



Governor Michael J. Dunleavy
STATE OF ALASKA

January 22, 2019

Chief Clerk
Alaska House of Representatives
Alaska State Legislature
Thomas Stewart Building, Room 202
Juneau, AK 99801

Dear Chief Clerk:

Under the authority of Article III, Section 18, of the Alaska Constitution, I am transmitting a bill repealing provisions of SB 91 that deal with the sentencing caps on technical violations of probation and parole, repealing statutory early termination of probation and parole, reducing earned compliance credits, amending discretionary parole eligibility, and repealing good time credit for time spent on electronic monitoring.

This bill will repeal the sentencing caps on technical violations of probation. Current law defines a "technical violation" as a violation that is not absconding or a new law violation. Currently, a person may only be sentenced to up to three days on the first violation, five days on the second violation, and ten days on the third violation. On the fourth violation, the person may be sentenced to the remainder of the time left on their sentence. A similar provision of law exists for parolees as well. These caps are an ineffective deterrent and take away the judge's discretion to factor in the nature of the violation(s) and the underlying offense for which the person was placed on probation. Repealing these caps will restore the court's ability to tailor an appropriate sanction for each probationer taking into consideration the underlying offense, the risk to the community, the rehabilitative needs of the probationer, and the nature of the violation(s).

The bill repeals the statutory timelines for early termination of probation and parole. Under SB 91, a probation officer is required to recommend that the court terminate a person's probation after 18 months if the person has completed all of their programming, has had no violations for those 18 months, and is currently in compliance with their probation. There are similar provisions in law for parole officers making early termination recommendations to the parole board. Prior to January 1, 2017, probation officers made early termination recommendations to the court when they felt it was appropriate and not based on any timelines in statute. Before SB 91, there was nothing in statute guaranteeing early termination. This bill will repeal these timelines and give a probation or parole officer the discretion to make such a recommendation when the officer believes it is appropriate.

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The bill also returns discretionary parole eligibility and release factors to what they were prior to SB 91. SB 91 expanded discretionary parole to offenders who previously were ineligible. It also created a presumption of release on discretionary parole for those who were eligible. Returning discretion back to the parole board who has intimate knowledge of an offender's history and their recent and past behavior will help to protect the public and ensure that those who are released on discretionary parole are appropriate for release.

The bill reduces the credit a person may earn for not violating their probation or parole. Under the current structure, a person may receive 30 days for every 30 days without a probation or parole violation. This could reduce a person's period on probation or parole by half. Such a significant reduction in supervision reduces the rehabilitative assistance probation and parole can provide to a person. The bill will amend the credit to be one day for every three days without a violation providing an appropriate incentive and reward for complying with a person's conditions of probation or parole.

Finally, the bill eliminates good time credit for time spent on electronic monitoring. Prior to the passage of SB 91, a person was able to earn day-to-day credit for time spent on electronic monitoring. The concept of good time is to incentivize prisoners to comply with the rules of a prison institution. Eliminating good time credit for time spent on electronic monitoring restores the balance between incentivizing good behavior while in a prison institution and enjoying certain freedoms while on electronic monitoring.

I urge your prompt and favorable action on this measure.

Sincerely,



Michael J. Dunleavy
Governor

Enclosure