

34-LS0355\W
C. Radford
5/13/25

SENATE CS FOR CS FOR HOUSE BILL NO. 35(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES HIMSCHOOT, Story, Josephson, Galvin

SENATORS Myers, Kawasaki, Gray-Jackson, Claman

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the use and possession of electronic devices by prisoners; and**
2 **relating to identification cards."**

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

4 * **Section 1.** AS 33.30.015(a) is amended to read:

5 (a) The commissioner may not

6 (1) make per capita expenditures for food for prisoners in a state
7 correctional facility operated by the state that exceed 90 percent of per capita
8 expenditures for food that is available to enlisted personnel in the United States Army
9 stationed in the state;

10 (2) provide, in a state correctional facility operated by the state,

11 (A) living quarters for a prisoner into which the view is
12 obstructed; however, the commissioner is not required to renovate a facility to
13 comply with this subparagraph if the facility is being used as a correctional
14 facility on August 27, 1997, or if the facility was already built before being
15 acquired by the department;

(B) 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;

(C) cable television service 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;

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

(A) possess in the prisoner's cell a

(i) cassette tape player or recorder, [A] video cassette recorder (VCR), or telephone;

(ii) computer or electronic tablet unless used for a purpose approved under (I) of this paragraph [A COMPUTER OR MODEM OF ANY KIND];

(B) view movies rated "R," "X," or "NC-17";

(C) possess printed or photographic material that

(i) is obscene as defined by the commissioner in regulation;

(ii) could reasonably be expected to incite racial, ethnic, or religious hatred that is detrimental to the security, good order, or discipline of the institution or violence;

(iii) could reasonably be expected to aid in an escape or in the theft or destruction of property;

(iv) describes procedures for brewing alcoholic beverages or for manufacturing controlled substances, weapons, or explosives; or

(v) could reasonably be expected to facilitate criminal activity or a violation of institution rules;

(D) receive instruction in person, or by broadcast 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;

(E) possess or have access to equipment for use in the activities listed in (D) of this paragraph;

(F) possess or have access to free weights;

(G) possess in the prisoner's cell a coffee pot, hot plate, appliance or heating element for food preparation, or more than three electrical appliances of any kind;

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

(I) use a computer or electronic tablet other than those approved by the correctional facility; the use of a computer or electronic tablet under this subparagraph may be approved to facilitate the prisoner's compliance with a reentry plan or case plan developed under AS 33.30.011 or [ONLY] as part of the prisoner's rehabilitation, employment, education, [OR] vocational training, access to legal reference materials, visitation, or health care, or for another purpose identified by the commissioner in regulation and may not be used for any other purpose;

(J) smoke or use tobacco products of any kind;

(4) allow a state correctional facility operated by the state to charge a fee for electronic mail or electronic visitation services.

* **Sec. 2.** AS 33.30.015 is amended by adding new subsections to read:

(f) The commissioner may not replace in-person visitation with the use of a computer or electronic tablet. To the extent practicable, the commissioner may not replace an existing program or service provided to a prisoner for the purpose of rehabilitation with the use of a computer or electronic tablet authorized under (a)(3)(I) of this section. A computer or electronic tablet may be used to supplement an existing program or service.

(g) The commissioner may use computers or electronic tablets to provide a new program or service to a prisoner for a use authorized under (a)(3)(I) of this section.

* **Sec. 3.** AS 33.30.105(a) is amended to read:

(a) The department shall issue an identification card **that is substantially similar** [IDENTICAL] to the motor vehicle operator's license provided for in AS 28.15.111, except that the card **may** [MUST] be a different color and shall state in bold type letters on its face that it is for identification purposes only. The department may only issue an identification card to a prisoner before the prisoner's release. The identification card must display

- (1) a distinguishing number assigned to the identification card;
- (2) the prisoner's full name, date of birth, brief physical description, and photograph;
- (3) either a facsimile of the signature of the prisoner or a space on which the prisoner shall write the prisoner's usual signature with pen and ink;
- (4) physical security features designed to prevent tampering, counterfeiting, or duplication of the document for fraudulent purposes;
- (5) for a qualified prisoner who is under 21 years of age, the words "UNDER 21"; and
- (6) a statement that the identification card is not a valid identification card for the purpose of purchasing alcoholic beverages.

* **Sec. 4.** The uncoded law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. AS 33.30.015(a)(4), enacted by sec. 1 of this Act, and AS 33.30.015(f) and (g), enacted by sec. 2 of this Act, apply to services used by a prisoner on or after the effective date of this Act.