

CS FOR SENATE BILL NO. 34(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

**Offered:
Referred:**

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

"An Act relating to probation and parole; relating to early termination of probation and parole; relating to restoration of a driver's license; relating to eligibility for discretionary parole; relating to good time; and providing for an effective date."

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

*** Section 1.** AS 12.55.025(c) is amended to read:

(c) Except as provided in (d) of this section, when a defendant is sentenced to imprisonment, the term of confinement commences on the date of imposition of sentence unless the court specifically provides that the defendant must report to serve the sentence on another date. If the court provides another date to begin the term of confinement, the court shall provide the defendant with written notice of the date, time, and location of the correctional facility to which the defendant must report. A defendant shall receive credit for time spent in custody pending trial, sentencing, or appeal, if the detention was in connection with the offense for which the sentence was imposed [INCLUDING A TECHNICAL VIOLATION OF PROBATION AS

1 PROVIDED IN AS 12.55.110]. A defendant may not receive credit for more than the
2 actual time spent in custody pending trial, sentencing, or appeal. The time during
3 which a defendant is voluntarily absent from official detention after the defendant has
4 been sentenced may not be credited toward service of the sentence.

5 * **Sec. 2.** AS 12.55.051(a) is amended to read:

6 (a) If the defendant defaults in the payment of a fine or any installment or of
7 restitution or any installment, the court may order the defendant to show cause why
8 the defendant should not be sentenced to imprisonment for nonpayment and, if the
9 payment was made a condition of the defendant's probation, may revoke the probation
10 of the defendant [SUBJECT TO THE LIMITS SET OUT IN AS 12.55.110]. In a
11 contempt or probation revocation proceeding brought as a result of failure to pay a
12 fine or restitution, it is an affirmative defense that the defendant was unable to pay
13 despite having made continuing good faith efforts to pay the fine or restitution. If the
14 court finds that the defendant was unable to pay despite having made continuing good
15 faith efforts, the defendant may not be imprisoned solely because of the inability to
16 pay. If the court does not find that the default was attributable to the defendant's
17 inability to pay despite having made continuing good faith efforts to pay the fine or
18 restitution, the court may order the defendant imprisoned **until the order of the court**
19 **is satisfied** [SUBJECT TO THE LIMITS SET OUT IN AS 12.55.110]. A term of
20 imprisonment imposed under this section may not exceed one day for each \$50 of the
21 unpaid portion of the fine or restitution or one year, whichever is shorter. Credit shall
22 be given toward satisfaction of the order of the court for every day a person is
23 incarcerated for nonpayment of a fine or restitution.

24 * **Sec. 3.** AS 12.55.090(g) is amended to read:

25 (g) A probation officer **may** [SHALL] recommend to the court that probation
26 be terminated and a defendant be discharged from probation if the defendant

27 (1) [HAS COMPLETED AT LEAST

28 (A) TWO YEARS ON PROBATION IF THE PERSON WAS
29 CONVICTED OF A CLASS A OR CLASS B FELONY THAT IS NOT A
30 CRIME UNDER (5) OF THIS SUBSECTION; OR

31 (B) 18 MONTHS ON PROBATION IF THE PERSON WAS

CONVICTED OF A CRIME THAT IS NOT A CRIME

(i) UNDER (A) OF THIS PARAGRAPH; OR

(ii) UNDER (5) OF THIS SUBSECTION;

(2)] has completed all treatment programs required as a condition of probation;

(2) [(3) HAS NOT BEEN FOUND IN VIOLATION OF CONDITIONS OF PROBATION BY THE COURT FOR THE PERIOD SPECIFIED IN (1) OF THIS SUBSECTION;

(4)] is currently in compliance with all conditions of probation for all of the cases for which the person is on probation; and

(3) [(5)] has not been convicted of an unclassified felony offense, a sexual felony as defined in AS 12.55.185, or a crime involving domestic violence as defined in AS 18.66.990.

* Sec. 4. AS 28.35.030(o) is amended to read:

(o) Upon request, the department shall review a driver's license revocation imposed under (n)(3) of this section and, **unless the revocation was ordered in a case in which the person was also convicted of a crime under AS 11.41.100 - 11.41.210, 11.41.280, 11.41.282, or a similar law in another jurisdiction,**

(1) may restore the driver's license if

(A) the license has been revoked for a period of at least 10 years;

(B) the person has not been convicted of a [DRIVING-RELATED] criminal offense **in the 10 years preceding the request for restoration of** [SINCE] the license [WAS REVOKED]; and

(C) the person provides proof of financial responsibility;

(2) shall restore the driver's license if

(A) the person has been granted limited license privileges under AS 28.15.201(g) and has successfully driven under that limited license for three years without having the limited license privileges revoked;

(B) the person has successfully completed a court-ordered treatment program under AS 28.35.028 or a rehabilitative treatment program

1 under AS 28.15.201(h);

2 (C) the person has not been convicted of a violation of
3 AS 28.35.030 or 28.35.032 or a similar law or ordinance of this or another
4 jurisdiction since the license was revoked;

5 (D) the person is otherwise eligible to have the person's driving
6 privileges restored as provided in AS 28.15.211; in an application under this
7 subsection, a person whose license was revoked for a violation of
8 AS 28.35.030(n) or 28.35.032(p) is not required to submit compliance as
9 required under AS 28.35.030(h) or 28.35.032(l); and

10 (E) the person provides proof of financial responsibility.

11 * **Sec. 5.** AS 28.35.032(q) is amended to read:

12 (q) Upon request, the department shall review a driver's license revocation
13 imposed under (p)(3) of this section and, **unless the revocation was ordered in a**
14 **case in which the person was also convicted of a crime under AS 11.41.100 -**
15 **11.41.210, 11.41.280, 11.41.282, or a similar law in another jurisdiction,** may
16 restore the driver's license if

17 (1) the license has been revoked for a period of at least 10 years;

18 (2) the person has not been convicted of a criminal offense **in the 10**
19 **years preceding the request for restoration of** [SINCE] the license [WAS
20 REVOKED]; and

21 (3) the person provides proof of financial responsibility.

22 * **Sec. 6.** AS 33.05.020(h) is amended to read:

23 (h) The commissioner shall establish by regulation a program **that entitles a**
24 **probationer to a deduction of one-third of the period of probation, rounded off to**
25 **the nearest day, for compliance** [ALLOWING PROBATIONERS TO EARN
26 CREDITS FOR COMPLYING] with the conditions of probation **and for loss of the**
27 **deduction for noncompliance with the conditions** [THE CREDITS EARNED
28 REDUCE THE PERIOD OF PROBATION]. Nothing in this subsection prohibits the
29 department from recommending to the court the early discharge of the probationer as
30 provided in AS 33.30. At a minimum, the regulations must

31 [(1) REQUIRE THAT A PROBATIONER EARN A CREDIT OF 30

1 DAYS FOR EACH 30-DAY PERIOD SERVED IN WHICH THE DEFENDANT
2 COMPLIED WITH THE CONDITIONS OF PROBATION;

3 (2)] include policies and procedures for

4 **(1)** [(A)] calculating and tracking credits earned by probationers;

5 **(2)** [(B)] reducing the probationer's period of probation based on **the**
6 **probationer's compliance with the conditions of probation** [CREDITS EARNED
7 BY THE PROBATIONER]; and

8 **(3)** [(C)] notifying a victim under AS 33.30.013 [;

9 (3) REQUIRE THAT A PROBATIONER CONVICTED OF A SEX
10 OFFENSE AS DEFINED IN AS 12.63.100 OR A CRIME INVOLVING DOMESTIC
11 VIOLENCE AS DEFINED IN AS 18.66.990 COMPLETE ALL TREATMENT
12 PROGRAMS REQUIRED AS A CONDITION OF PROBATION BEFORE
13 DISCHARGE BASED ON CREDITS EARNED UNDER THIS SUBSECTION].

14 * **Sec. 7.** AS 33.05.020 is amended by adding a new subsection to read:

15 (i) A probationer may not be enrolled in the program established under (h) of
16 this section if the probationer is on probation for

17 (1) an unclassified felony;

18 (2) a sex offense as defined in AS 12.63.100;

19 (3) a felony crime against a person under AS 11.41;

20 (4) a crime involving domestic violence, as defined in AS 18.66.990,

21 that is an offense under AS 11.41.

22 * **Sec. 8.** AS 33.05.040(a) is amended to read:

23 (a) A probation officer shall

24 (1) furnish to each probationer under the supervision of the officer a
25 written statement of the conditions of probation and shall instruct the probationer
26 regarding the same;

27 (2) keep informed concerning the conduct and condition of each
28 probationer under the supervision of the officer and shall report on the probationer to
29 the court placing that person on probation;

30 (3) use all suitable methods, not inconsistent with the conditions
31 imposed by the court, to aid probationers and to bring about improvements in their

1 conduct and condition;

2 (4) keep records of the probation work, [INCLUDING
3 ADMINISTRATIVE SANCTIONS AND INCENTIVES THE PROBATION
4 OFFICER IMPOSES UNDER AS 33.05.020(g),] keep accurate and complete
5 accounts of all money collected from persons under the supervision of the officer, give
6 receipts for money collected and make at least monthly returns of it, make the reports
7 to the court and the commissioner required by them, and perform other duties the court
8 may direct;

9 (5) perform duties with respect to persons on parole as the
10 commissioner shall request, and in that service shall be termed a parole officer;

11 (6) [USE ADMINISTRATIVE SANCTIONS AND INCENTIVES
12 DEVELOPED UNDER AS 33.05.020(g) TO RESPOND TO A PROBATIONER'S
13 NEGATIVE AND POSITIVE BEHAVIOR, INCLUDING RESPONSES TO
14 TECHNICAL VIOLATIONS OF CONDITIONS OF PROBATION, IN A WAY
15 THAT IS INTENDED TO INTERRUPT NEGATIVE BEHAVIOR IN A SWIFT,
16 CERTAIN, AND PROPORTIONAL MANNER AND SUPPORT PROGRESS WITH
17 A RECOGNITION OF POSITIVE BEHAVIOR;

18 (7) upon determining that a probationer under the supervision of the
19 officer meets the requirements of AS 12.55.090(g), **consider recommending**
20 [RECOMMEND] to the court [AS SOON AS PRACTICABLE] that probation be
21 terminated and the probationer be discharged from probation;

22 **(7)** [(8)] for each probationer who owes restitution and who is under
23 the supervision of the officer, create a restitution payment schedule based on the
24 probationer's income and ability to pay if the court has not already set a restitution
25 payment schedule;

26 **(8)** [(9)] accommodate the diligent efforts of each probationer to secure
27 and maintain steady employment or to participate in educational courses or training
28 programs when prescribing the times at which a probationer shall report;

29 **(9)** [(10)] permit each probationer to travel in the state to make diligent
30 efforts to secure and maintain steady employment or to participate in educational
31 courses or training programs if the travel is not inconsistent with other terms and

1 conditions of probation;

2 **(10) report on the probationer by making a recommendation to**
3 **the court to revoke probation or to maintain existing probation conditions.**

4 * **Sec. 9.** AS 33.16.060(a) is amended to read:

5 (a) The board shall

6 (1) serve as the parole authority for the state;

7 (2) **upon receiving a prisoner's application,** consider the suitability
8 for parole of **the** [A] prisoner **if the prisoner** [WHO] is eligible for discretionary
9 parole **or** [AT LEAST 90 DAYS BEFORE THE PRISONER'S FIRST DATE OF
10 ELIGIBILITY AND UPON RECEIPT OF THE PRISONER'S APPLICATION FOR]
11 special medical parole;

12 (3) impose parole conditions on all prisoners released under special
13 medical, discretionary, or mandatory parole;

14 (4) under AS 33.16.210, discharge a person from parole when custody
15 is no longer required;

16 (5) maintain records of the meetings and proceedings of the board;

17 (6) recommend to the governor and the legislature changes in the law
18 administered by the board;

19 (7) recommend to the governor or the commissioner changes in the
20 practices of the department and of other departments of the executive branch
21 necessary to facilitate the purposes and practices of parole;

22 (8) upon request of the governor, review and recommend applicants
23 for executive clemency; and

24 (9) execute other responsibilities prescribed by law.

25 * **Sec. 10.** AS 33.16.090(a) is amended to read:

26 (a) A prisoner sentenced to an active term of imprisonment of at least 181
27 days may, in the discretion of the board, be released on discretionary parole if the
28 prisoner

29 (1) has served the amount of time specified under (b) of this section,
30 except that

31 (A) a prisoner sentenced to one or more mandatory 99-year

1 terms under AS 12.55.125(a) or one or more definite terms under
2 AS 12.55.125(l) is not eligible for consideration for discretionary parole;

3 (B) a prisoner is not eligible for consideration of discretionary
4 parole if made ineligible by order of a court under AS 12.55.115;

5 (C) a prisoner imprisoned under AS 12.55.086 is not eligible
6 for discretionary parole unless the actual term of imprisonment is more than
7 one year;

8 **(D) a prisoner sentenced to a single sentence within or**
9 **below a presumptive range set out in AS 12.55.125(c), (d)(2) - (4), (e)(3)**
10 **and (4), or (i) who has not been allowed by the three-judge panel under**
11 **AS 12.55.175 to be considered for discretionary parole release is not**
12 **eligible for consideration of discretionary parole;**

13 **(E) notwithstanding (b)(7)(C) of this section, a sentence that**
14 **is not eligible for a good time deduction under AS 33.20.010(a)(3) and that**
15 **has not been allowed by the three-judge panel under AS 12.55.175 to be**
16 **considered for discretionary parole release is not eligible for consideration**
17 **of discretionary parole; or**

18 (2) is at least 60 years of age, has served at least 10 years of a sentence
19 for one or more crimes in a single judgment, and has not been convicted of an
20 unclassified felony or a sexual felony as defined in AS 12.55.185.

21 * **Sec. 11.** AS 33.16.090(b) is amended to read:

22 (b) A prisoner eligible under (a)(1) of this section who is sentenced

23 (1) to a single sentence under AS 12.55.125(a) or (b) may not be
24 released on discretionary parole until the prisoner has served the mandatory minimum
25 term under AS 12.55.125(a) or (b), **one-half** [ONE-THIRD] of the active term of
26 imprisonment imposed, or any term set under AS 12.55.115, whichever is greatest;

27 (2) to a single sentence within or below a presumptive range set out in
28 AS 12.55.125(i)(1) and (2), and has not been allowed by the three-judge panel under
29 AS 12.55.175 to be considered for discretionary parole release, may not be released on
30 discretionary parole until the prisoner has served the term imposed, less good time
31 earned under AS 33.20.010;

1 (3) to a single sentence under AS 12.55.125(c), (d)(2) - (4), (e)(3) and
2 (4), or (i) [AS 12.55.125(i)], and has been allowed by the three-judge panel under
3 AS 12.55.175 to be considered for discretionary parole release during the second half
4 of the sentence, may not be released on discretionary parole until

5 (A) the prisoner has served that portion of the active term of
6 imprisonment required by the three-judge panel; and

7 (B) in addition to the factors set out in AS 33.16.100(a), the
8 board determines that

9 (i) the prisoner has successfully completed all
10 rehabilitation programs ordered by the three-judge panel that were
11 made available to the prisoner; and

12 (ii) the prisoner would not constitute a danger to the
13 public if released on parole;

14 (4) to a single enhanced sentence under AS 12.55.155(a) that is above
15 the applicable presumptive range may not be released on discretionary parole until the
16 prisoner has served the greater of the following:

17 (A) an amount of time, less good time earned under
18 AS 33.20.010, equal to the upper end of the presumptive range plus one-fourth
19 of the amount of time above the presumptive range; or

20 (B) any term set under AS 12.55.115;

21 (5) to a single sentence under any other provision of law may not be
22 released on discretionary parole until the prisoner has served at least one-fourth of the
23 active term of imprisonment, any mandatory minimum sentence imposed under any
24 provision of law, or any term set under AS 12.55.115, whichever is greatest;

25 (6) to concurrent sentences may not be released on discretionary parole
26 until the prisoner has served the greatest of

27 (A) any mandatory minimum sentence or sentences imposed
28 under any provision of law;

29 (B) any term set under AS 12.55.115; or

30 (C) the amount of time that is required to be served under (1) -
31 (5) or (8) of this subsection for the sentence imposed for the primary crime,

1 had that been the only sentence imposed;

2 (7) to consecutive or partially consecutive sentences may not be
3 released on discretionary parole until the prisoner has served the greatest of

4 (A) the composite total of any mandatory minimum sentence or
5 sentences imposed under any provision of law, including AS 12.55.127;

6 (B) any term set under AS 12.55.115; or

7 (C) the amount of time that is required to be served under (1) -
8 (5) **or (8)** of this subsection for the sentence imposed for the primary crime,
9 had that been the only sentence imposed, plus one-quarter of the composite
10 total of the active term of imprisonment imposed as consecutive or partially
11 consecutive sentences imposed for all crimes other than the primary crime;

12 (8) to a single sentence under **AS 12.55.125(d) for an offense under**
13 **AS 11.71.030(a)(1) or (2)** [AS 12.55.125(i)(3) AND (4)], and has not been allowed by
14 the three-judge panel under AS 12.55.175 to be considered for discretionary parole
15 release, may not be released on discretionary parole until the prisoner has served [,
16 AFTER A DEDUCTION FOR GOOD TIME EARNED UNDER AS 33.20.010,] one-
17 half of the active term of imprisonment imposed.

18 * **Sec. 12.** AS 33.16.100(a) is amended to read:

19 (a) The board may authorize the release of a prisoner [CONVICTED OF AN
20 UNCLASSIFIED FELONY] who is otherwise eligible under AS 12.55.115 and
21 AS 33.16.090(a)(1) on discretionary parole if it determines a reasonable probability
22 exists that

23 (1) the prisoner will live and remain at liberty without violating any
24 laws or conditions imposed by the board;

25 (2) the prisoner's rehabilitation and reintegration into society will be
26 furthered by release on parole;

27 (3) the prisoner will not pose a threat of harm to the public if released
28 on parole; and

29 (4) release of the prisoner on parole would not diminish the
30 seriousness of the crime.

31 * **Sec. 13.** AS 33.16.100 is amended by adding a new subsection to read:

1 (h) If the board considers an application for discretionary parole and denies
2 parole because the prisoner does not meet the standards in (a) or (g) of this section, the
3 board may make the prisoner ineligible for further consideration of discretionary
4 parole or require that additional time be served before the prisoner is again eligible for
5 consideration for discretionary parole.

6 * **Sec. 14.** AS 33.16.130(a) is repealed and reenacted to read:

7 (a) A prisoner eligible for discretionary parole may apply to the board for
8 discretionary parole. As part of the application for parole, the prisoner shall submit to
9 the board a parole release plan that includes information concerning the prisoner's plan
10 for employment, residence, and rehabilitation if released on parole.

11 * **Sec. 15.** AS 33.16.130(b) is amended to read:

12 (b) **Before the board determines a prisoner's suitability for discretionary**
13 **parole, the prisoner is entitled to a hearing before the board.** The
14 [COMMISSIONER OR THE COMMISSIONER'S DESIGNEE SHALL FURNISH
15 TO THE] prisoner **shall be furnished** a copy of the preparole reports listed in
16 AS 33.16.110(a), and the prisoner shall be permitted access to all records that the
17 board will consider in making its decision except those that are made confidential by
18 law. The prisoner may also respond in writing to all materials the board considers, be
19 present at the hearing, and present evidence to the board.

20 * **Sec. 16.** AS 33.16.210(c) is amended to read:

21 (c) A parole officer **may** [SHALL] recommend to the board early discharge
22 for a parolee who

23 (1) has completed at least one year on parole;

24 (2) has completed all treatment programs required as a condition of
25 parole;

26 (3) **is currently in compliance with all conditions of parole for all**
27 **of the cases for which the person is on parole** [HAS NOT BEEN FOUND IN
28 VIOLATION OF CONDITIONS OF PAROLE BY THE BOARD FOR AT LEAST
29 ONE YEAR]; and

30 (4) has not been convicted of

31 (A) an unclassified felony offense under AS 11;

1 (B) a sexual felony as defined in AS 12.55.185; or

2 (C) a crime involving domestic violence as defined in
3 AS 18.66.990.

4 * **Sec. 17.** AS 33.16.220(b) is amended to read:

5 (b) Except as provided in (e) of this section, within 15 working days after the
6 arrest and incarceration of a parolee for violation of a condition of parole [, OTHER
7 THAN A TECHNICAL VIOLATION UNDER AS 33.16.215], the board or its
8 designee shall hold a preliminary hearing. At the preliminary hearing, the board or its
9 designee shall determine if there is probable cause to believe that the parolee violated
10 the conditions of parole and, when probable cause exists, whether the parolee should
11 be released pending a final revocation hearing. A finding of probable cause at a
12 preliminary hearing in a criminal case is conclusive proof of probable cause that a
13 parole violation occurred.

14 * **Sec. 18.** AS 33.16.220(i) is amended to read:

15 (i) If, after the final revocation hearing, the board finds that the parolee has
16 violated a condition of parole imposed under AS 33.16.150(a), (b), or (f), or a law or
17 ordinance, the board may revoke all or a portion of the remaining period of parole
18 [SUBJECT TO THE LIMITS SET OUT IN AS 33.16.215,] or change any condition
19 of parole. A parolee's period of parole is tolled from the date of filing with the parole
20 board of a violation report **until the date of the final revocation hearing** [FOR
21 ABSCONDING AND THE DATE OF THE PAROLEE'S ARREST, IF THE
22 PAROLE BOARD FINDS, AFTER A HEARING, THAT THE PAROLEE
23 VIOLATED PAROLE BY ABSCONDING, AS DEFINED IN AS 33.16.215(f). THE
24 BOARD MAY NOT EXTEND THE PERIOD OF PAROLE BEYOND THE
25 MAXIMUM RELEASE DATE CALCULATED BY THE DEPARTMENT ON THE
26 PAROLEE'S ORIGINAL SENTENCE PLUS ANY TIME THAT HAS BEEN
27 TOLLED AS DESCRIBED IN THIS SECTION].

28 * **Sec. 19.** AS 33.16.270 is amended to read:

29 **Sec. 33.16.270. Compliance [EARNED COMPLIANCE] credits.** The
30 commissioner shall establish by regulation a program **that entitles a parolee to a**
31 **deduction of one-third of the period of parole, rounded off to the nearest day, for**

1 **compliance** [ALLOWING PAROLEES TO EARN CREDITS FOR COMPLYING]
2 with the conditions of parole **and for loss of the deduction for noncompliance with**
3 **the conditions** [THE EARNED COMPLIANCE CREDITS REDUCE THE PERIOD
4 OF PAROLE]. Nothing in this section prohibits the department from recommending
5 to the board the early discharge of the parolee as provided in this chapter. At a
6 minimum, the regulations must

7 [(1) REQUIRE THAT A PAROLEE EARN A CREDIT OF 30 DAYS
8 FOR EACH 30-DAY PERIOD SERVED IN WHICH THE PAROLEE COMPLIED
9 WITH THE CONDITIONS OF PAROLE;

10 (2)] include policies and procedures for

11 **(1)** [(A)] calculating and tracking credits earned by parolees;

12 **(2)** [(B)] reducing the parolee's period of parole based on **the parolee's**
13 **compliance with the conditions of parole;** [CREDITS EARNED BY THE
14 PAROLEE] and

15 **(3)** notifying a victim under AS 33.30.013 [;

16 (3) REQUIRE THAT A PAROLEE CONVICTED OF A SEX
17 OFFENSE AS DEFINED IN AS 12.63.100 OR A CRIME INVOLVING DOMESTIC
18 VIOLENCE COMPLETE ALL TREATMENT PROGRAMS REQUIRED AS A
19 CONDITION OF PAROLE BEFORE DISCHARGE BASED ON CREDITS
20 EARNED UNDER THIS SECTION].

21 * **Sec. 20.** AS 33.16.270 is amended by adding a new subsection to read:

22 (b) A parolee may not earn credits under (a) of this section if the parolee is on
23 parole for

24 (1) an unclassified felony;

25 (2) a sex offense as defined in AS 12.63.100;

26 (3) a felony crime against a person under AS 11.41;

27 (4) a crime involving domestic violence, as defined in AS 18.66.990,

28 that is an offense under AS 11.41.

29 * **Sec. 21.** AS 33.20.010(c) is repealed and reenacted to read:

30 (c) A prisoner may not be awarded a good time deduction under (a) of this
31 section for any period spent in a treatment program, in a private residence, or on

1 electronic monitoring.

2 * **Sec. 22.** AS 44.19.645(g) is amended to read:

3 (g) The Department of Corrections shall report quarterly to the working group
4 authorized in (b)(3) of this section. The report shall include the following information:

5 (1) data on pretrial decision making and outcomes, including
6 information on pretrial detainees admitted for a new criminal charge; detainees
7 released at any point before case resolution; time spent detained before first release or
8 case resolution; pretrial defendant risk level and charge; pretrial release
9 recommendations made by pretrial services officers; pretrial conditions imposed on
10 pretrial detainees by judicial officers, including amount of bail, and supervision
11 conditions; and information on pretrial outcomes, including whether or not the
12 defendant appeared in court or was re-arrested during the pretrial period;

13 (2) data on offenders admitted to the Department of Corrections for a
14 new criminal conviction, including the offense type, number of prior felony
15 convictions, sentence length, and length of stay;

16 (3) data on the population of the Department of Corrections, using a
17 one-day snapshot on the first day of the first month of each quarter, broken down by
18 type of admission, offense type, and risk level;

19 (4) data on offenders on probation supervised by the Department of
20 Corrections, including the total number of offenders supervised using a one-day
21 snapshot on the first month of each quarter; admissions to probation; assignments to a
22 program under AS 33.05.020(f); probation sentence length; time served on the
23 sentence; whether probation was successfully completed, any new convictions for a
24 felony offense, and any sentences to a term of imprisonment while on probation;

25 (5) data on parole, including the number of offenders supervised on
26 parole, using a one-day snapshot on the first month of each quarter; the number of
27 parole hearings; the parole grant rate and number of parolees released on discretionary
28 and special medical parole; and information on parolees, including time spent on
29 parole, whether parole was successfully completed, any new convictions for a new
30 felony offense, and any sentences to a term of imprisonment while on parole;

31 (6) data on the implementation of policies from the 2015 justice

1 reinvestment report, including the number and percentage of offenders who earn
2 compliance credits under AS 33.05.020(h) or AS 33.16.270 in one or more months,
3 and the total amount of credits earned; [THE AVERAGE NUMBER OF
4 SANCTIONS ISSUED UNDER AS 33.05.020(g) BEFORE A PETITION TO
5 REVOKE PROBATION OR PAROLE IS FILED;] and the most common violations
6 of probation or parole; and

7 (7) data on probation and parole revocations, including information on
8 probationers and parolees admitted for a supervision violation pre-case and post-case
9 resolution; [PROBATIONERS AND PAROLEES ADMITTED SOLELY FOR A
10 TECHNICAL VIOLATION;] probationers and parolees admitted for a new arrest; the
11 number of previous revocations on the current sentence, if any; the length of time held
12 pre-case resolution; the length of time to case resolution; and the length of stay.

13 * **Sec. 23.** AS 12.30.055(b); 12.55.100(a)(2)(H), 12.55.110(c), 12.55.110(d), 12.55.110(e),
14 12.55.110(f), 12.55.110(g), 12.55.110(h); AS 33.05.020(g), 33.05.080(1);
15 AS 33.16.090(b)(2), 33.16.100(f), 33.16.180(8), 33.16.210(b), 33.16.215, 33.16.220(j),
16 33.16.240(h), 33.16.900(2); and AS 33.20.010(a)(4) are repealed.

17 * **Sec. 24.** The uncodified law of the State of Alaska is amended by adding a new section to
18 read:

19 REPORT ON REHABILITATIVE SERVICES. The Department of Corrections shall
20 develop a needs assessment of all rehabilitative services for each institution, including
21 education, treatment, vocational education, secular and faith-based, and pro-social programs.
22 On or before January 31, 2020, the Department of Corrections shall provide a written report
23 regarding the needs assessments to the senate secretary and chief clerk of the house of
24 representatives and notify the legislature that the report is available.

25 * **Sec. 25.** The uncodified law of the State of Alaska is amended by adding a new section to
26 read:

27 APPLICABILITY. (a) The following sections apply to sentences imposed on or after
28 the effective date of those sections for conduct occurring on or after the effective date of those
29 sections:

30 (1) AS 12.55.025(c), as amended by sec. 1 of this Act;

31 (2) AS 12.55.051(a), as amended by sec. 2 of this Act;

1 (3) AS 33.16.090(a), as amended by sec. 10 of this Act; and

2 (4) AS 33.16.090(b), as amended by sec. 11 of this Act.

3 (b) The following sections apply to probation ordered on or after the effective date of
4 those sections for conduct occurring on or after the effective date of those sections:

5 (1) AS 12.55.090(g), as amended by sec. 3 of this Act;

6 (2) AS 33.05.020(h), as amended by sec. 6 of this Act;

7 (3) AS 33.05.020(i), enacted by sec. 7 of this Act; and

8 (4) AS 33.05.040(a), as amended by sec. 8 of this Act.

9 (c) The following sections apply to parole ordered on or after the effective date of
10 those sections for conduct occurring on or after the effective date of those sections:

11 (1) AS 33.16.060(a), as amended by sec. 9 of this Act;

12 (2) AS 33.16.100(h), enacted by sec. 13 of this Act;

13 (3) AS 33.16.130(a), as repealed and reenacted by sec. 14 of this Act;

14 (4) AS 33.16.130(b), as amended by sec. by sec. 15 of this Act;

15 (5) AS 33.16.210(c), as amended by sec. 16 of this Act;

16 (6) AS 33.16.220(b), as amended by sec. 17 of this Act;

17 (7) AS 33.16.220(i), as amended by sec. 18 of this Act;

18 (8) AS 33.16.270, as amended by sec. 19 of this Act;

19 (9) AS 33.16.270(b), enacted by sec. 20 of this Act; and

20 (10) AS 33.20.010(c), as repealed and reenacted by sec. 21 of this Act.

21 (d) AS 33.16.100(a), as amended by sec. 12 of this Act, applies to parole granted on
22 or after the effective date of sec. 12 of this Act, for conduct occurring before, on, or after the
23 effective date of this Act.

24 (e) AS 28.35.030(o), as amended by sec. 4 of this Act, and AS 28.35.032(q), as
25 amended by sec. 5 of this Act, apply to revocation of a driver's license occurring before, on,
26 or after the effective date of this Act, for conduct occurring before, on, or after the effective
27 date of this Act.

28 * **Sec. 26.** This Act takes effect July 1, 2019.