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SENATOR Löki Gale Tobin

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SB 176 Board of Parole Membership Sectional Analysis

Section 1 – Amends AS. 33.16.020 (a) to expand the Alaska Board of Parole from five to seven members. As in current statute, these members are appointed by the Governor and subject to legislative confirmation.

Section 2 – Amends AS 33.16.020 (b) by applying term limits of two five-year terms to members, replacing current statute which states that members shall serve staggered five-year terms, until their successors are appointed.

Section 3 - Modifies AS 33.16.030 *selection criteria for board members*. SB 176 repeals AS 33.16.030 (b) which requires one member to have experience in the field of criminal justice. Section 3 creates specific seats on the board, requiring one member to be a licensed physician; one to be a victim of a crime, family member of a victim, or a member of a crime victim’s advocacy group; one member to have experience in drug or alcohol addiction recovery support; one member to have a felony conviction who has been unconditionally discharged; and one member to be part of a federally recognized tribe in the state.

Section 4 – Amends AS 33.16.030 (c) by adding the requirement that not more than three of the board members may be current or former employees of a correctional institution.

Section 5 – Amends AS 33.16.030 by adding a definitions section to include definitions for designated seats on the Board of Parole.

The definition of “federally recognized tribe” at AS 23.20.520 is as follows: *“a tribe that is recognized by the United States Secretary of the Interior to exist as an Indian tribe under 25 U.S.C. 5131 (Federally Recognized Indian Tribe List Act of 1994); and includes any subdivision, subsidiary, or business enterprise wholly owned by a federally recognized tribe”*

The definition of “unconditionally discharged” at AS 12.55.185 is as follows: *“unconditional discharge” means that a defendant is released from all disability arising under a sentence, including probation and parole*

Section 6 – Repeals language at AS 33.16.085(a)(2)(C), 33.15.100(a)(4), and 33.16.100(g)(4) requiring the board to consider, among other factors, whether granting of discretionary or special medical parole would “diminish the seriousness of the crime”. This language has been cited in

numerous board decisions to deny parole to individuals who may be eligible for parole based on the other factors which SB 176 leaves intact.

Section 7 – Uncodified law specifying that a member of the board who has previously served two or more terms may finish their term but shall not be reappointed.

Section 8 – Establishes the effective date as January 1, 2025.