

FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION

No. 2
Bill Version: SB1
(S) Publish Date: 3-18-99

Revision Date: _____
Title: "An Act relating to good time and release on mandatory Parole"
Sponsor: Senator Donley
Requestor: (S) JUD

Department Affected: Administration
BRU: Legal and Advocacy Services
Component: Public Defender Agency

COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
PERSONAL SERVICES	**	**	**	**	**	**
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	**	**	**	**	**	**
CAPITAL EXPENDITURES	**	**	**	**	**	**
CHANGE IN REVENUES ()	**	**	**	**	**	**

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts	**	**	**	**	**	**
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	**	**	**	**	**	**

Estimate of any current year (FY 98) cost: \$ _____

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

See attached.

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Division: Public Defender Agency

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Date: _____

Approved by Commissioner: Robert Poe Jr.
Agency: Department of Administration

Date: 3/12/99

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This bill would make prisoners without high school diplomas or GEDs ineligible for mandatory release parole unless they are "incapable of obtaining" diplomas or equivalents. However, the bill does not say who checks out the prisoners' high school and GED records, who decides whether prisoners are "incapable" of obtaining diplomas, or whether the Department of Corrections must make the opportunity to obtain a GED available to prisoners. #2

Because of these uncertainties, the Public Defender Agency does not know if the courts would appoint the Agency to represent prisoners affected by this bill if it were enacted. Therefore, an indeterminate fiscal note is submitted.

Under current law, prisoners can be ordered by the court to participate in rehabilitative programs if they are "made available" by the Department of Corrections. AS 12.55.015(a)(10) If prisoners do not participate, their mandatory release parole can be "anticipatorily" revoked (revoked before the prisoner is released). AS 33.16.220(a) (Anticipatory revocation is equivalent to a loss of all a prisoner's "good time" credits.) The Parole Board makes the decision on whether mandatory release parole is revoked. The prisoner has a right to an appointed attorney -- usually the Public Defender Agency. The anticipatory revocation process was recently approved by the Alaska Court of Appeals in Webb v. State.

On the other hand, the Public Defender Agency does not represent prisoners in lawsuits or hearings about conditions of confinement, transfers, and in prison disciplinary matters. AS 18.85.100

Because we are uncertain about which of the above categories this legislation belongs in, we are submitting an indeterminate fiscal note.