does not require the commissioner of corrections to establish
30 and administer a vocational training program under the correctional industries program.

31 * Sec. 9. Section 7, ch. 53, SLA 1982, as amended by sec. 1, ch. 25, SLA 1987, by sec. 4,
32 ch. 77, SLA 1991, and by sec. 10, ch. 93, SLA 1995, is amended to read:

To those legislators considering the pending "No Frills" Bill,

Sirs and Madams,

I'd like, please, to express some thoughts on this pending legislation. It has a direct effect on me as I'm presently serving 3 1/2 yrs. for 2nd Degree Theft.

I've never entered anyone's home without first having been invited to do so. I'm not a rapist or child molester, nor do I deal drugs. I am guilty of this charge. I'm here for, but, to assume that every person in here is equally guilty is wrong. Why fund the Appeal Court if this is the case?

I fully deserve my punishment. I am ordered, by the court, to make full restitution after my release as well as pay court costs and intend to do so.

I do not eat better quality food than our military, I do not plot future crimes on my non-existent lap top either. I do watch T.V. The cable bill is \$53 monthly, paid for by my cellmate and I from ridiculously low wages earned in here.

I earn \$1⁰⁰ an hour cleaning the Alaska Marine Highway Laundry at Correction Industries. I work full days and during the summer put in lots of over time to keep up with the increase demand from tourism. Needless to say, the ferry system, not a great profit to the state, would have to pay for larger expenses if it proved necessary to obtain this service from the private sector or to come closer to realistic labor costs than the prison system provides.

I understand the feeling that repeat offenders need stronger punishment to deter them however, the Alaska Court System is already among the leaders in time given for felonies and notoriously tough prisons like Attica, N.Y. Huntsville, Tex., Ruffolo, Fla. Walla Walla, Wash. San Quentin, Cal. all of these prisons, famous for their hard time, are virtually full to bricking with

repeat offenders. This may lead one to ask, is it really effective. Guards in these prisons truly take their lives in their hands merely showing up to work. Emergency medical costs for treatment needed by inmates and staff are astronomical. Before ~~carving~~ ^{carving} anything in stone, call Huntsville Tex. and ask what the annual costs are for medical alone.

I myself have a beautiful wife outside and no matter what else is done, the separation from her is punishment hard to endure. If you really want to make me miserable, legalize torture and summary execution for me. That is at least affordable.

I will probably quit my job in here if the bill passes as presently written, and I'll not, in all probability, be alone. You see, you, the state, have already taken tobacco products, I'm a smoker. No T.V. because I owe restitution and I'll just lay in bed until my time is done. You have nothing left to do to me.

The statistical average for failure in the present mandatory parole is about 75%. Failure so in all likely hood, I'll end up serving my good time day for day anyway so its really a moot point to threaten me with loss of good time in order to try to force some labor from me. One would think my record of prior offenses would attest to a certain stubbornness.

The bill, as presently written would cause most of us working now, obeying the rules, to lose our limited privileges already earned. Those not actively trying to better themselves or their situation already will surely not begin to do so with incentives removed and those penalized for obedience and compliance could, likely, be assumed to place less faith in the system on the whole.

It seems that the wording, as I understand it, says in order for us to have a T.V. in our cell, we must have our institution paid, be in an educational program, excepting treatment for drugs or alcohol, or be in a Sex Offender Program.

Number one, aren't you really pissed at the rapists and child molesters anyway, and that anger, expressed in the legislation, lets them have T.V. Smart move.

After the G.P.D. which by the way, the court usually recommends you to have in order to be considered for early release anyway, there really is no educational opportunity available to those of us that work. Catch 22.

It just seems like one more attempt at making you all look tough on criminals without really thinking the other consequences, merely looking at what a rather ignorant public will approve of because they are not in position of the facts.

Be brave. Take the chance, ask for some testimony and hard evidence on the effects of such legislation before a final decision. Add a "Grandfather Clause" so that those of us that have been model prisoners will not be penalized for good behavior. A demand for evidence may surprise you. Listening to Senator Donahy, it got the idea he's really not in touch with the realities of Alaska corrections.

Come on in and speak with the inmates. Use the Attorney's visiting booth. You are perfectly safe physically and we are free to speak without fear of reprisal from the ~~the~~ administration.

Thank You for your consideration

Mike DeCapua.



SENATOR DAVE DONLEY
ALASKA STATE LEGISLATURE

MEMORANDUM

TO: Representative Brian Porter
Chair, House Judiciary Committee

FROM: Senator Dave Donley *DB*

RE: Senate Bill 175 (Alaska No-Frills Prison Act)

DATE: 3/25/96

Thank you for scheduling Senate Bill 175, relating to correctional facilities and their administration. I appreciate you hearing this important legislation.

At the request of the Alaska State Employees Association, representing the state correctional officers, I would like to offer an amendment to SB 175 at Friday's hearing. The proposed amendment would delay the effective date set on Page 4, line 32 from January 1, 1997 to January 1, 1998. This delay gives inmates an additional year to obtain their high school diploma or general education development diploma in order that they may possess a television in their individual cells.

I have included a copy of proposed amendment for your review.

DD/jja

AMENDMENT

by Representative Finkelstein /5

OFFERED IN HOUSE JUDICIARY
TO: C S S S B 175(FIN) am

Page 4, line 18 to 20:
Delete subsection

Renumber the following subsections accordingly.

AMENDMENT

by Representative Finkelstein/4

OFFERED IN HOUSE JUDICIARY
TO: CSSSSB 175(FIN) am

Page 4, line 13 to 14:
Delete subsection

Renumber the following subsections accordingly.

Dawley

AMENDMENT

OFFERED IN THE HOUSE
TO: CSSSSB 175 (FIN) AM

BY

- 1 Page 3, Line 30 to 31
Delete subsection

Renumber the following subsections accordingly.

AMENDMENT

OFFERED IN THE HOUSE

TO: CSSSSB 175(FIN) am

FINKELSTEIN/1

- 1 Page 3, line 30:
- 2 Delete "make unmonitored telephone calls, except for"
- 3 Insert "make telephone calls that are not subject to monitoring; however,"

- 4 Page 3, line 31, following "counsel":
- 5 Insert "may not be monitored"

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSSSSB 175(FIN) am

1 Page 6, lines 18 - 22:

2 Delete

3 "(4) authorize a prisoner to engage in vocational training or in
4 productive employment within or outside a correctional facility, or enter into a contract
5 under AS 33.30.191 for the employment of a prisoner if the Correctional Industries
6 Commission determines that the employment will have minimal negative impact on an
7 existing private industry or labor force in the state; and"

8 Insert

9 "(4) authorize a prisoner to engage in
10 (A) productive employment within or outside a correctional
11 facility; or
12 (B) vocational training [ENTER INTO A CONTRACT] under
13 AS 33.30.191 for the employment of a prisoner if the Correctional Industries
14 Commission determines that the employment will not have an [MINIMAL
15 NEGATIVE] impact on an existing private industry or labor force in the state;
16 and"

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSSSSB 175(FIN) am

1 Page 6, lines 18 - 22:

2 Delete

3 "(4) authorize a prisoner to engage in vocational training or in
4 productive employment within or outside a correctional facility, or enter into a contract
5 under AS 33.30.191 for the employment of a prisoner if the Correctional Industries
6 Commission determines that the employment will have minimal negative impact on an
7 existing private industry or labor force in the state; and"

8 Insert

9 "(4) authorize a prisoner to engage in
10 (A) productive employment within or outside a correctional
11 facility; or
12 (B) vocational training [ENTER INTO A CONTRACT] under
13 AS 33.30.191 for the employment of a prisoner if the Correctional Industries
14 Commission determines that the employment will not have an [MINIMAL
15 NEGATIVE] impact on an existing private industry or labor force in the state;
16 and"

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSSSSB 175(FIN) am

1 Page 6, lines 18 - 22:

2 Delete

3 "(4) authorize a prisoner to engage in vocational training or in
4 productive employment within or outside a correctional facility, or enter into a contract
5 under AS 33.30.191 for the employment of a prisoner if the Correctional Industries
6 Commission determines that the employment will have minimal negative impact on an
7 existing private industry or labor force in the state; and"

8 Insert

9 "(4) authorize a prisoner to engage in
10 (A) productive employment within or outside a correctional
11 facility; or
12 (B) vocational training [ENTER INTO A CONTRACT] under
13 AS 33.30.191 for the employment of a prisoner if the Correctional Industries
14 Commission determines that the employment will not have an [MINIMAL
15 NEGATIVE] impact on an existing private industry or labor force in the state;
16 and"

AMENDMENT

by Representative Finkelstein / 10

OFFERED IN HOUSE JUDICIARY
TO: C S S S B 175(FIN) am

Page 5, line 14:

Insert new subsection as follows:

(f) The commissioner shall only allow television viewing of the following programs

- (1) any Walt Disney production;
- (2) "The Waltons";
- (3) "Little House on the Prairie";
- (4) "Petticoat Junction";
- (5) "McHale's Navy";
- (6) "The Partridge Family";
- (7) "The Brady Bunch"; and
- (8) "Bewitched".

Alaska State Legislature



House of Representatives House Judiciary Committee

State Capitol, Room 120
Juneau, Alaska 99801-1182
(907) 465-4990

March 28, 1996

TO: House Judiciary Committee members

FROM: Tom Meyer 

RE: Amendments for SB 175 No Frills Prison Act

Attached are seven amendments from Rep. Finkelstein for consideration tomorrow. Sen. Donley has an amendment in the committee packet.



SENATOR DAVE DONLEY

ALASKA STATE LEGISLATURE

Sponsor Statement for CSSS Senate Bill 175 (FIN) AM "The Alaska No Frills Prison Act"

In 1994, voters overwhelmingly adopted the "Rights of Victims of Crime" state constitutional amendment. Before the adoption of that amendment, the state constitution required that prison administration be based on two factors; rehabilitation and protecting the public. The constitutional amendment added additional constitutional mandates to our state's prison system. Criminal administration is now based on five factors including; protecting the public, community condemnation of the offender, the rights of the victims of crimes, restitution from the offender, and the principal of reformation.

Senate Bill 175 seeks to implement the requirements of the new state constitutional provisions in several ways.

First Senate Bill 175 protects the public safety by banning body building equipment and martial arts training from Alaska's prisons. Such materials serve no rehabilitation purpose and can make a prisoner an even more serious danger.

Second Senate Bill 175 enhances rehabilitation opportunities for prisoners by increasing vocational training opportunities in an effort to increase both the productivity and the amount of inmates working in the Correctional Industries Program.

Third Senate Bill 175 helps fulfill the mandate of the new "community condemnation" constitutional language by removing or prohibiting certain luxuries from Alaskan prisons.

Some of the "luxuries" prohibited or removed under Senate Bill 175 include compact disc players, VCR's and computers in inmate living quarters, premium cable television, and possession of pornographic material.

Finally, Senate Bill 175 will reduce state costs for prisoner medical expenses. It requires inmates to reimburse the state for either the full or partial costs of treatment for any pre-existing medical condition. Also the term "severely medically disabled" is amended by Senate Bill 175 allowing the department greater flexibility in granting "special medical paroles". Parole would only be granted if the inmate's physical ability to commit an

offense similar to the offense for which the inmate was convicted or an offense punishable by a felony is substantially eliminated. The parole of only one such prisoner could save the state as much as \$500,000.

The Senate Judiciary committee added language to Senate Bill 175 that would allow inmates to view only basic cable television in common areas of the prison.

The Senate Finance committee further amended the bill by adding provisions which prohibited inmates from possessing a VCR or compact disc player and smoking unless it is done in an area designated for smoking. Language was also adopted, at the request of the Department of Law, to clearly define "severely medically disabled" inmates. The department felt a stronger definition was needed for circumstances when individuals may be released under "severely medically disabled" parole.

Additional amendments were added to Senate Bill 175 during debate on the Senate floor. Language was adopted, again at the request of the Department of Law, to better define what level of food service the Department of Corrections should providing. The department felt a more definitive standard was needed to give a specific example of limits on food service for prisoners under the bill. Language was also added that exempted half-way houses and private institutions from the provisions of the bill. Standards regarding the possession of televisions in inmate's cells were added to the bill which clearly defined the circumstances for possessing a television. Inmates who pay for their own television and cable service and have attained a high school or general education development diploma would still be allowed to possess a television in their living quarters as an incentive for:

- actively engaging in an educational, vocational training, or employment program;
- satisfying restitution orders imposed by court as part of the prisoner's sentence or actively engaging in a rehabilitation program ordered by the court;

The Department of Corrections has stated that a new prison is needed in Alaska to ease the overcrowding and accommodate Alaska's ever increasing prison population. Unfortunately, past governors and legislatures neglected to address the prison capacity problem. Now, more than ever, Alaskans understand that prison overcrowding is a serious problem. Most Alaskans would support the state building more correctional space if they didn't feel that the prisons were currently too soft and mismanaged.

Senate Bill 175 is a balanced cost saving proposal in compliance with the Alaska Constitution's requirements for public safety, community condemnation, and rehabilitation.

Senate Bill 175 is supported by the Alaska State Employees Association representing the state correctional officers.



SENATOR DAVE DONLEY
ALASKA STATE LEGISLATURE

MEMORANDUM

TO: Representative Brian Porter
Chair, House Judiciary Committee

FROM: Senator Dave Donley *DB*

RE: Senate Bill 175 (Alaska No-Frills Prison Act)

DATE: 3/25/96

Thank you for scheduling Senate Bill 175, relating to correctional facilities and their administration. I appreciate you hearing this important legislation.

At the request of the Alaska State Employees Association, representing the state correctional officers, I would like to offer an amendment to SB 175 at Friday's hearing. The proposed amendment would delay the effective date set on Page 4, line 32 from January 1, 1997 to January 1, 1998. This delay gives inmates an additional year to obtain their high school diploma or general education development diploma in order that they may possess a television in their individual cells.

I have included a copy of proposed amendment for your review.

DD/jja

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSSSSB 175(FIN) am

- 1 Page 4, line 32:
- 2 Delete "January 1, 1997"
- 3 Insert "January 1, 1998"

1

Sec. 7. AS 33.32 is repealed July 1, 2005 [1999].



SENATOR DAVE DONLEY
ALASKA STATE LEGISLATURE

Sectional Analysis
for
CSSS SB 175 (FIN)

Section #1 - refers to Sections 3-5 of this act as the "Alaska No Frills Prison Act".

Section #2 - amends the definition of "severely medically disabled" to give the Department of Corrections greater flexibility in granting "special medical paroles" for certain inmates. Parole could be granted in instances where:

- 1) the inmate suffers from a medical condition that reduces the likelihood of that inmate committing an offense similar for which the inmate was convicted.
- 2) the inmate suffers from a medical condition that reduces the probability of that inmate committing an offense punishable as a felony.
- 3) the inmate suffers from a medical condition and is likely to suffer from that condition for the remainder of the parole.
- 4) the inmate is likely to die from the medical condition.

This expanded definition of "severely medically disabled" inmates may allow the Department of Corrections to parole certain inmates. Parole would only be granted under this clause if the inmate's physical ability to commit an offense similar to the offense for which the inmate was convicted or an offense punishable by a felony is substantially eliminated. When the department began "furloughing" individuals under the existing "severely medically disabled" clause, only 5 or so individuals qualified for release. With this expanded definition, the department expects that certain individuals could qualify as "severely medically disabled" saving the state a significant amount in medical costs.

The department would assist those eligible individuals in securing medical services such as Medicare and Medicaid once they are released.

Section #3 - Requires the Commissioner to establish, maintain, operate, and control each correctional facility in a manner consistent with Section #4 of the bill. It also requires the Commissioner to determine who is responsible for medical costs when inmates are provided medical services.

Sectional Analysis - Page 2

Section #4 - mandates that the Commissioner may not provide the following to inmates:

- 1) living conditions and access to recreational opportunities that substantially exceed what is required under the Constitution of the United States.
- 2) living quarters in which the view into the quarters is obstructed; certain state facilities already in operation would be exempt from this language.
- 3) food that substantially exceeds, in quality or quantity, to that which is required under the Constitution of the United States.
- 4) access to equipment or facilities for publishing or broadcasting material whose content is not consistent with facility guidelines or discipline.
- 5) access to only basic cable television service.

This section also prohibits:

- 1) unmonitored phone calls, except for calls to the inmate's legal counsel.
- 2) possessing a television, a compact disc player, a video cassette recorder (VCR), or a computer in their living quarters.
- 3) viewing "R", "X", or "NC-17" rated movies.
- 4) possessing pornographic material
- 5) participating or receiving instruction in any activity, in the opinion of the commissioner, that would facilitate violent behavior.
- 6) having access to or possession of free weights, body building equipment, or weightlifting equipment.
- 7) possessing a coffee pot, hot plate, appliance, or heating element in their living quarters.
- 8) appearing in a state of dress that is not consistent with the guidelines of the facility.
- 9) using a computer other than those provided by the facility.
- 10) smoking unless it is done in a area designated for smoking.

Section #5 - allows a law enforcement agency to recoup medical costs for medical services provided to prisoners in their care. The agency may require inmates to compensate the agency for the cost or for a portion of the cost of medical services provided for any preexisting medical condition.

Section #6 - allows the department, at its discretion, to provide vocational training for inmates. Vocational training would be provided to those individuals who lack the necessary job skills to work in jobs within Correctional Industries increasing both the productivity and the amount of inmates working in the program.

Section #7 - extends the sunset date for the Correctional Industries Program from the year 1999 to the year 2005. This extension would allow the department to develop a stable and long range plan to provide more marketable products and work opportunities for inmates.

BY GARRY BOULARD

WHAT'S TOUGH ENOUGH

In response to the public's perception
that prison life is too easy,
new policies are designed
to make life there
as unpleasant as possible.

Alabama has nothing like it since the heyday of the 1960s civil rights movement: journalists and TV camera crews flying in from all parts of the world, spirited and sometimes angry public debate and well-known civil liberty groups filing lawsuits against the state itself.

But the center of Alabama's most recent cyclone is not the church in Montgomery where Martin Luther King Jr. exhorted his followers to give of themselves for the civil rights movement, nor is it Selma where those same followers confronted a violent and bloody local reaction.

Today the controversy in Alabama is about the men in uniforms moving along the state's highways and the chains that bind them. Alabama has reinstated the chain gang, one of the most powerful, and some say brutal, symbols of the Southern past.

The man in charge of the program, Prison Commissioner Ken Jones, says it is all part of an effort to hold down prison costs.

"The tougher prison time gets, the more likely it is that you'll see the number of repeat prisoners decrease," says Jones, who has the solid backing of Alabama's Governor Feb James for his chain gang idea. "And as that number decreases, so will the enormous costs of running our prisons."

CONSTITUTIONAL CHALLENGES

Although Jones' chain gangs have won the enmity of the Southern Poverty Law Center (SPLC) of Alabama, which has filed a class action suit to end them, one other state—Arizona—has also brought suit against chain gangs. And Florida is planning a similar effort next year.

Of course, the chain gang concept may prove to be short-lived if the lawsuit against it succeeds. Rhonda Brownstein, a staff attorney with the SPLC in Montgomery, said she expects the courts to prohibit such prison practices because they are a form of 'cruel and unusual punishment' that is unconstitutional under the Eighth Amendment.

Brownstein said the SPLC suit would also challenge, on the same cruel and unusual punishment basis, Alabama's practice of chaining to hitching posts prisoners who refuse to work. "They have just gone way overboard with all of this stuff. I think if we defeat them on it, it will provide a precedent for other states," she said.

But the legal challenges haven't stopped Jones' chain gangs, where prisoners are connected by lightweight leg irons in crews of five as they dig ditches and clean up the debris along the state's highways. There are currently some 800 repeat offenders working on such gangs, but Jones hopes to bring that number up to about 1,200 by the early part of next year.

Because the nation's prison population is growing rapidly, the chain gangs represent only the most recent, if still highly controversial, answer to holding down costs. They also represent a trend toward making life tougher for prisoners as one solution to recidivism.

PRISON POPULATION BURGEONS

Just the sheer number of inmates seems to demand some serious new approach. As of 1995, the number of people in the nation's prisons topped the 1 million mark, up from about 400,000 in 1984. At the same time, average state spending on "corrections" has more than tripled, from about \$6 billion in 1984 to just under \$20 billion today, constituting nearly 10 percent of the average state's spending in 1995.

And in some states, the growth rate of the prison population has far exceeded that of the general population. The number of

Garry Boulard, a free-lance writer from New Orleans, writes regularly for the Los Angeles Times, the Christian Science Monitor and state legislatures in

PRISONS GO PRIVATE

prisoners in Florida, for example, has now more than doubled from 26,000 in 1984 to nearly 56,000 last year. Missouri's prisoners went from 8,300 a decade ago to more than 17,000 today, while New York's inmate numbers grew from over 30,000 a decade ago to nearly 67,000 today.

"Prisons are becoming one of the fastest growing budget items in the states today," said James Wooten, president of Safe Streets Alliance in Washington, a group that supports longer sentences for violent offenders and truth-in-sentencing initiatives. "But we are finding that the longer time a violent criminal serves in prison, the far less likely it is that that person will commit the same or a similar kind of crime again. That means, over time, you can reduce your prison costs because you won't be seeing as many repeat offenders."

VIOLENCE BEGETS LONGER, TOUGHER TIME

Although many prison officials and civil libertarians dispute the beneficial effects of longer sentences and harsher prison time for repeat offenders, a consensus among the states appears to be emerging: Make those guilty of violent crimes serve longer and tougher time while offering alternative solutions to other types of offenses.

New York may be a case in point. With a prison population of just under 67,000, New York has had one of the largest inmate growth rates in the nation, a 400 percent increase from 1974 when the state housed about 15,000 prisoners. The state's prison budget has also jumped from more than \$4 million annually to more than \$17 million today.

But this spring, Governor George Pataki proposed doing away with a series of 1973 laws enacted by then-Governor Nelson Rockefeller that mandated stiff prison sentences for drug offenders.

"Pataki's proposal was an absolute breakthrough for us," said Charles "Skip" Carriere, a spokesman for Assembly Speaker Sheldon Silver. "We had been trying for years to get sentencing reform through the Legislature, but because it was a conservative, tough-on-crime Republican who broached the idea, we finally reached an agreement."

Indeed, after Pataki's proposal was first aired, Robert Gangi, director of the Correctional Association of New York, told *The New York Times*, "It's another case of the Nixon-going-to-China syndrome. Pataki is considered a hard-liner, if you will, a hawk, on those issues. He's already proved his stripes by

increasingly, privatization is being seen as an alternative to the traditional publicly run prison, offering a possible way to accommodate current calls for incarceration while keeping prison costs down.

"Privatization is increasing by about 25 percent to 30 percent a year," said Charles Logan, a professor of sociology at the University of Connecticut, "even though it is still only a small percentage of the national total." The number of privately run prison facilities has jumped from less than five a decade ago to more than 30 today, according to a study by the Center for Law and Democracy in Washington, D.C. The inmates they house have increased from about 2,000 a decade ago to just under 50,000 today. That number is expected to rise to 65,000 by 1996.

"The private sector can do it less expensively because its motivation is entirely different," said Richard Crane, an attorney in Nashville, Tenn., and former counsel for the largest prison privatization firm in the country, Corrections Corporation of America.

Crane argues that because showing a profit is the only thing that matters to business, private prisons are more likely to be cost-efficient and able to do more with less money. That argument has proved so persuasive that Corrections Corporation now runs four prisons in Texas where it has entered into contracts with the state government promising to keep costs 10 percent below previous state-run prison budgets.

A recent study by the Tennessee General Assembly appears to support Crane's argument. Comparing two similar prisons in neighboring South Carolina, both built at the same time and each housing just over 1,000 inmates—one publicly run, the other private—the study concluded that the privately run prison cost \$150,000 less a year in operational costs than its public counterpart.

Privatized prisons have also won high marks from lawmakers and even prison advocacy groups for working with inmates to resolve conflicts and iron out complaints and problems before they lead to larger and sometimes deadly disputes.

Some experts believe that private management can also respond more effectively to the get-tough approach if that means keeping prisoners incarcerated for longer periods of time. "The longer you keep an inmate in prison, the

more expensive it gets," said Charles Thomas, director of the Private Corrections Department at the University of Florida. "So in that sense, I think privately run prisons can respond in a more cost-effective manner to the get-tough movement."

Thomas also contends that, as the get-tough movement produces more prison facilities, private management may also be seen as a more viable alternative simply because "the private sector has a much smaller lag time between the awarding of a contract to build a new prison and actually opening it, than the public sector does. On average, private prisons are up and running in about 12 to 18 months, while it may take up to 24 months for the public sector to do it."

But Crane, among other privatization supporters, opposes much of the new prison reform legislation coming from the states. "It's a bad management device," he said. "If you take away things like TV and weights and smoking from an inmate, you've essentially taken everything away from him—and that means this person is going to be a whole lot harder to control."

Of course, not everyone agrees that private prisons are the best way to go, with or without a get-tough movement. Jim Schmitz with the American Federation of State, County and Municipal Employees faults private prisons for their "high employee turnover rates." Says Schmitz: "That is one of the pitfalls when you do is think about the bottom line and saving money. You end up with a large number of underpaid employees in high-stress jobs who are frequently leaving. Because public employees get higher wages and benefits, they tend to stay with their jobs in prisons longer, which is less expensive overall."

Professor Logan, however, thinks private prisons can be both cost effective and tougher.

"The solution is to make things more strict but not necessarily more harsh," he said. "Tougher prison time means less probation and parole, less discretionary release, all of which move in the direction of making the system more fair and consistent, then private prisons are a better way to go because one of the things they are most concerned about is having things run smoothly. They have proved that they can be tough, without inciting the prisoners to riot, which is a pretty important thing."

supporting the death penalty and other hard line positions."

New York's new sentencing legislation, which passed both houses by overwhelming margins in June, redirects nonviolent, drug-addicted inmates to treatment programs. In the process, it will free up at least 3,000 prison beds annually, making it virtually certain now that violent offenders will be imprisoned.

In North Carolina, concerns about prison overcrowding and budget busting prompted the General Assembly last year to pass a measure by Representative Phil Baddour that balances the number of people sentenced to prison with the actual number of available prison bed spaces. Using a "felony punishment chart," judges under the new legislation determine, among other things, the seriousness of a convict's crime, his past criminal record and then how much prison space is available.

Now in North Carolina, violent and repeat offenders are automatically incarcerated, while first and second offenders who committed certain nonviolent felonies might be given suspended sentences if they complete such alternative punishment as boot camp, house arrest or intensive probation.

Baddour—ironically defeated in 1994 by an opponent who portrayed him as soft on crime—said his measure was an attempt to punish violent offenders while keeping an eye on rising prison costs. "Once you have the decision that first-degree murder is at the top and way down at the bottom is an infraction like jaywalking, with a lot of stuff in between, you can rank crimes according to their seriousness and then see how much prison space you have left," he said.

Similar presumptive sentencing rules, which are essentially devices to gain control over the nation's rapidly escalating prison popula-

tions, have been enacted in 17 other states.

But Charles Logan, a professor of sociology at the University of Connecticut and author of *Private Prisons—Cons and Pros* thinks the states can afford to build more prisons and house inmates longer if they adopt what he called a "cost benefit analysis frame."

"There should be with prison policy an estimation of the costs and payoffs," Logan explained. "But that does not necessarily mean that you would have less use of prisons. It might mean instead that the states simply will become more cautious in using their prisons too broadly."

DIVERGENT VIEWS ON TOUGH TIME

There are, of course, widely divergent views on the wisdom of making prison life harder and longer, even for the most dangerous convicts. Many lawmakers, alarmed over what they see as rising crime rates in their own districts, believe prisons should be as brutal as possible. "The people who run the prisons want happy prisoners. I want prisoners to be so miserable that they won't even think of coming back," said Representative Mark McInnis of Mississippi, where lawmakers last year in a special session voted to prohibit inmates from possessing or using weight equipment, compact disc players and televisions among other items. Lawmakers also approved a measure requiring inmates to wear striped uniforms with the word "convict" showing clearly on their backs.

Others believe the "get-tough" prison reform approach is a smoke screen that only hides a bigger problem that the states simply cannot afford—more and more prisoners and prisons. "I think you have to wonder at some point where it is all going to end," said Jenni Gainsborough, a spokeswoman for the National Prison Project of the American Civil Liberties Union, who believes states should concentrate more on alternatives to prison. "Do we just keep packing them in or do we try to find some sort of alternative? Surely, any rational person can see that the present trends simply can't continue."

Jim Gondoles, executive director of the American Correctional Association, thinks the only way to approach prison issues today is comprehensively, taking into consideration the seriousness of an inmate's crime and the probable effects of both increased punishment and tougher prison time and rehabilitation. "If you don't include other things in your approach, things like education and skills classes or even drug rehabilitation, then you're not taking a balanced approach and it is going to show in the results—prison violence, which is costly to the state, and a much higher rate of recidivism, which is also expensive," Gondoles said.

Tilman Bishop, a Colorado senator who introduced a bill taking away privileges from inmates who file frivolous lawsuits, thinks prisons will become more severe places because of a growing perception among the public that violence and crime are worse than before. "There is a concern that crime is out of control and that the people responsible for it come to prison and live the

1996 Leader to Leader Meeting

IMPLEMENTING DEVOLUTION: LEGISLATIVE LEADERS ON THE FRONT LINES
FEBRUARY 7-9, 1996 • WASHINGTON, D.C.

Last spring 150 legislative leaders gathered for the 1995 Leader to Leader Meeting, and many called it the best meeting they had ever attended.

The 1996 Leader to Leader Meeting promises to be even more exciting with the added impetus of the fall elections and the unresolved tension between the agendas of Congress and the president.

Plan now to attend NCSL's premier event for legislative leaders, with opportunities to meet President Clinton, top congressional leaders and key administration officials; to learn; to confer; to shape federal decisions. With state legislatures assuming more responsibility and with the state-federal system at a critical juncture, you cannot afford to miss this vital meeting.

FOR MORE INFORMATION CALL MICHAEL BIRD,
CARL TUBBESING OR BILL WARREN AT (202) 624-5400.

good life," said the Colorado Republican, whose measure was overwhelmingly approved by the legislature last spring. "It is now up to us as lawmakers to address those concerns and see what needs to be improved upon or taken away or just changed."

Legislatures in more than a dozen states including Arizona, Mississippi, Texas, California and Michigan have passed or introduced measures reducing prisoner access to weight lifting equipment, television and telephones. In this effort, though, the states may be taking their cue from federally managed prisons. According to a recent survey conducted by the Corrections Compendium, roughly 60 percent of all federal prisons have eliminated some prison privileges.

That survey, in fact, showed that state prison systems in Oregon, Texas, Kansas and Utah have even banned smoking in their facilities while California, Idaho, Michigan, Oklahoma and South Dakota have restricted smoking to designated areas of prison property.

And nearly all federal and state prisons are being affected this year by the loss of Pell grants for prisoners who want to take college classes. In 1994, more than 28,000 inmates received such grants nationally for programs in paralegal training and computer technology. This year, as part of President Clinton's Omnibus Crime Bill of 1994, that funding has dried up and most of the programs in the prisons have ended.

Even in Alabama, where the chain gangs would seem to offer the ultimate "get tough" solution, new policy is designed to make life as unpleasant as possible. "We work these men 12 hours a day, 60 hours a week and they have to do it," said Commissioner Jones. "And during that time they have none of the privileges enjoyed by the other prisoners—no television, no telephone, no basketball, no visitors."

Jones also thinks his get-tough approach could prove to be more economical. Already, through staff layoffs and scaled-down programs, Jones estimates that he's reduced the average costs per prisoner in Alabama from \$9,500 in 1994 to \$9,000 this year, which is substantially lower than the national per inmate cost of about \$16,000. "And I think we can get it down to about \$8,500 by 1996," he added.

But not all states want to duplicate Alabama's example. Prison officials worry what the effects of harder time might be from a management perspective. Even within Alabama there is opposition. "We are right now on the verge of a major riot," said Alabama Representative John Rogers. "And it isn't just the prisoners who are angry. The staff workers are also demoralized. They are being ordered to push and push, even though they know it could result in violence that will hurt them too."

Still others worry that state spending on prisons shows no end in sight. "We can continue to move in this direction, but, if we do, we have to realize it is going to cost more and more," said Professor Logan. "We have to be willing to make a large

commitment that we will not see any benefits from in a long time."

But in the absence of any other sure solutions, that commitment may prove easier to make than many imagine. "If anyone has a better approach to all of this than we do, I wish he'd come forward—because none of us has a perfect solution," said McInnis of Mississippi. "We're just trying to battle crime the best way we know how by showing that if you're going to commit a crime, you're going to have to pay for it. I don't know any other way to go about it." ■

Dollar for Dollar, Hour for Hour, Patient for Patient...

NURSES ARE AMERICA'S BEST HEALTH CARE VALUE.



Ready.

In the hospital:
Patients in hospitals with more RNs are discharged sooner, readmitted less often and have fewer complications. RNs guarantee safe, high quality care.

Willing.

In the home and community:
Nurses provide cost-effective care for those recovering from acute illnesses and for those managing chronic illnesses.

Able.

In ambulatory care:
Advanced practice nurses provide basic primary care services, and are experts in prevention, wellness and patient education.

RN= Value, Safety and Quality. Accept no substitutes.

For more information, contact: American Nurses Association

600 Maryland Ave., SW • Suite 100W • Washington, DC 20024-2571 • Terri Gaffney 202-651-7100



Jailhouse CROCK

Today's prison inmates are flooding the courts with suits designed to kill time, improve prison life—or just plain annoy the hell out of the rest of us.

He preferred chunky-style peanut butter. He got a sandwich made with creamy. So he sued....

He wanted to attend church service naked. The warden said no. So he sued....

His entire adult life he'd been dealing heavy drugs. Now people were forcing him to stop. So he sued....

THAT THE above lawsuits were filed at all seems absurd enough. What's truly mind-boggling to many observers is that these lawsuits are among the tens of thousands filed each year from inside prison.

And at guess-who's expense.

"This is one of the most under-recognized problems in criminal justice today," says James Gomez, who, as director of California's Department of Corrections, supervises the state's massive prison network. "These suits create an administrative logjam and drain the system of funds."

The number of suits has soared from a few hundred per year in the 1960s to some 50,000 in 1993 (the last year for which figures were available). Far from being just another of life's harmless outrages, the flurry of prison lawsuits has far-reaching side effects. Like a malignant cancer, the bogus actions crowd out other types of claims, forcing people with legitimate complaints to wait many extra months for their day in court. In the federal courts of Arizona and Iowa, prisoners account for 48 percent of all civil litigation. Missouri and Arkansas check

in at 46 and 42 percent, respectively. At one point in mid-1994, Illinois had over 1,200 ongoing cases.

Defending the suits requires an enormous withdrawal from already overburdened state treasuries. Former New York Attorney General Oliver Koppell once estimated that a fifth of his departmental budget went toward prisoners' lawsuits. This, in turn, has a direct bearing on the number of new cases that are plea-bargained or shelved entirely because the legwork to pursue them is not considered cost-effective. The upshot? "Dangerous thugs go back on the streets much sooner than they ought to," noted Koppell.

Once law-enforcement budgets are stretched to capacity, the money to fight jailhouse lawsuits must be siphoned out of general funds. When this happens, the pinch is felt everywhere. Florida's efforts to rebuild from Hurricane Andrew were hampered, at least in part, by the need to divert increasing sums to the processing of lawsuits brought by its inmates, according to Kim Tucker, a senior attorney who has overseen many of the cases on Florida's behalf.

The fact that many of the suits are dismissed or decided in the state's favor is beside the point. "For us and the taxpayers the cost is the simple fact of litigation—the actual running of the lawsuits through multiple years in court," says Tucker. "Even where we win, we lose." On average, each action ends up costing Florida taxpayers \$50,000.

"The things that really are important to the good citizens don't get done





because of some clown down at the prison who raped your sister, abused your daughter, robbed your store," says Arizona attorney general Grant Woods. "We thought we put them away to protect society, but they're still ruining things for everyone else."

MUCH of the litigation is generated by lifers or men on death row—cons who have little or nothing to lose by jamming court dockets with an endless stream of paperwork. (Inmates with a shot at parole are less likely to make waves for fear of being labeled troublemakers.) These convicts file suits simply to kill time or alleviate boredom. "[Filing lawsuits] gives them an opportunity to travel outside the prison system," says California's Gomez. "They may get to visit different cities, stay in hotels, do things they'd normally never have a chance to do. At the very least, they get to leave the grounds to attend court."

For others, glamour plays a role. If the case catches the eye of the media, reaches the appeals stage, or changes prison policy, the convict wins celebrity status. Sometimes a suit filed from prison ends up rewriting the law. The best-known examples are *Escobido* (where suspects won the right to have counsel present at questioning) and *Miranda* (the case that inspired the familiar litany of "rights" now read to someone upon arrest).

Granted, the legislation resulting from those cases is considered an important addition to civil rights. But too often the men at the heart of such cases become jailhouse legends whose crimes, and victims, tend to be forgotten.

Even when the results are less dramatic, the suit can pay huge chest-thumping dividends. For many cons, lawsuits constitute payback time, an opportunity to turn the tables on cops, guards, wardens and others who enjoy authority over them.

"They want to stick it to the system," says Nevada Attorney General Frankie Sue Del Papa, citing actions that frivolously hinged on the shape of
Please turn to page 51

WHAT THEY SUE FOR

- Special meats and shellfish
- Access to automobiles
- Premium mattresses
- Controlled substances
- Chunky-style peanut butter
- Male strippers and prostitutes
- Salad at lunch
- Better shoes and clothing

JAILHOUSE

Continued from page 33

a birthday cake or the color of a pair of prison-issued long johns.

"We've had one inmate state publicly that his purpose was to break the State of Nevada." In 95 percent of the cases, these "frequent filers" get no damage awards for themselves, says Del Papa, "so that tells you something about their motives. It's recreational litigation."

According to a special report by ABC's 20/20, the modern-day record for jailhouse litigation is held by Florida's Robert Procup, who has filed more than 300 nuisance lawsuits costing the state a total of some \$15 million. Procup, serving a life sentence for killing his business partner then cementing him into a storage cubicle, has sued because he didn't get a salad at lunch; because his shoes wore out; because he didn't have a TV in his room.

Of course, some convicts have a more pragmatic agenda: making their prison stays more comfortable by enhancing the "country-club" atmosphere that has taxpayers up in arms. A sampling of the top items on the cons' wish list:

Expanded conjugal-visit privileges. One prisoner successfully sued to have his trysts at a local hotel because he felt the accommodations provided by the prison were "not conducive to romance."

Special meals, including costly shellfish and prime cuts of beef. These suits typically are brought on the grounds that standard prison fare is either unhealthy, incompatible with a con's "special dietary needs" or against someone's religious beliefs.

Access to automobiles. An inmate with six months remaining on his sentence sued for the right to drive a car outside the prison compound twice a week. He said he feared that his driving skills had deteriorated markedly during his seven years in prison, and he didn't want to be a "public menace" once he got out. He won his case, provoking actions by other inmates suddenly concerned about their driving.

Controlled substances. Some inmates have had success demanding powerful prescription narcotics like Percocet and Demerol to treat

handing them stuff for free that's better than what they had to steal on the street!"

And so it goes. Unhappy with being dubbed "the B.O. bandit" by the FBI, a bank robber sues the agency for defamation of character. A convicted child molester goes to court because prison officials wouldn't let him receive a publication glorifying sex between adults and children. Another con alleges brutality after a guard conks him with a flashlight; what the con neglects to mention in his complaint was that at the time of the incident, he had just stabbed the guard with an ice pick. An Indianapolis man sues to collect the life-insurance proceeds of the woman he was sent to jail for murdering.

"The audacity of some of these characters is amazing," says Sam Knott, a leading voice in the victims'-rights movement since his daughter was murdered in 1986. "They're turning hard time into play time, and we're letting them get away with it."

THE OBVIOUS question is *why?* Why do we sit still for it? "The Constitution is on their side," explains eminent San Diego appeals court Judge Richard Huffman. "The right to bring suit for some perceived injustice supersedes almost every other consideration."

Several states that tried to plug the dike by stipulating that no prisoner be allowed to have more than two suits pending at one time saw their meager efforts run aground in the higher courts. When Florida sought relief from Robert Procup's nonstop litigating, the state's position was upheld in the lower court, then overturned on appeal.

Making matters worse, the normal constraints that work to mitigate this syndrome in society-at-large are absent in the prison environment. A private citizen who undertakes litigation has to pay filing fees, attorneys' per diems and other associated expenses. Most of us won't stay the course unless the issue is one of grave personal concern. Too, in most jurisdictions, a private citizen faces penalties for bringing frivolous litigation. At the very least, he will be compelled to pay court costs for the other side.

None of this is much of a factor in jail. For convicts, the filing process is as painless as signing an affidavit claiming insolvency. The state waives all fees—and court costs, too. For

at stake," says Arizona's Woods, "they can go file their lawsuits and who knows, maybe they'll hit the jackpot."

As for legal expertise, the U.S. Supreme Court in 1977 ordered every state prison to provide inmates access to an up-to-date law library. As one attorney general laments, "Prisoners in this state have a better law library than I have in my office." Incoming prisoners are shown the ropes by seasoned cons who practically live their lives studying case law. The savvy old-timers circulate standardized legal forms, teaching novices to simply white out the name of the previous litigant and fill in their own name whenever applicable.

The result is a system turned on its ear. As one state attorney general put it, "The worst of the worst in our society get special privileges across the board."

Recently, high-ranking officials in several states hardest hit by prison litigation formed a task force. Their activities show some early promise. Now, at least in a handful of jurisdictions, if a court decides that a suit is frivolous—as in the case of the inmate who tried to sue because he didn't get his dental loss—officials can dock the inmate's so-called good time. Nevada officials have come up with an "early intervention" approach where the courts take a preliminary peek at the case to determine if it's off the wall. Del Papa is hopeful about new federal legislation, the Prison Litigation Reform Act, that was wending its way through Congress at press time. Sources in the Nevada attorney general's office said in early January that the legislation passed the Senate and was temporarily stalled in the house. (The bill had been attached to budget legislation and then got bogged down in the partisan give-and-take over the government's budget-balancing act.) The legislation came out of several meetings Del Papa and some of her disgruntled colleagues have had with Utah Sen. Orrin Hatch and others sympathetic to the problem.

Meanwhile, things get curiouser and curiouser. Prison administrators are wringing their hands over a landmark June 1994 Supreme Court ruling that animal sacrifice is legal, so long as it's part of a religious ceremony. Presumably it's only a matter of time before prisoners start asking for live goats to kill, and the knives to cut them with.

At some point, concludes E. Keith Mason, a prison lawyer, "there's

<u>Institution</u>	<u>TV</u>	<u>Cable</u>	<u>VCR</u>	<u>Books</u>	<u>Magazines</u>
6th Avenue	dayrooms	no	no	5	5
Anvil Mountain	dayrooms	yes (basic)*	no	no limit	no limit
Cook Inlet Pretrial	dayrooms	no	no	5	5
Fairbanks	dayrooms (basic)*	## yes (basic)*	no	5	5
Hiland Mountain	honor status	no	no	limit varies w/program	
Ketchikan	dayrooms	yes (basic)*	no	5	5
Lemon Creek	day ^{room} buy own	yes (prem)	no	10	
Matsu Pretrial	dayrooms	no	no	5	5
Palmer (medium)	honor status	no	yes	varies	varies
Palmer (minimum)	buy own	yes (prem)	yes	varies	varies
Spring Creek	yes buy own	yes (basic)*	no	10	10
Wildwood	yes buy own	yes (prem)	no	no limit	no limit
WW Pretrial	## dayrooms	no	no	5	5
YKCC (Bethel)	## Dayrooms	yes (basic)*	no	5	5

* basic cable is used at these sites because broadcast tv is either unavailable or unable to penetrate the structure of the facility.

NB: One inmate at FCC has his own tv by court order.

ALASKA DEPARTMENT OF CORRECTIONS
REGULAR SEVEN DAY MENU
CYCLE 4

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Breakfast	Breakfast	Breakfast	Breakfast	Breakfast	Breakfast	Breakfast
Turkey Ham 3oz Eggs 2ea Cereal 1oz Toast 2sl Milk, 2 percent 8oz Margarine or butter 1pt Jelly 1pk Juice 8oz	109 Sausage Sandwich on English Muffin 1ea 98 Cereal 1oz 135 Fruit 1ea 121 Milk, 2 percent 8oz 36 Margarine or butter 1pt 50 Jelly 1pk 180 Beverage 8oz	364 Crisp Bacon 2sl 98 Eggs 2ea 98 Cereal 1oz 62 Toast 2sl 121 Fruit 1ea 36 Milk, 2 percent 8oz 50 Margarine or butter 1pt 112 Jelly 1pk Deverage 8oz	72 Pork Sausage 2oz 190 Pancakes 2ea 98 Cereal 1oz 135 Fruit 1ea 62 Milk, 2 percent 8oz 36 Margarine or butter 1pt 36 Syrup 1 1/2oz 50 Beverage 8oz 112 Deverage 8oz	210 Crisp Bacon 2sl 120 Hash Browns 4oz 98 Toast 2sl 62 Cereal 1oz 121 Fruit 1ea 36 Milk, 2 percent 8oz 124 Margarine or butter 1pt 112 Jelly 1pk Deverage 8oz	72 Turkey Sausage 3oz 236 French Toast 2sl 135 Cereal 1oz 98 Fruit 1ea 62 Milk, 2 percent 8oz 121 Margarine or butter 1pt 36 Syrup 1 1/2oz 50 Beverage 8oz 112 Deverage 8oz	144 Scrambled Eggs 2ea 306 Potato Pancakes 2ea 98 Cereal 1oz 62 Apple Sauce 2oz 121 Milk, 2 percent 8oz 36 Margarine or butter 1pt 124 Juice 8oz 112 Deverage 8oz
Total Calories	919 Total Calories	843 Total Calories	876 Total Calories	883 Total Calories	922 Total Calories	1003 Total Calories
Lunch	Lunch	Lunch	Lunch	Lunch	Lunch	Lunch
Chckn Noodle Soup 6oz Grilled Ham and Cheese Sandwich 1ea Salad Bar 4oz Salad Dressing 1pk Banana Pudding 1/2cp Crackers 2pk Beverage 8oz	64 Beef barley Soup Taco Salad Cassarole 8oz 18 Oatmeal Cookies 2ea 67 Crackers 2pk 113 Beverage 8oz 112	92 Minestrone Soup 6oz 430 Chicken Corlon 100 Blets/on Bun 1ea 100 Beets/Onion Salad 4oz 50 Vanilla Pudding 1cp 112 Crackers 2pk Deverage 8oz	58 Tomato Rice Soup 6oz 112 Hoagie Sandwich 1ea 172 Potato Chips 1pk 17 Salad Bar 4oz 226 Salad Dressing 1pk 50 Flavored Yogurt 1cp 112 Mayonnaise 1oz Crackers 2pk Deverage 8oz	83 Chill Macaroni 6oz 312 Coleslaw 4oz 148 Cornbread 1ea 18 Cookies 2ea 67 Ice Cream 1cp 231 Beverage 8oz 57 50 112	290 Chicken Gumbo 6oz 85 Pizza 2sl 108 Salad Bar 4oz 100 Salad Dressing 1pk 100 Rice Krispie Treat 1ea 112 Crackers 2pk Beverage 8oz	60 Pepper Pot Soup 6oz 304 Barbecued Beef on Bun 1ea 67 Salad Bar 4oz 105 Salad Dressing 1pk 50 Flavored Pudding 1cp 112 Crackers 2pk Deverage 8oz
Total Calories	777 Total Calories	784 Total Calories	875 Total Calories	1078 Total Calories	795 Total Calories	716 Total Calories
Dinner	Dinner	Dinner	Dinner	Dinner	Dinner	Dinner
Meal Loaf 5oz Scalloped Potatoes 6oz Steamed Broccoll 4oz Salad Bar 4oz Salad Dressing 1pk Cornbread 1ea Gingerbread Cake 1sl Margarine or butter 1pt Beverage 8oz	344 Chicken Pot Pic 1ea 158 Steamed Wax Beans with Pimiento 4oz 18 Salad Bar 4oz 67 Salad Dressing 1pk 108 Dinner Roll 2ea 175 Rice Pudding 4oz 36 Margarine or butter 1pt 112 Beverage 8oz	545 Corned Beef 5oz Steamed Red Potatoes 6oz 18 Steamed Cabbage and Carrots 4oz 67 Salad Bar 4oz 170 Salad Bar 4oz 165 Salad Dressing 1pk 36 Cornbread 2ea 112 Cherry Pie 1sl Margarine or butter 1pt Deverage 8oz	284 Turkey Stir Fry 1sv 6oz Fluffy Rice 146 Whole Kernel Corn 4oz 4oz Salad Bar 31 Salad Dressing 1pk 18 Dinner Roll 2ea 67 Angel Food Cake with Sauce 1sl 350 Margarine or butter 1pt 36 Beverage 8oz 112	351 Beef Stroganoff 6oz 165 Over Noodles 6oz 106 Steamed Zucchini 4oz 18 Salad Bar 4oz 67 Salad Dressing 1pk 170 Dinner Roll 2ea 170 Cheese Cake 1sl 142 Margarine or butter 1pt 36 Beverage 8oz 112	298 Beef Liver with Onions 5oz 212 O'Brien Potatoes 5oz 137 French-style Stewed Tomatoes 4oz 30 Green Beans 4oz 18 Salad Bar 4oz 67 Salad Dressing 1pk 36 Dinner Roll 2ea 112 German Chocolate Cake 1sl Margarine or butter 1pt Beverage 8oz	306 Parslied Potatoes 6oz 2oz Gravy 4oz Stewed Tomatoes 4oz Salad Bar 1pk Salad Dressing 2ea Dinner Roll 1sl Fruit Tart 1pt Margarine or butter 8oz Beverage
Total Calories	1049 Total Calories	1150 Total Calories	1152 Total Calories	1167 Total Calories	1188 Total Calories	1144 Total Calories
Grand Total Calories	2745 Grand Total Calories	2777 Grand Total Calories	2903 Grand Total Calories	3128 Grand Total Calories	2905 Grand Total Calories	2863 Grand Total Calories

Randy Washburn

Food Audit Survey										
Cost Per Meal Per Inmate Per Day										
January thru July 1995										
Facility			<u>Jan-95</u>	<u>Feb-95</u>	<u>Mar-95</u>	<u>Apr-95</u>	<u>May-95</u>	<u>Jun-95</u>	<u>Jul-95</u>	<u>Average</u>
Avnil Mountain, Nome			\$1.99	\$1.99	\$1.86	\$2.21	\$1.89	\$2.04	\$2.31	\$2.04
Cook Inlet Pre-Trial			\$1.29	\$1.24	\$1.20	\$1.32	\$1.19	\$1.24	\$1.23	\$1.24
Fairbanks Correctional			\$1.30	\$1.47	\$1.28	\$1.33	\$1.20	\$1.64	N/A	\$1.37
Hiland Mountain, Eagle River			\$1.39	\$1.47	\$1.28	\$1.38	\$1.20	\$0.91	N/A	\$1.27
Ketchikan Correctional			\$1.94	\$1.82	\$2.00	\$1.78	\$2.12	\$1.80	\$1.81	\$1.89
Lemon Creek, Juneau			\$1.34	\$1.37	\$1.31	\$1.39	\$1.45	\$1.39	N/A	\$1.37
Mat-Su Pt. Mckenzie			\$1.65	\$1.97	N/A	\$1.77	\$1.70	\$1.76	\$1.52	\$1.72
Mat-Su Pre-Trial Facility,Palmer			\$1.87	\$1.29	\$1.09	\$1.91	\$1.22	\$1.41	N/A	\$1.46
Palmer Correctional			\$1.57	\$1.47	\$1.73	\$1.32	\$1.88	\$1.65	\$1.59	\$1.60
Spring Creek, Seward			\$1.59	\$1.83	\$1.54	\$1.46	\$1.65	\$1.45	N/A	\$1.58
Sixth Avenue Annex			\$1.24	\$1.12	\$1.22	\$1.30	\$1.12	\$1.52	N/A	\$1.25
Wildwood Correctional, Kenai			\$1.47	\$1.40	\$1.59	\$1.59	\$1.59	\$1.59	N/A	\$1.53
Yukon-Kuskokwim, Bethel			\$2.00	\$1.54	\$2.07	\$2.43	\$1.81	\$2.46	N/A	\$2.05
The Meal Cost Per Inmate amounts have been supplied by the Food Service Managers.										
I have not audited the amounts and have included them to give an overall picture of our current meal cost per institution.										
N/A refers to Numbers that are not available at the time I questioned the Institution.										

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: CSSSSB 175 (FIN) am

Revision Date: March 12, 1996

Dept. Affected: Public Safety

Title: Alaska no frills prison act.

BRU: Alaska State Troopers

Component: Detachments

Sponsor: Senator Donley

Requestor: (H) Judiciary

COMPONENT SERIAL NO. 0799

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

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
Revenue Code						

FUNDING: (Thousands of Dollars)

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

Estimate of current year (FY 95) impact: \$ _____

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary.)

See attached.

Prepared By: Lt. Dan Lowden

Phone: 465-5505

Division: Alaska State Troopers

Date: March 12, 1996

Approved by Commissioner: *Ronald L. Otte*

Date: 3/18/96

Agency: Ronald L. Otte, Department of Public Safety

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: CSSSSB 175 (FIN) am

Revision Date: March 12, 1996

Dept. Affected: Public Safety

ANALYSIS CONTINUED:

Section 5 is the only section of this bill that has a potential fiscal impact on the Division of Alaska State Troopers. This section expands the situations when a law enforcement agency may require a prisoner to reimburse the agency for medical expenses that the agency paid for because the treatment was required before the prisoner would be accepted into a correctional facility.

During 1995 the Alaska State Troopers paid about \$27,403 in medical expenses. This figure includes expenses of medical examinations relating to investigations as well as those for arrested persons prior to being turned over to a correctional facility. The amount spent only on arrested persons is not available. However, if half of the medical expenses went to arrested persons that would mean about \$13,702 would be the maximum that the state could recover. There would be costs (administrative, legal, etc.) to recover that amount and those costs would vary with each case. Without knowing how much is recoverable and how much it will cost to recover those funds it can not be estimated how much this bill will save the division in medical expenses.

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. CSSSSB 175 (F11)

Revision Date: _____ Dept. Affected: Corrections
 Title: "An Act relating to correctional institutions and their administration..." BRU: Statewide programs
 Sponsor: Sen. Donley Component: all institutions
 Requester: Senate Finance COMPONENT SERIAL NO. 1381

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY96) cost: \$ 0.0

POSITIONS

POSITIONS	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

The request was to prepare a fiscal note showing the cost saving that would be realized by using a standard of "not exceeding that required by the US Constitution" rather than the cost per meal of the current menus in the DOC jails/prisons. No such standards exist that would allow comparison to daily food service. Instead we have used the US military service food service.

According to the Elmendorf Airforce Base food service manager, food is served buffet style with unlimited quantities. Each dinner consists of four entrees plus pizza, hamburgers and chili; three soups, a salad bar, ten choices of soft drinks, milk, chocolate milk, and seven deserts. Breakfast and lunch are similar in variety and quantity. The average cost is \$5.91 per person per day, excluding freight. The US Army, Ft. Richardson has essentially the same cost.

A typical menu for the DOC is attached. Individual items may be substituted based on availability and cost savings. The average cost including freight was \$4.71 per day per inmate for the first six months of 1995. (Please see attached)

For an average jail/prison population of 2850, the Department of Corrections is currently saving \$1,248.3 plus freight costs.

Prepared by: Jerry Shriner
 Division: Office of the Commissioner

Phone: 465-4652
 Date: 2/23/96

Approved by Commissioner: Margaret Punh
 Agency: Department of Corrections

Date: 2/23/96

STATE OF ALASKA
1996 LEGISLATIVE SESSION

Bill Version: CS 55 98175

(S) Publish Date: 2-21-96

Revision Date: _____ Dept. Affected: Corrections
 Title: "An Act relating to correctional institutions and their administration...." BRU: Statewide Programs
 Sponsor: Sen. Donley Composer: all institutions
 Requester: Senate Finance COMPONENT SERIAL NO. _____

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY96) cost: \$ 0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Sec. 2 of the bill modifies the conditions under which the Parole Board can grant parole to a severely medically disabled inmate. Although no inmates currently incarcerated would receive reconsideration under this revision, it is possible that some additional individuals would be eligible in the future and some savings in inmate health care would be realized.

The impact of Sections 3 and 4 is difficult to quantify. Life for a prisoner is very limited. The effect of changes in food, exercise and recreation is difficult to predict. Denial of privileges may result in increased tension among inmates and increased the need for on duty staff. For example smoking in facilities has been eliminated or strictly limited. One result has been increased use of staff time to deal with contraband. Other limitations may increase inmate lawsuits and grievances.

Sections 6 and 7 clearly identify vocational training as a desirable component of Alaska's correctional system. Section 9 extends the "sunset on Alaska Correctional Industries" allowing for increased stability for its future operation. No increased costs are associated; although increased stability and efficiency of ACI may make it more self-sufficient in the future.

Prepared by: Jerry Shriner Phone: 465-4652
 Division: Office of the Commissioner Date: 2/18/96
 Approved by Margaret M. Pugh Date: 2/18/96
 Agency: Department of Corrections

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information, call the Governor's Legislative Office

FISCAL NOTE

IN- 1

STATE OF ALASKA
1996 LEGISLATIVE SESSION

Bill Version: SSSB 175 (J)

(S) Publish Date: 2/14/96

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: "An Act relating to correctional institutions and their administration; ..." BRU: Medical Assistance
 Sponsor: Sens. Donley, Pearce Component: Medicaid Services
 Requestor: JUD, FIN COMPONENT SERIAL NO. 2077
 See also (SN#): _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING EXPENDITURES	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	
TRAVEL	0.0	0.0	0.0	0.0	0.0	
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	
SUPPLIES	0.0	0.0	0.0	0.0	0.0	
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	
----------------------	-----	-----	-----	-----	-----	--

CHANGES IN REVENUES ()						
-------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	
1003 GF Match	0.0	0.0	0.0	0.0	0.0	
1004 GF	0.0	0.0	0.0	0.0	0.0	
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	
Other (please specify)	0.0	0.0	0.0	0.0	0.0	
TOTAL	0.0	0.0	0.0	0.0	0.0	

Estimate of any current year (FY98) cost: \$0.0

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

SSSB175 amends the AS 33.18.900(10) definition of "severely medically disabled" from "a person who has a medical condition that requires confinement to bed and the person is likely to remain confined to bed throughout the entire period of parole or to die from the condition" to include the provision that, in the opinion of the Parole Board, the person's medical condition significantly reduces the probability of committing an offense similar to the offense for which the person was convicted or of committing an offense that is punishable as a felony. SSSB175 deletes the provision that the person be "confined to bed" and states that "...the person is likely to remain subject to the medical condition throughout the entire period of parole; or die from the medical condition."

The Division of Medical Assistance does not anticipate that SSSB175 will impact the Medicaid or General Relief Medical programs since the impact on these programs is related to an increase in the number of prisoners released as a result of passage of this bill. According to the Department of Corrections, it does not anticipate that the bill will "substantially impact" the department since inmates who are diagnosed as severely medically disabled are already released into parole and/or other noninstitutional settings. The Division of Public Assistance also does not anticipate that SSSB175 will impact that division.

Prepared by: Inge Lysdal *Inge Lysdal PL*
 Division: Medical Assistance

Phone: (907) 465-3355
 Date: 02/01/96

FAIRBANKS CORRECTIONAL CEN
SEVEN DAY MENU

DATE: 9-24-95 Through 9-30-95

WEEK - 3

ITEM	QTY	PRICE	ITEM	QTY	PRICE	ITEM	QTY	PRICE
FRIED EGGS	2 oz.	190	POTATO SOUP	8 oz.		BEEF ROUND	8 oz.	
TURKEY HAM	8 oz.	108	TURKEY SALAMI & CHEESE SANDWICH	1 ea.		MASHED POTATOES	8 oz.	
HASH BROWN POTATOES	4 oz.	208	POTATO SALAD	4 oz.		NATURAL GRAVY	2 oz.	
COLD CEREAL	2 oz.	190	TOMATO / ONION / LETTUCE	2 oz.		GREEN BEANS	4 oz.	
COFFEE or TEA			BEVERAGE	8 oz.		SALAD BAR w/DRESSING	4 oz.	24
MILK	8 oz.	121	CRACKERS	2 ea.		BREAD & BUTTER	2 ea.	
TOAST w/BUTTER	2 pl.	171				PEACH COBBLER	1 ea.	
FRESH FRUIT	1 ea.	82				BEVERAGE	8 oz.	
JELLY	1 pk.	50						
		1085						
SCRAMBLED EGGS	2 ea.	160	VEGETABLE SOUP	8 oz.		BEEF TACO	2 ea.	
BISCUITS	2 ea.	210	TURKEY ala KING	1 op.		BURRITO	1 ea.	
HASH BROWN POTATOES	4 oz.	280	BUTTERED NOODLES	3/4 cp		SPANISH RICE	8 oz.	
HOT CEREAL	2 oz.	204	TOSS SALAD w/DRESSING	4 oz.		REFRIED BEANS	4 oz.	25
COFFEE or TEA			BREAD & BUTTER	2 pl.			4 oz.	
MILK	8 oz.	121	OATMEAL COOKIES	2 ea.		BREAD & BUTTER	2 pl.	
TOAST w/BUTTER	2 pl.	171	BEVERAGE	8 oz.		Chilled Plums	1 op.	
FRESH FRUIT	1 ea.	82	CRACKERS	2 ea.		BEVERAGE	8 oz.	
JELLY	1 pk.	50						
		1078						
SCRAMBLED EGGS	2 ea.	160	CHICKEN RICE SOUP	8 oz.		BAKED FISH FILLET	8 oz.	
BACON	2 ea.	108	BLOPPY JOE ON A BUN	1 ea.		MACARONI & CHEESE	4 oz.	
HASH BROWN POTATOES	4 oz.	200	FRENCH FRIES	4 oz.		Steamed Asparagus	4 oz.	
COLD CEREAL	2 oz.	198	TOSS SALAD w/DRESSING	4 oz.		SALAD BAR w/DRESSING	4 oz.	
COFFEE or TEA			PEANUT BUTTER COOKIE	2 ea.		TARTAR SAUCE	1 pk.	26
MILK	8 oz.	121	BEVERAGE	8 oz.		BREAD & BUTTER	2 pl.	
TOAST w/BUTTER	2 pl.	171	CRACKERS	2 ea.		LEMON CREAM PIE	1 ea.	
FRESH FRUIT Juice	1 ea.	82				BEVERAGE	8 oz.	
JELLY	1 pk.	50						
		1184						
PANCAKES	2 ea.	120	PINTO BEAN SOUP	8 oz.		SPAGHETTI w/MEAT SAUCE	1 cp.	
SYRUP	1.5 oz.	124	CHEESEBURGER ON A BUN	1 ea.		BROCCOLI	4 oz.	
PORK SAUSAGE	2 oz.	210	FRENCH FRIES	4 oz.		GARLIC BREAD	2 ea.	
HOT CEREAL	2 oz.	204	TOMATO / ONION / LETTUCE	2 oz.		SALAD BAR w/DRESSING	4 oz.	
COFFEE or TEA			BROWNIES	1 ea.		CHEESE CAKE w/TOPPING	1 ea.	27
MILK	8 oz.	121	BEVERAGE	8 oz.		BEVERAGE	8 oz.	
TOAST w/BUTTER	2 pl.	171	CRACKERS	2 ea.				
FRESH FRUIT	1 ea.	82						
JELLY	1 pk.	50						
		891						
CHEESE OMELET	8 oz.	208	BEEF NOODLE SOUP	8 oz.		BEEF VEGETABLE STEW	8 oz.	
BACON	8 oz.	108	CHILI	8 oz.		BUTTERED ROTINI	4 oz.	
HASH BROWN POTATOES	4 oz.	208	HOT DOG ON A BUN	1 ea.		BUTTERED CAULIFLOWER	4 oz.	
COLD CEREAL	2 oz.	190	STEAMED RICE	4 oz.		SALAD BAR w/DRESSING	4 oz.	28
COFFEE or TEA			TOSS SALAD w/DRESSING	4 oz.		CORNMEAL & BUTTER	1 ea.	
MILK	8 oz.	121	WHITE CAKE	1 ea.		CINNAMON ROLL	1 ea.	
TOAST w/BUTTER	2 pl.	171	BEVERAGE	8 oz.		BEVERAGE	8 oz.	
FRESH FRUIT	1 ea.	82	CRACKERS	2 ea.				
JELLY	1 pk.	50						
		1152						
FRENCH TOAST			CLAM CHOWDER	8 oz.		SOUTHERN STYLE CHICKEN	1/4 ea.	
SYRUP	1.5 oz.	124	Salmon Pattie/BUN	1 ea.		MASHED POTATOES	8 oz.	
TURKEY SAUSAGE	2 oz.	144	OVEN BROWNED POTATOES	8 oz.		GRAVY	2 oz.	
HOT CEREAL	2 oz.	204	TOMATO / ONION / LETTUCE	2 oz.		CORN ON THE COB	4 oz.	
COFFEE or TEA			TARTAR SAUCE	1 pk.		SALAD BAR w/DRESSING	4 oz.	29
MILK	8 oz.	121	CHOCOLATE CHIP COOKIES	2 cp.		BREAD & BUTTER	2 ea.	
TOAST w/BUTTER	2 pl.	171	BEVERAGE	8 oz.		Blueberry Pie	1 ea.	
FRESH FRUIT Juice	1 ea.	82	CRACKERS	2 ea.		BEVERAGE	8 oz.	
JELLY	1 pk.	50						
		1051						
FRIED EGGS	2 oz.	190	BEEF BAVILEY SOUP	8 oz.		ROAST TURKEY	8 oz.	
PORK SAUSAGE	2 oz.	210	BOLOGNA & CHEESE SANDWICH	1 ea.		MASHED POTATOES	8 oz.	
HASH BROWN POTATOES	4 oz.	208	TOMATO / ONION / LETTUCE	2 oz.		NATURAL PAN GRAVY	2 oz.	
COLD CEREAL	2 oz.	190	CARROT SALAD	4 oz.		Steamed Asparagus	4 oz.	
COFFEE or TEA			BEVERAGE	8 oz.		SALAD BAR w/DRESSING	4 oz.	30
MILK	8 oz.	121	CRACKERS	2 ea.		BREAD & BUTTER	2 ea.	
TOAST w/BUTTER	2 pl.	171				PUMPKIN PIE w/TOPPING	1 ea.	
FRESH FRUIT	1 ea.	82				BEVERAGE	8 oz.	
JELLY	1 pk.	50						
		1238						

STANDARD MENU

This menu is subject to change due to non-availability of product.

C.E. Adams
FOOD STEWARD

[Signature]
FOOD SERVICE SUPERVISOR

SEVEN DAY MENU

4-16-95

Through 4-22-95

WEEK-4

DAY	ITEMS	SIZE	CAL	ITEMS	SIZE	CAL	ITEMS	SIZE	CAL
S U N D A Y	FRIED EGGS	2 oz.	190	CHICKEN NOODLE SOUP	8 oz.		MEAT LOAF	5 oz.	
	TURKEY HAM	8 oz.	108	BOLOGNA & CHEESE SANDWICH	1 ea.		PARBLIED POTATOES	8 oz.	
	HASH BROWN POTATOES	4 oz.	298				GRAVY	2 oz.	
	COLD CEREAL	2 oz.	198	TOMATO /ONION /LETTUCE	2 oz.		STEAMED BROCCOLI	4 oz.	
	COFFEE or TEA			MACARONI SALAD	4 oz.		SALAD BAR w/DRESSING	4 oz.	
	MILK	8 oz.	121	BEVERAGE	8 oz.		CORNBREAD & BUTTER	1 ea.	
	TOAST w/BUTTER	2 sl.	171	CRACKERS	2 ea.		WHITE CAKE w/ICING	1 ea.	
	FRESH FRUIT	1 ea.	82				BEVERAGE	8 oz.	
JELLY	1 pk.	50							
			1085						
M O N D A Y	CREAMED VEGET	8 oz.	158	VEGETABLE SOUP	8 oz.		COUNTRY STYLE CHICKEN	1/4 ea	
	BISCUITS	2 oz.	210	CHEESEBURGER ON A BUN	1 ea.		MASHED POTATOES	8 oz.	
	HASH BROWN POTATOES	4 oz.	298	FRENCH FRIES	4 oz.		CHICKEN GRAVY	2 oz.	
	HOT CEREAL	8 oz.	294	TOMATO /ONION /LETTUCE	2 oz.		BUTTERED CORN	4 oz.	
	COFFEE or TEA			PEANUT BUTTER COOKIES	2 ea.		SALAD BAR w/DRESSING	4 oz.	
	MILK	8 oz.	121	BEVERAGE	8 oz.		BREAD & BUTTER	2 sl.	
	TOAST w/BUTTER	2 sl.	171	CRACKERS	2 ea.		BREAD PUDDING w/ VANILLA SAUCE	1 cp.	
	FRESH FRUIT	1 ea.	82				BEVERAGE	8 oz.	
			1070						
T U E S D A Y	SCRAMBLED EGGS	2 ea.	190	MINESTRONE SOUP	8 oz.		SWISS STEAK	5 oz.	
	BACON	8 oz.	108	FISH SANDWICH ON A BUN	1 ea.		BROWN GRAVY	2 oz.	
	HASH BROWN POTATOES	4 oz.	298	MACARONI & CHEESE	8 oz.		BUTTERED POTATOES	8 oz.	
	COLD CEREAL	2 oz.	198	TOMATO /ONION /LETTUCE	2 oz.		MIXED VEGETABLES	4 oz.	
	COFFEE or TEA			TARTAR SAUCE	1 pk.		SALAD BAR w/DRESSING	4 oz.	
	MILK	8 oz.	121	RICE PUDDING	1 cp.		CORNBREAD & BUTTER	1 ea.	
	TOAST w/BUTTER	2 sl.	171	BEVERAGE	8 oz.		PEACH COBBLER w/ TOPPING	1 ea.	
	FRESH FRUIT	1 ea.	82	CRACKERS	2 ea.		BEVERAGE	8 oz.	
JELLY	1 pk.	50							
			1184						
W E D N E S D A Y	PANCAKES	2 ea.	120	CREAM OF BROCCOLI SOUP	8 oz.		BEEF LIVER & ONIONS	5 oz.	
	SYRUP	1.5 oz.	124	POOR BOY SANDWICH	1 ea.		BUTTERED POTATOES	8 oz.	
	PORK SAUSAGE	2 oz.	210	POTATO CHIPS	1 oz.		BROWN GRAVY	2 oz.	
	HOT CEREAL	8 oz.	294	TOSS SALAD w/DRESSING	4 oz.		GREEN BEANS	4 oz.	
	COFFEE or TEA			CHOCOLATE PUDDING	1 cp.		SALAD BAR w/DRESSING	4 oz.	
	MILK	8 oz.	121	BEVERAGE	8 oz.		BREAD & BUTTER	2 sl.	
	TOAST w/BUTTER	2 sl.	171	CRACKERS	2 ea.		RAISED DOUGHNUTS	1 ea.	
	FRESH FRUIT	1 ea.	82				BEVERAGE	8 oz.	
			931						
T H U R S D A Y	CHEESE OMELET	8 oz.	208	VEGETABLE SOUP	8 oz.		BEEF STEW	8 oz.	
	BACON	8 oz.	108	HAMBURGER ON BUN	1 ea.		STEAMED RICE	8 oz.	
	HASH BROWN POTATOES	4 oz.	298	FRENCH FRIES	4 oz.		CAULIFLOWER	4 oz.	
	COLD CEREAL	2 oz.	198	TOMATO/ONION/LETTUCE	2 oz.		SALAD BAR w/DRESSING	4 oz.	
	COFFEE or TEA			OATMEAL COOKIES	2 ea.		BREAD & BUTTER	2 sl.	
	MILK	8 oz.	121	BEVERAGE	8 oz.		APPLE BROWN BETTY	1 ea.	
	TOAST w/BUTTER	2 sl.	171	CRACKERS	2 ea.		BEVERAGE	8 oz.	
	FRESH FRUIT	1 ea.	82						
JELLY	1 pk.	50							
			1152						
F R I D A Y	FRENCH TOAST	2 ea.	190	CLAM CHOWDER	8 oz.		BREADED VEAL PATTY w/ CREAM MUSHROOM SAUCE	5 oz.	
	SYRUP	1.5 oz.	124	PIZZA PIE	1 sl.		SCALLOPED POTATOES	2 oz.	
	TURKEY SAUSAGE	8 oz.	144	CORN SALAD w/DRESSING	4 oz.		BUTTERED PEAS/CARROTS	1 ea.	
	HOT CEREAL	8 oz.	294	BROWNIE	1 ea.		SALAD BAR w/DRESSING	4 oz.	
	COFFEE or TEA			BEVERAGE	8 oz.		BREAD & BUTTER	2 sl.	
	MILK	8 oz.	121	CRACKERS	2 ea.		WHITE CAKE w/ ICING	1 ea.	
	TOAST w/BUTTER	2 sl.	171				BEVERAGE	8 oz.	
	FRESH FRUIT	1 ea.	82						
JELLY	1 pk.	50							
			1051						
S A T U R D A Y	FRIED EGGS	2 oz.	190	CHICKEN RICE SOUP	8 oz.		ROAST TURKEY	5 oz.	
	PORK SAUSAGE	2 oz.	210	TURKEY SALAMI & CHEESE SANDWICH	1 ea.		MASHED POTATOES	8 oz.	
	HASH BROWN POTATOES	4 oz.	298				NATURAL PAN GRAVY	2 oz.	
	COLD CEREAL	2 oz.	198	TOMATO /ONION /LETTUCE	2 oz.		MIXED VEGETABLES	4 oz.	
	COFFEE or TEA			COLE SLAW	4 oz.		SALAD BAR w/DRESSING	4 oz.	
	MILK	8 oz.	121	BEVERAGE	8 oz.		BREAD & BUTTER	2 sl.	
	TOAST w/BUTTER	2 sl.	171	CRACKERS	2 ea.		JELLY ROLL	1 ea.	
	FRESH FRUIT	1 ea.	82				BEVERAGE	8 oz.	
JELLY	1 pk.	50							
			1280						

STANDARD MENU

This menu is subject to change due to non-availability of product.

FOOD STEWARD

FOOD SERVICE SUPERVISOR

SB

177

9-LS1139\H
Luckhaupt
4/12/96

HOUSE CS FOR CS FOR SENATE BILL NO. 177()
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINETEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATORS GREEN, Halford, Taylor, Donley

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to permits to carry concealed handguns; and relating to
2 possession of firearms on state ferries."

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

4 * Section 1. AS 11.61.210 is amended by adding a new subsection to read:

5 (e) In a prosecution under (a)(7) of this section, it is an affirmative defense
6 that the defendant, at the time of possession, was the holder of a valid permit to carry
7 a concealed handgun under AS 18.65.700 - 18.65.790, the deadly weapon was a
8 concealed handgun as defined in AS 18.65.790, and the possession

9 (1) occurred within a propelled vehicle, other than a school bus, and
10 the defendant did not exit the propelled vehicle; and

11 (2) did not occur in a municipality or established village in which the
12 possession of a concealed handgun is prohibited under AS 18.65.780 - 18.65.785.

13 * Sec. 2. AS 11.61.220(d) is amended to read:

14 (d) In a prosecution under (a)(2) of this section, it is

1 (1) an affirmative defense that the defendant, at the time of
2 possession, was the holder of a valid permit to carry a concealed handgun under
3 AS 18.65.700 - 18.65.790, the loaded firearm was a concealed handgun as defined
4 in AS 18.65.790, the defendant did not consume an intoxicating liquor at the place
5 where the possession occurred and did not consume an intoxicating liquor at any
6 time during the eight hours before the possession, and the possession did not
7 occur in a municipality or established village in which the possession of concealed
8 handguns is prohibited under AS 18.65.780 - 18.65.785;

9 (2) a defense that the defendant, at the time of possession, was on
10 business premises

11 (A) [(1) ON BUSINESS PREMISES] owned by or leased by the
12 defendant; or

13 (B) [(2) ON BUSINESS PREMISES] in the course of the
14 defendant's employment for the owner or lessee of those premises.

15 * Sec. 3. AS 18.65.700(a) is amended to read:

16 (a) The department shall issue a permit to carry a concealed handgun to a person
17 who

18 (1) applies in person at an office of the Alaska State Troopers;

19 (2) qualifies under AS 18.65.705;

20 (3) submits a completed application on a form provided by the
21 department, that provides the information required under AS 18.65.705 and 18.65.710
22 and is executed under oath; with each application form provided by the department,
23 the department shall provide a copy of the state laws and regulations relating to
24 concealed handguns;

25 (4) submits two complete sets of fingerprints on federal bureau of
26 investigation approved fingerprint cards that are of sufficient quality so that the
27 fingerprints may be processed; the fingerprints must be taken by a person, group, or
28 agency approved by the department; the department shall maintain a list of persons,
29 groups, or agencies approved to take fingerprints and shall provide the list to the public
30 upon request;

31 (5) submits evidence of competence with handguns as provided in
32 AS 18.65.715;

1 (6) provides two frontal view color photographs of the person taken
2 within the preceding 30 days that include the head and shoulders of the person and are
3 of a size specified by the department;

4 (7) shows a valid Alaska driver's license or identification card at the time
5 of application;

6 (8) does not suffer a physical infirmity that prevents the safe handling
7 of a handgun; and

8 (9) pays the application fee required by AS 18.65.720.

9 * Sec. 4. AS 18.65.700(b) is amended to read:

10 (b) The department shall either approve or reject an application for a permit to
11 carry a concealed handgun under (a) of this section within 30 [15] days of receipt of
12 [PERMIT ELIGIBILITY INFORMATION FROM THE FEDERAL BUREAU OF
13 INVESTIGATION OR OTHER AGENCY NECESSARY TO MAKE A
14 DETERMINATION CONCERNING] the application. [THE DEPARTMENT SHALL
15 REQUEST PERMIT ELIGIBILITY INFORMATION UNDER THIS SUBSECTION
16 WITHIN FIVE DAYS OF THE RECEIPT OF THE APPLICATION.] The department
17 shall notify the applicant in writing of the reason for a rejection.

18 * Sec. 5. AS 18.65.705 is amended to read:

19 Sec. 18.65.705. QUALIFICATIONS TO OBTAIN A PERMIT. A person is
20 qualified to receive and hold a permit to carry a concealed handgun if the person

21 (1) is 21 years of age or older;

22 (2) is eligible to own or possess a firearm under the laws of this state
23 and under federal law;

24 (3) has not been convicted of and is not currently charged under a
25 complaint, information, indictment, or presentment with a felony under the laws of this
26 state or a similar law of another jurisdiction;

27 (4) has not been convicted, within the five years immediately preceding
28 the application, of, and is not currently charged under a complaint, information,
29 indictment, or presentment with, any of the following misdemeanor offenses or similar
30 laws of another jurisdiction:

31 (A) AS 11.41.230, 11.41.250, 11.41.270;

32 (B) AS 11.46.315, 11.46.320, 11.46.330, 11.46.430, 11.46.484;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

(C) AS 11.51.130;

(D) AS 11.56.330, 11.56.340, former AS 11.56.350, 11.56.380, 11.56.545, 11.56.700, 11.56.710, 11.56.740, 11.56.780, 11.56.790, 11.56.800, 11.56.805;

(E) AS 11.61.110, 11.61.120, 11.61.210, 11.61.220, 11.61.240;

or

(F) AS 11.71.050, 11.71.060;

(5) has not been convicted of two or more class A misdemeanors of this state or similar laws of another jurisdiction within the five years immediately preceding the application;

(6) has not within the 10 years immediately preceding the application been adjudicated a delinquent for a felony offense of this state or another jurisdiction;

(7) is not now suffering, and has not within the five years immediately preceding the application suffered, from a mental illness as defined in AS 47.30.915;

(8) has not been adjudicated as mentally incapacitated by a court of this state, another state, territory, or jurisdiction, or of the United States, unless the guardianship or similar arrangement has been closed or terminated and five years have elapsed since the closure or other termination;

(9) is a resident of the state and has been for the 90 days [ONE YEAR] immediately preceding the application for a permit;

(10) has not been discharged from the armed forces of the United States under dishonorable conditions;

(11) is not an alien who is residing in the United States illegally or a former citizen of the United States who has renounced the person's citizenship;

(12) is not an unlawful user of, or addicted to, a controlled substance;

(13) is not now the subject of an injunction under AS 25.35.010 - 25.35.020 unless the injunction has been dissolved or has expired;

(14) is not now in and has not in the three years immediately preceding the application been ordered by a court to complete an alcohol treatment program;

(15) is not now in and has not in the three years immediately preceding the application entered a substance abuse treatment program; and

(16) has demonstrated competence with handguns as provided in

1 AS 18.65.715.

2 * Sec. 6. AS 18.65.710(a)(3) is amended to read:

3 (3) a statement that the applicant has been furnished with a copy of the
4 state laws and regulations relating to concealed handguns [AS 18.65.700 -
5 18.65.790], has read those sections, and understands them;

6 * Sec. 7. AS 18.65.715 is amended by adding a new subsection to read:

7 (e) Notwithstanding (a) of this section, an honorably retired peace officer who
8 applies for a permit to carry a concealed handgun within one year of the officer's
9 retirement shall be presumed by the department to have satisfied the demonstration of
10 competency required of an applicant for a permit. A demonstration of competency under
11 this section for an honorably retired peace officer

12 (1) is for any action type or caliber;

13 (2) only applies to the initial demonstration of competency; to renew a
14 concealed handgun permit, an honorably retired peace officer must demonstrate
15 competency as provided in (b) of this section.

16 * Sec. 8. AS 18.65 is amended by adding a new section to read:

17 Sec. 18.65.718. RECIPROCITY FOR HOLDERS OF CONCEALED
18 HANDGUN PERMITS FROM OTHER STATES. (a) The department may enter into
19 agreements with other states to provide reciprocity for holders of concealed handgun
20 permits issued by another state to be permitted to carry a concealed handgun in Alaska
21 provided the other state allows holders of concealed handgun permits issued under
22 AS 18.65.700 - 18.65.790 to be permitted to carry concealed handguns in the other state.
23 An agreement under this section, at a minimum, must provide that for a person issued
24 a concealed handgun permit by another state to be reciprocally permitted in this state to
25 carry a concealed handgun the person must submit

26 (1) an application executed under oath that provides information that is
27 substantially similar to that required under AS 18.65.710, including the statement
28 required under AS 18.65.710(a)(3);

29 (2) sufficient information to verify that the person holds a concealed
30 handgun permit in the reciprocal state and to allow the department to register that permit;
31 and

32 (3) a reciprocal application fee that may not exceed the fee set for the

1 application and initial issuance of a permit under AS 18.65.720.

2 (b) A person receiving a reciprocal permit under this section may carry a
3 concealed handgun in the same manner and to the same extent as a person issued a
4 permit under AS 18.65.700. Following issuance of the permit, all aspects concerning the
5 regulation of the permit and the permittee are controlled by AS 18.65.700 - 18.65.790.

6 * Sec. 9. AS 18.65.720 is amended to read:

7 Sec. 18.65.720. FEES. The department shall charge a nonrefundable fee for the
8 processing of the application for and initial issuance of a permit, renewal of a permit, or
9 replacement of a permit. The fees shall be set by regulation and must be based on the
10 actual costs incurred by the department. However, the fee for the processing of an
11 application and initial issuance of a permit may not exceed \$99 [\$125] and the fee for
12 renewal of a permit or replacement of a permit may not exceed \$30 [\$60].

13 * Sec. 10. AS 18.65.755(a) is amended to read:

14 (a) A permittee may not carry a concealed handgun into or possess a concealed
15 handgun within

16 (1) a law enforcement or correctional facility;

17 (2) or on school grounds or a school bus other than while in a
18 propelled vehicle, other than a school bus, and the permittee does not exit the
19 vehicle; in this paragraph, "school grounds" has the meaning given in AS 11.71.900;

20 (3) a courthouse or a courtroom of this state, unless the permittee

21 (A) is a judge; or

22 (B) has been authorized to possess a concealed handgun by a
23 judge presiding at that courthouse or courtroom;

24 (4) [A BUILDING HOUSING ONLY STATE OR FEDERAL OFFICES
25 OR THE OFFICES OF A POLITICAL SUBDIVISION OF THE STATE, EXCEPT
26 AS AUTHORIZED UNDER (3) OF THIS SUBSECTION;

27 (5) AN OFFICE OF THE STATE, FEDERAL GOVERNMENT, OR OF
28 A POLITICAL SUBDIVISION OF THE STATE THAT IS NOT LOCATED IN A
29 BUILDING DESCRIBED IN (4) OF THIS SUBSECTION;

30 (6) A PASSENGER LOADING OR UNLOADING AREA OF AN
31 AIRLINE TERMINAL;

32 (7)] a vessel of the Alaska marine highway system as prohibited by

1 AS 19.65.055:

2 (5) [(8) A FACILITY PROVIDING SERVICES TO VICTIMS OF
3 DOMESTIC VIOLENCE OR SEXUAL ASSAULT;

4 (9)] a residence where notice that carrying a concealed handgun is
5 prohibited has been given by the posting of a conspicuous notice or by oral statement
6 by the resident to the permittee;

7 (6) [(10)] a facility or meeting of a business, charitable, or other
8 organization or entity where notice that carrying a concealed handgun is prohibited has
9 been given by the posting of conspicuous notice;

10 (7) [(11)] a [FINANCIAL INSTITUTION; IN THIS PARAGRAPH,
11 "FINANCIAL INSTITUTION" MEANS A BANK, SAVINGS BANK, SAVINGS
12 ASSOCIATION, CREDIT UNION, OR OTHER INSTITUTION REGULATED BY
13 THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT UNDER
14 AS 06;

15 (12) ANOTHER] place where the possession of a deadly weapon or
16 firearm is prohibited by federal law; or

17 (8) [(13)] a municipality or established village that has prohibited the
18 possession of concealed handguns by a permit under AS 18.65.780 - 18.65.785.

19 * Sec. 11. AS 18.65.755(c) is amended to read:

20 (c) In addition to any other penalty provided by law, a person who violates (a)
21 of this section is guilty of a violation punishable as provided in AS 12.55.035 for the
22 first offense, a class B misdemeanor for the second offense, and a class A
23 misdemeanor for the third or subsequent offense.

24 * Sec. 12. AS 18.65.755 is amended by adding new subsections to read:

25 (d) A permittee may not carry a concealed handgun in public while consuming
26 an intoxicating liquor or within eight hours after consuming an intoxicating liquor.

27 (e) A person who violates (d) of this section is guilty of a class A misdemeanor.

28 * Sec. 13. AS 19.65 is amended by adding a new section to read:

29 Sec. 19.65.055. POSSESSION OF FIREARMS ABOARD FERRIES. (a) A
30 person may not possess or carry a firearm while aboard a vessel of the Alaska marine
31 highway system unless the person

32 (1) is a peace officer;

1
2
3
4
5
6

(2) secures the firearm in a locked propelled vehicle; or

(3) upon boarding, allows the purser to hold and secure the firearm until the person disembarks from the vessel.

(b) In this section, "firearm" and "propelled vehicle" have the meanings given in AS 11.81.900.

* Sec. 14. AS 18.65.725(c) is repealed.

April 12, 1996

TESTIMONY -TO HOUSE JUDICIARY COMMITTEE ON SB-177, A BILL TO AMEND THE CONCEALED HANDGUN CARRY PERMIT PROVISIONS.

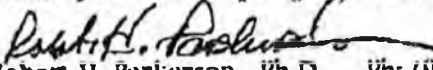
I support SB-177 and I have only the following comments:

1) To legislators who are inclined to dilute or oppose this legislation, please recognize that persons who are granted permits to carry concealed handguns are law abiding Alaskans, citizens who have demonstrated good citizenship in Alaska and elsewhere. The criminal can't care how law addressed concealed handgun carry. Criminals will carry in schools and banks regardless of the law. If intent on murder or other violations they will carry where and when they please, but the licensed carrier would be restricted from protection of loved ones and self in the same places. It is not logical

2) I respectfully submit that it is offensive to those of us who are solid citizens, who support good citizenship and law enforcement are not trusted by elected officials!

3) I urge the House Judiciary Committee to pass SB-177 to the House floor without amendment.

Thank you for accepting this testimony.


Robert H. Parkerson, Ph.D. - Ph: (907) 745-4358.
HC 02, Box 7630-A1
Palmer, Alaska 99645

A M E N D M E N T

OFFERED IN THE HOUSE

TO: HCS CSSB 177()

1 Page 7, lines 4 - 7:

2 Delete "where notice that carrying a concealed handgun is prohibited has been given
3 by the posting of a conspicuous notice or by oral statement by the resident to the permittee"

4 Insert "other than the permittee's residence, unless the permittee has first
5 obtained the express permission to bring a concealed handgun into the residence from
6 an adult residing there [WHERE NOTICE THAT CARRYING A CONCEALED
7 HANDGUN IS PROHIBITED HAS BEEN GIVEN BY THE POSTING OF A
8 CONSPICUOUS NOTICE OR BY ORAL STATEMENT BY THE RESIDENT TO THE
9 PERMITTEE]"

Passes
AIZ

Section 10 page 7 line 19 Amend 18.65.755 (a) by adding
a new subsection (9) to read as follows:

"a health care facility, in this
paragraph, "health care facility" means hospital,
nursing home, public health center, outpatient
clinic, facility for the developmentally disabled,
rehabilitation facility, drug abuse and alcoholism
treatment facility, mental health center, or health-
care unit within a sheltered care home or within a
home for senior citizens."

COMMENT: The effect of this amendment would be to add "health care facilities" to the list of places where a permittee may not carry a concealed handgun. The definition of "health care facility" is based on AS 18.26.900 (6), which pertains to the Alaska Medical Facility Authority.

#2

passes
for SB 177
TO Leg Legal X 2025
from Tom Meyer

ALASKA STATE LEGISLATURE

Interim:

600 East Railroad Avenue
Wasilla, Alaska 99654
(907) 376-3370
(907) 376-3157 Fax

Session:

State Capitol
Juneau, Alaska 99801-1182
(907) 465-6600
Fax (907) 465-3805

SENATOR LYDA GREEN

SENATE DISTRICT N

CSSB 177 (FIN)

Sponsor Statement

In an effort to **simplify** the concealed handgun permitting process and make the permits **more available** to those who need them the most, the following revisions are proposed:

1. **RETAIN** F.B.I. fingerprint requirement (and **CHANGE** department's time limit for approval from 15 to 30 days).
2. **RETAIN** requirement to qualify with specific action types, but **delete** specified caliber.
3. **DELETE** residency requirement.
4. **CHANGE** application fee cap from \$125 to \$99 and change renewal fee cap from \$50 to \$25.
5. **PROVIDE** for reciprocity with other states that honor our permits.
6. **REMOVE** restrictions on where a permit holder may carry a concealed handgun, other than inside school buildings and on school grounds, state court facilities, correctional facilities, law enforcement facilities, domestic violence and sexual abuse shelters, and where disallowed by Alaska Statute and federal law. *Private facilities still have the right to exclude concealed carry by posting of a notice. Enforcement is through the criminal trespass statutes.*
7. **REMOVE** disorderly conduct subsections pertaining to noise from the list of misdemeanor offenses that preclude obtaining or are grounds for revoking a permit.
7. **DELETE** prohibition on derringers and miniature handguns as allowable for concealed carry.
8. **ADD** providing applicant with a copy of laws and regulations pertaining to the concealed handgun program.
9. **ADD** statutory authority for Alaska Marine Highway system to continue its current policy pertaining to firearms.

The revisions contained in SB 177 are necessary in order to provide a more streamlined and less costly process for obtaining a permit as well as greater latitude for law abiding citizens to exercise their right to carry concealed. I respectfully request your support of this legislation.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105


(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

MEMORANDUM

March 30, 1996

SUBJECT: Sectional Summary of CSSB 177(FIN)
(Work Order No. 9-LS1139\D)

TO: Senator Lyda Green
Attn: Brett Huber

FROM: Gerald P. Luckhaupt 
Legislative Counsel

You have requested a sectional summary of the above-described bill draft.

As a preliminary matter, please note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill - the bill itself is the best statement of its contents.

Section 1 of the bill amends AS 11.61.220 by providing an affirmative defense to a charge of carrying a concealed deadly weapon if the person charged has a permit to carry a concealed handgun from another state if that state allows Alaska permit holders to carry concealed handguns in that state.

Section 2 of the bill amends AS 11.61.220(d) by providing an affirmative defense to a charge under AS 11.61.220(a)(2) of possessing "a loaded firearm on the person at any place where intoxicating liquor is sold for consumption on the premises" if the person possessing the loaded firearm is a concealed handgun permittee, the person did not consume liquor at the bar and for the eight hours prior to the possession, and the loaded firearm is a concealed handgun.

Section 3 of the bill amends AS 18.65.700(a)(3) to require the Department of Public Safety (department) to provide a copy of the state laws and regulations related to firearms with each application for a concealed handgun permit.

Section 4 of the bill amends AS 18.65.700(b) to require the department to accept or reject a concealed handgun application within 30 days.

Senator Lyda Green

March 30, 1996

Page 2

Section 5 of the bill amends AS 18.65.700(d) by removing a requirement that a concealed handgun permit must specify the calibers of handguns the person has demonstrated competence with and can carry.

Section 6 of the bill amends the list of misdemeanors that disqualify a person from receiving a concealed handgun permit.

Section 7 of the bill amends AS 18.65.710(a)(3) relating to a concealed handgun applicant's receipt of a copy, knowledge, and understanding of the state laws and regulations related to firearms.

Section 8 of the bill amends AS 18.65.715(a) by removing a requirement that a certificate of completion of a handgun course specifies the calibers of handguns the applicant has demonstrated competency with and also by removing a requirement that a handgun course must test an applicant's competence with each caliber the applicant wants to carry.

Section 9 of the bill amends AS 18.65.720 by reducing the fees for a permit and renewal and replacement of a permit.

Section 10 of the bill amends AS 18.65.740(a) by limiting the reasons for revoking a concealed handgun permit.

Section 11 of the bill amends AS 18.65.755(a) by changing the places that concealed handgun permittees may not carry their weapons.

Section 12 of the bill amends AS 18.65.765(a) by removing the requirement that permittees may only carry concealed handguns of the calibers they have demonstrated competency with.

Section 13 of the bill amends AS 18.65.790(3) by allowing derringers and miniature handguns to be carried by a concealed handgun permittee.

Section 14 of the bill provides that person may not possess or carry firearms on an Alaska state ferry unless the firearm is locked in a vehicle, secured by the purser, or the person possessing the firearm is a peace officer.

Section 15 of the bill provides repealers.

GPL:pl
96-102.plm

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: CSSB 177(FIN) am

Revision Date: April 10, 1996
 Title: " An Act relating to permits to carry concealed handguns "
 Sponsor: Senator Green
 Requestor: S. Rules

Dept. Affected: Public Safety
 BRU: AST and DPS Statewide Support
 Component: Detachments and AK Criminal Records and Identification
 COMPONENT SERIAL NO. 799 and 1190

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

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL EXPENDITURES	0	0	0	0	0	0
CHANGE IN REVENUES ()	0	0	0	0	0	0
Revenue Code						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GE Match						
1004 GE						
1005 GE/Program Receipts	(47.4)	(47.4)	(47.4)	(47.4)	(47.4)	(47.4)
1006 GE/MHTIA						
Other						
TOTAL						

Estimate of current year (FY 96) impact: \$ 0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

See attached analysis.

Prepared By: Lt. Dan Lowden and Frank Allan
 Division: Alaska State Troopers
 Approved by Commissioner: *Ronald L. Otte*
 Agency: Ronald L. Otte, Dept. of Public Safety

Phone: 465-5505 269-5691
 Date: April 10, 1996
 Date: 4/10/96

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information call the Governor's Legislative Office

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO: CSSB 177(FIN) am

Revision Date: April 10, 1996

Dept. Affected: Public Safety

The effect of this legislation will be to limit the Program Receipts authority to a maximum of \$99 per initial permit. The cost of providing the required background checks, including the processing of fingerprint checks through the FBI and the State of Alaska by the Alaska Criminal Records & Identification Section, is \$59. Under this bill \$40 per permit is all that the AST Permits Section would have available to process the applications.

The Alaska Concealed Handgun Permitting process was intended to be self-supporting and not to negatively impact the Division of Alaska State Trooper's basic law enforcement function. It is anticipated that this program will continue to be self-supporting at the \$99 fee established in the bill.

RECEIVED

FEB 23 1996

Ans'd.....

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

February 23, 1996

SUBJECT: Permits to Carry Concealed Handguns and Private Property - CSSB
177(STA)(Work Order No. 9-LS1139/W)

TO: Senator Lyda Green
Attn: Brett Huber

FROM: Gerald P. Luckhaupt *GPL*
Legislative Counsel

You have asked if a private property owner may continue to lawfully exclude concealed handgun permittees from their premises if AS 18.65.755(a)(9) - (10) were repealed? The answer to your question involves whether the permittee's presence on the property can be considered a trespass. I think it is safe to say that a private property owner within certain bounds (those bounds may involve such varied interests as free speech and public safety) may limit or restrict access and activities on the property. As a basic concept I believe a private property owner has a right to exclude concealed handgun permittees from the property if the property owner so chooses. The enforcement of the right will be at least somewhat problematic as our criminal trespass statutes (AS 11.46.320 - 11.46.350) may or may not be implicated in a particular case with its particular circumstances. Actual notice to a permittee by a property owner may be necessary in some instances. This actual notice may in some cases not be satisfied by the mere posting of a sign. In this regard I am supplying an opinion rendered last year by the Department of Law that discusses the applicability of the criminal trespass statutes to concealed handguns. While I have not had the opportunity to review the opinion in any depth, the reasoning and conclusions of the opinion appear to me to be both reasonable and correct.

If you have any questions, please contact me at your convenience.

GPL:glc
96-115.glc