

CS FOR HOUSE BILL NO. 93(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 2/20/15

Referred: Rules

Sponsor(s): REPRESENTATIVES TILTON, LeDoux, Pruitt, Keller, Chenault, Hughes, Gara, Josephson, Johnson, Millett, Gattis, Saddler

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the duties of probation officers; and relating to conditions of
2 parole."

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

4 * **Section 1.** AS 33.05.040 is amended to read:

5 **Sec. 33.05.040. Duties of probation officers.** A probation officer shall

6 (1) furnish to each probationer under the supervision of the officer a
7 written statement of the conditions of probation and shall instruct the probationer
8 regarding the same;

9 (2) keep informed concerning the conduct and condition of each
10 probationer under the supervision of the officer and shall report on the probationer to
11 the court placing **that** [SUCH] person on probation;

12 (3) use all suitable methods, not inconsistent with the conditions
13 imposed by the court, to aid probationers and to bring about improvements in their
14 conduct and condition;

1 (4) keep records of the probation work, keep accurate and complete
 2 accounts of all money collected from persons under the supervision of the officer, give
 3 receipts for money collected and make at least monthly returns of it, make the reports
 4 to the court and the commissioner required by them, and perform other duties the court
 5 may direct;

6 (5) perform [SUCH] duties with respect to persons on parole as the
 7 commissioner shall request, and in **that** [SUCH] service shall be termed a parole
 8 officer;

9 **(6) accommodate the diligent efforts of each probationer to secure**
 10 **and maintain steady employment when prescribing the times at which a**
 11 **probationer shall report;**

12 **(7) permit each probationer to travel in the state to make diligent**
 13 **efforts to secure and maintain steady employment if the travel is not inconsistent**
 14 **with other terms and conditions of probation.**

15 * **Sec. 2.** AS 33.16.150(a) is amended to read:

16 (a) As a condition of parole, a prisoner released on special medical,
 17 discretionary, or mandatory parole

18 (1) shall obey all state, federal, or local laws or ordinances, and any
 19 court orders applicable to the parolee;

20 (2) shall make diligent efforts to maintain steady employment or meet
 21 family obligations;

22 (3) shall, if involved in education, counseling, training, or treatment,
 23 continue in the program unless granted permission from the parole officer assigned to
 24 the parolee to discontinue the program;

25 (4) shall report

26 (A) upon release to the parole officer assigned to the parolee;

27 (B) at other times, and in the manner, prescribed by the board
 28 or the parole officer assigned to the parolee **that accommodate the diligent**
 29 **efforts of the parolee to secure and maintain steady employment;**

30 (5) shall reside at a stated place and not change that residence without
 31 notifying, and receiving permission from, the parole officer assigned to the parolee;

1 (6) shall remain within stated geographic limits unless written
2 permission to depart from the stated limits is granted the parolee;

3 (7) may not use, possess, handle, purchase, give, distribute, or
4 administer a controlled substance as defined in AS 11.71.900 or under federal law or a
5 drug for which a prescription is required under state or federal law without a
6 prescription from a licensed medical professional to the parolee;

7 (8) may not possess or control a firearm; in this paragraph, "firearm"
8 has the meaning given in AS 11.81.900;

9 (9) may not enter into an agreement or other arrangement with a law
10 enforcement agency or officer that will place the parolee in the position of violating a
11 law or parole condition without the prior approval of the board;

12 (10) may not contact or correspond with anyone confined in a
13 correctional facility of any type serving any term of imprisonment or a felon without
14 the permission of the parole officer assigned to a parolee;

15 (11) shall agree to waive extradition from any state or territory of the
16 United States and to not contest efforts to return the parolee to the state;

17 (12) shall provide a blood sample, an oral sample, or both, when
18 requested by a health care professional acting on behalf of the state to provide the
19 sample or samples, or an oral sample when requested by a juvenile or adult
20 correctional, probation, or parole officer, or a peace officer, if the prisoner is being
21 released after a conviction of an offense requiring the state to collect the sample or
22 samples for the deoxyribonucleic acid identification system under AS 44.41.035;

23 (13) from a conviction for a sex offense shall submit to regular
24 periodic polygraph examinations; in this paragraph, "sex offense" has the meaning
25 given in AS 12.63.100.

26 * **Sec. 3.** AS 33.16.150(b) is amended to read:

27 (b) The board may require as a condition of special medical, discretionary, or
28 mandatory parole, or a member of the board acting for the board under (e) of this
29 section may require as a condition of mandatory parole, that a prisoner released on
30 parole

31 (1) not possess or control a defensive weapon, a deadly weapon other

1 than an ordinary pocket knife with a blade three inches or less in length, or
2 ammunition for a firearm, or reside in a residence where there is a firearm capable of
3 being concealed on one's person or a prohibited weapon; in this paragraph, "deadly
4 weapon," "defensive weapon," and "firearm" have the meanings given in
5 AS 11.81.900, and "prohibited weapon" has the meaning given in AS 11.61.200;

6 (2) refrain from possessing or consuming alcoholic beverages;

7 (3) submit to reasonable searches and seizures by a parole officer, or a
8 peace officer acting under the direction of a parole officer;

9 (4) submit to appropriate medical, mental health, or controlled
10 substance or alcohol examination, treatment, or counseling;

11 (5) submit to periodic examinations designed to detect the use of
12 alcohol or controlled substances; the periodic examinations may include testing under
13 the program established under AS 33.16.060(c);

14 (6) make restitution ordered by the court according to a schedule
15 established by the board;

16 (7) refrain from opening, maintaining, or using a checking account or
17 charge account;

18 (8) refrain from entering into a contract other than a prenuptial contract
19 or a marriage contract;

20 (9) refrain from operating a motor vehicle;

21 (10) refrain from entering an establishment where alcoholic beverages
22 are served, sold, or otherwise dispensed;

23 (11) refrain from participating in any other activity or conduct
24 reasonably related to the parolee's offense, prior record, behavior or prior behavior,
25 current circumstances, or perceived risk to the community, or from associating with
26 any other person that the board determines is reasonably likely to diminish the
27 rehabilitative goals of parole, or that may endanger the public; in the case of special
28 medical parole, for a prisoner diagnosed with a communicable disease, comply with
29 conditions set by the board designed to prevent the transmission of the disease;

30 **(12) refrain from traveling in the state to make diligent efforts to**
31 **secure or maintain steady employment only if the travel violates other conditions**

1 of parole.