

HB 51 – PROBATION; PAROLE; SENTENCES; CREDITS SECTIONAL ANALYSIS

February 20, 2019

Summary: This bill repeals the caps on sanctions for violations of probation and parole and the administrative sanctions program. It also returns discretion to probation and parole officers to make recommendations about early termination and eliminates the timelines which required that that recommendation happen by a certain time. It also reduces the time a probationer or parolee can get off of their probation or parole for good behavior to one day for every three days without a violation. If the person violates their probation or parole they will lose all credit accrued up to that point. The bill also returns discretionary parole eligibility and release factors to what they were prior to January 1, 2017. Finally, the bill prohibits a person from earning good time credit for time spent on electronic monitoring post-sentencing.

Section 1 Eliminates language related to caps on technical violations of probation under AS 12.55.110.

Section 2 Eliminates language related to caps on technical violations of probation under AS 12.55.110.

Section 3 Makes the recommendation of a probation officer for early termination of probation permissive and at the discretion of the probation officer. Also eliminates the timeline for when such a recommendation must be made. Maintains requirement that the probationer is in compliance with their conditions of probation and has completed all of the required treatment programs. Also maintains the prohibition on unclassified felony, sexual felony, and domestic violence offenders from being recommended for early termination.

Section 4 Reduces amount of time that a probationer may decrease their length of probation for good behavior to one day for every three days without a violation.

Section 5 Prohibits a sex offender from earning credit against their period of probation. Also mandates that a probationer lose all of the credits they have accrued if they are found in violation of probation, requiring the accrual to start over.

Section 6 Amends duties of a probation officer to require that a probation officer *consider* recommending early termination of probation. Also eliminates the requirement to use administrative sanctions before filing a petition to revoke.

Section 7 Requires an application for discretionary parole to be submitted to the parole board before a person can be considered for discretionary parole.

Section 8 Returns discretionary parole eligibility to where it was prior to January 1, 2017. Makes the following crimes ineligible:

- Non-sex class A felonies (Robbery 1, Assault 1, Arson 1);
- B felonies if the person had one or more prior felony convictions;
- C felonies if the person had two or more prior felony convictions; and
- B and C sex felonies (Sexual Assault 2, Sexual Abuse of a Minor 2, Distribution of Child Pornography).

Section 9 Eliminates a presumption of release and thereby returns discretion back to the parole board when determining release on discretionary parole.

Section 10 Allows the parole board to make a person, who does not meet the factors in section 9, ineligible for further consideration of discretionary parole or to have the person serve additional time before they can be considered again for discretionary parole.

Section 11 Conforming language regarding the requirement that a person fill out an application for discretionary parole.

Section 12 Eliminates time restriction on when a person may be discharged from parole, returning discretion back to the parole board.

Section 13 Gives a parole officer the discretion to make a recommendation to the parole board that a person's parole be terminated. Maintains requirement that the probationer is in compliance with their conditions of probation and has completed all of the required treatment programs. Also maintains the prohibition on unclassified felony, sexual felony, and domestic violence offenders from being recommended for early termination.

Section 14 Eliminates language referencing technical violations of parole under AS 33.16.215.

Section 15 Eliminates language related to tolling when a person absconds from parole (conforming to repeal of AS 33.16.215 regarding technical violations of parole and sanctions for absconding) and prohibiting the parole board from extending the person's parole beyond the maximum release date.

Section 16 Reduces amount of time that a parolee may decrease their length of parole for good behavior to one day for every three days without a violation.

Section 17 Prohibits a sex offender from earning credit against their period of parole. Also mandates that a parolee lose all of the credits they have accrued if they are found in violation of parole, requiring the accrual to start over.

Section 18 Prohibits a person from earning good time for time spent on electronic monitoring post-sentence.

Section 19 Eliminates the requirement that the Department of Corrections submit a report to the Alaska Criminal Justice Commission regarding the sanctions imposed under the administrative sanctions program which is repealed in this bill.

Section 20 Repealer section.

Section 21 Applicability.

Section 22 Effective date. This bill takes effect on July 1, 2019.