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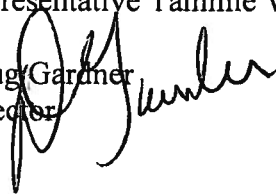
MEMORANDUM

February 19, 2015

SUBJECT: Credit for Electronic Monitoring
(CSHB 15(); Work Order No. 29-LS0102\E)

TO: Representative Tammie Wilson

FROM: Doug Gardner
Director



This memorandum, provided on an expedited basis, is to summarize our conversation this morning regarding Work Order No. 29-LS0102\H. Please review the enclosed draft to make sure the language choices, including additional language added to make the changes you proposed to AS 12.55.025(c) consistent with the changes to AS 12.55.027(d), are consistent with your request.

During our conversation I noted that we are not sure how the change to AS 12.55.025(c) works with AS 12.55.027(d). Recall that AS 12.55.027 applies to electronic monitoring for defendants that are awaiting sentencing and who are temporarily committed while they are in an approved treatment program. By adding time credit for electronic monitoring to AS 12.55.025(c), electronic monitoring is now available for any offender that otherwise qualifies for release and is placed in temporary commitment on electronic monitoring regardless of whether they are in treatment or not.

To put it bluntly, an offender not in treatment at home watching television on electronic monitoring, and thus temporarily committed, can get credit for the time on electronic monitoring, just as a defendant in treatment can. Why then is there a need for the amendment to AS 12.55.027(d), if AS 12.55.025(c) covers those defendants in treatment programs? In addition, the amendment to AS 12.55.027(d) may raise issues regarding other sections of AS 12.55.027, where a defendant in treatment only gets day for day credit if they are in a qualifying program, etc., but if they are on electronic monitoring as the statute is being amended, they "shall" get day for day credit?

The question for the legislature is:

Is the public policy goal to encourage rehabilitation and treatment and only amend AS 12.55.027 to only allow day for day credit for defendants temporarily committed under electronic monitoring, or is the public policy goal to reduce the number of offenders in correctional facilities, by making electronic monitoring more available for all offenders regardless

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of whether they are in treatment, by amending AS 12.55.025(c)?

Let me know how you want to proceed. Work Order No. 29-LS0102\E needs to be revised depending on how the committee decides it wants to proceed.

DDG:Ind

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Enclosure