

22 AAC 05.510 is repealed and readopted to read:

22 AAC 05.510. Publications. (a) Correctional facility staff will distribute publications delivered by mail to a prisoner within a reasonable time, not more than 5 days, excluding weekends and holidays, after the facility receives the publication and examines the material for content, unless the publication is withheld under (d) of this section.

(b) A publication must be directly ordered from and delivered by the vendor, and shipments must originate from the vendor. A prisoner shall pay for an order in advance. A correctional facility superintendent may authorize a prisoner's family or friends to order a publication for delivery to the prisoner if the publication meets the requirements of this section and the facility's property policy. Multiple copies of the same publication to a prisoner are considered prohibited contraband and will be disposed of.

(c) The superintendent will designate staff to review incoming publications addressed to prisoners. A superintendent may not establish a list of excluded publications. Correctional facility staff will review individual issues of a publication to determine if the publication is approved for delivery to a prisoner.

(d) Correctional facility staff will withhold a publication or the relevant portion of a publication if the publication

(1) contains material that could reasonably be expected to aid in escape, incite violence, theft, or destruction of property in the facility;

(2) contains instructions or illustrations on how to construct or use contraband;

(3) depicts or describes procedures for brewing alcoholic beverages or making or cultivating drugs or poisons;

(4) contains visual or written content that poses a threat or is detrimental to the

security, good order or discipline of the facility, prisoner rehabilitation, or facilitates criminal activity, including material that

(A) incites, advocates, aids, or abets criminal activity, including gang activity, illegal drug use, or conversion of weapons, or promotes gambling;

(B) contains tattoo information or templates;

(C) concerns plans for activities in violation of other department administrative directives; or

(D) contains security threat group related identifiers or paraphernalia;

(5) contains sexually explicit material;

(6) is written in cipher or code that staff cannot reasonably interpret after reasonable efforts;

(7) depicts, describes, or encourages activities that could reasonably be expected to lead to the use of physical violence or group disruption; or

(8) is musical media that has an affixed parental advisory label indicating "Explicit Content" or an electronic game rated "Adults Only," "Mature," or otherwise labeled with a descriptor indicating that the media includes prohibited content as set out in this section; musical media or electronic games may be withheld under these restrictions as set out under (e) of this section; and

(9) involves credit or deferred billing transactions for the purchase of or subscription to a publication, including a publication that is payable on delivery;

(10) is not received directly from the vendor under (b) of this section.

(e) Before withholding a publication from a prisoner, correctional facility staff will give the prisoner a written notice that a publication has been withheld. The notice must include the

reason for withholding the publication and a statement that the prisoner may challenge the decision by filing a grievance under 22 AAC 05.185. On receipt of a notice under this subsection, the prisoner may

(1) file a grievance within the time specified in the notice; while a grievance is pending, the facility will retain the withheld publication or the relevant portion;

(2) request that the facility

(A) mail the publication to a party specified by the prisoner; the prisoner shall pay the postage for mailing the publication to the specified party;

(B) if the publication contains a return address, return the publication to the vendor at the prisoner's request; the prisoner shall pay the postage for returning the publication to the vendor; or

(C) discard the publication; or

(3) take no action; if the prisoner takes no action in response to a notice under this subsection, or if the publication lacks return address and the prisoner does not timely request mailing under (2)(A) of this subsection, the facility will discard the publication.

(f) Correctional facility staff will log and store withheld and aggrieved publications in a separate, secure area to prevent those publications from being lost or inadvertently issued to the prisoner. (Eff. 9/10/77, Register 63; am 1/9/87, Register 101; am ____/____/_____, Register ____)

Authority: AS 33.30.011 AS 33.30.015 AS 33.30.021
 AS 44.28.030

An editor's note is added following 22 AAC 05.510 to read:

Editor's note: A copy of the department policies and procedures referenced in 22 AAC

05.510(b) can be obtained by request to: Department of Corrections, Directors Office, 550 W 7th Avenue Suite 19 Anchorage, AK 99501.

22 AAC 05.660(a) is amended by adding new paragraphs to read:

(43) "publication" means any tangible printed material, pre-recorded audio or video including books, newspapers, magazines, journals, newsletters, pamphlets, motion pictures, film, television programs, bound, printed, recorded, digitized media, magazines, comics, graphic novels, books, newspapers, video games, interactive software or computer applications fixed on physical cartridges, optical discs, or portable storage devices.

(44) "vendor" means a publisher, book club, or established retailer that sells publications to the public. (Eff. 9/10/77, Register 63; am 8/30/80, Register 75; am 11/3/84, Register 92; am 1/9/87, Register 101; am 11/13/99, Register 152; am 1/13/2012, Register 201; am 12/07/2025, Register 256; am ____/____/_____, Register _____)

Authority: AS 01.10.080 AS 11.56.390 AS 33.20.050
 AS 33.30.011 AS 33.30.021 AS 33.30.901
 AS 44.28.030