

Pre-SB 91		SB 91	SB 54	HB 312	Governor's Bill	HB 145
Probation and Parole (SB 34)						
Technical Violations and Administrative Sanctions	<p>Court had discretion to impose up to the remainder of the suspended time if an offender violated their conditions of probation and parole board had same discretion for parole violations.</p> <p>Probation or parole officers could attempt to use non-court sanctions gain compliance.</p>	<p>Established caps on the number of days a judge or the parole board can impose for a technical violation of probation or parole respectively. (Caps are 3, 5 and 10 days).</p> <p>Administrative sanctions placed into statute and their use was mandated.</p>		<p>Eliminate ranges enacted by SB 91 returning discretion to the court and the parole board to impose a sanction they deemed appropriate; up to the remainder of the suspended time for probation or parole violations.</p> <p>Non-court sanctions are removed from statute returning their use to probation officer discretion.</p> <p><i>SB 34 sec. 1-2, 17-18</i></p>		
Earned Compliance Credit (ECC)	Did not exist.	Created an earned compliance credit system where probation and parole is reduced by 30 days for every 30 days without a violation.	Requires sex and DV offenders to complete treatment before being released from probation or parole due to ECCs.	<p>Reduce credits up to 1/3 period of probation or parole. Similar to statutory good time for prisoners.</p> <p>Sex offenders, unclassified offenses, felony crimes against a person and some domestic violence offenses will not be eligible for ECC.</p> <p><i>SB 34 sec. 6-7, 19-20</i></p>		
Early Termination of Probation	Probation officer (PO) had discretion to ask the court to terminate probation for probationers if probation officer thought early termination was warranted.	Requires PO to recommend early termination after 1 year on probation for most felony offenses.	Increased period to 18 months.	<p>Return to a true recommendation of the probation or parole officer and eliminate timeframes in which a recommendation is required.</p> <p><i>SB 34 sec. 3, 8, 16</i></p>		
Discretionary Parole Eligibility	<p>Discretionary parole available to most offenders <i>except</i>:</p> <ul style="list-style-type: none"> a) Non-sex class A felonies (Robbery 1, Assault 1, Arson 1); b) B felonies if the person had one or more prior felony convictions; c) C felonies if the person had two or more prior felony convictions; d) B and C sex felonies (Sexual Assault 2, Sexual Abuse of a Minor 2, Distribution of Child Pornography). 	Increased the number of offenders who are eligible for discretionary parole.		<p>Return to restricting what crimes are eligible for discretionary parole pre-SB 91. Crimes previously not eligible were:</p> <ul style="list-style-type: none"> a) Non-sex class A felonies (Robbery 1, Assault 1, Arson 1); b) B felonies if the person had one or more prior felony convictions; c) C felonies if the person had two or more prior felony convictions; d) B and C sex felonies (Sexual Assault 2, Sexual Abuse of a Minor 2, Distribution of Child Pornography). <p><i>SB 34 sec. 10-11, 13-14</i></p>		

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Parole Release Factors	Before releasing on discretionary parole the board required to consider whether: a) The prisoner will live and remain at liberty without violating any laws or conditions imposed by the board; b) The prisoner's rehabilitation and reintegration into society will be furthered by release on parole; c) The prisoner will not pose a threat of harm to public if released on parole; and d) The release of the prisoner on parole would not diminish the seriousness of the crime.	Created a presumption of release. Board must find by clear and convincing evidence that prisoner is a threat to the public before denying release.		Return discretion to the parole board to determine release based on pre-SB 91 law. AS 33.16.100(a) previously set forth the factors as: a) The prisoner will live and remain at liberty without violating any laws or conditions imposed by the board; b) The prisoner's rehabilitation and reintegration into society will be furthered by release on parole; c) The prisoner will not pose a threat of harm to public if released on parole; and d) The release of the prisoner on parole would not diminish the seriousness of the crime. <i>SB 34 sec. 12 and 15</i>		
When Eligible for Release	Murder, kidnapping, MICS 1 eligible after mandatory minimum or <u>1/3</u> of active jail sentence, whichever is greater. MICS 3 – dealing to kids or in a school zone eligible after <u>1/4</u>			Murder, kidnapping, MICS 1 eligible after mandatory minimum or <u>1/2</u> of active jail sentence, whichever is greater. MICS 2 – B felony level drug dealing is eligible after serving <u>1/2</u> of the sentence.		
Timing of Parole Hearings	Parolees required to apply for parole	Parole hearing automatic no longer requiring an application.		Removes automatic hearing and requires an application be filed. <i>SB 34 sec. 9</i>		
Tolling of Parole while Violation Considered	The period of parole was tolled while a petition for a violation is pending.	The period of parole <i>only</i> tolls during the pendency of a violation that is for absconding. If the violation is in regards to any other conduct, there is no tolling.		The period of parole will once again toll while a petition is pending. <i>SB 34 sec. 18</i>		
Admin Sanctions	Probation officers used some administrative sanctions but no mention in statute and no formal policy	Administrative sanctions specifically required by statute and formal policy developed		Administrative sanctions removed from statute. <i>SB 34 sec. 8</i>		

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Electronic Monitoring	Time spent on EM was ineligible for good time credit.	Established good time credit for time spent on EM.		Eliminate good time credit for time spent on EM. <i>SB 34 sec. 21</i>	
Restoration of license after DUI	10 years of revocation Without new crime Proof of financial responsibility	10 years since revoked Without driving related crime Proof of financial responsibility		10 years since revoked Without driving offense or felony Proof of financial responsibility <i>SB 34 sec 4-5</i>	