

**HOUSE BILL NO. 511**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Introduced: 3/26/02

Referred: Health, Education and Social Services, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to special medical parole and prisoners who are severely medically or  
2 mentally disabled."

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

4 \* **Section 1.** AS 33.16.085(a) is amended to read:

5 (a) Notwithstanding a presumptive, mandatory, or mandatory minimum term a  
6 prisoner may be serving or any restriction on parole eligibility under AS 12.55, a  
7 prisoner who is serving a term of at least 181 days, may, upon application by the  
8 prisoner or the commissioner, be released by the board on special medical parole if the  
9 board determines **that**

10 (1) [FOR A PRISONER CONVICTED OF

11 (A) AN OFFENSE OTHER THAN A VIOLATION OF  
12 AS 11.41.434 - 11.41.438, THAT] the prisoner is severely medically **or**  
13 **mentally** disabled [OR A QUADRIPLÉGIC] as certified in writing by a  
14 physician licensed under AS 08.64 [, WAS NOT SEVERELY MEDICALLY

1 DISABLED OR A QUADRIPLAGIC AT THE TIME THE PRISONER  
 2 COMMITTED THE OFFENSE OR PAROLE OR PROBATION  
 3 VIOLATION FOR WHICH THE PRISONER IS PRESENTLY  
 4 INCARCERATED; OR

5 (B) A VIOLATION OF AS 11.41.434 - 11.41.438, THAT  
 6 THE PRISONER IS A QUADRIPLAGIC AS CERTIFIED BY A  
 7 PHYSICIAN LICENSED UNDER AS 08.64 AND WAS NOT A  
 8 QUADRIPLAGIC AT THE TIME THE PRISONER COMMITTED THE  
 9 OFFENSE OR PAROLE OR PROBATION VIOLATION FOR WHICH THE  
 10 PRISONER IS PRESENTLY INCARCERATED]; [AND]

11 (2) [THAT] a reasonable probability exists that

12 (A) the prisoner will live and remain at liberty without  
 13 violating any laws or conditions imposed by the board;

14 (B) because of the prisoner's medical or mental disability  
 15 [BEING SEVERELY MEDICALLY DISABLED OR A QUADRIPLAGIC],  
 16 the prisoner will not pose a threat of harm to the public if released on parole;  
 17 and

18 (C) release of the prisoner on parole would not diminish the  
 19 seriousness of the crime;

20 (3) the care and supervision that the prisoner requires can be  
 21 provided in a more medically appropriate or cost-effective manner than by the  
 22 department;

23 (4) the prisoner is physically or mentally incapacitated to an extent  
 24 that incarceration does not impose significant additional restrictions on the  
 25 prisoner; and

26 (5) the prisoner is expected to remain subject to the medical or  
 27 mental disability throughout the entire period of parole and there is no  
 28 reasonable expectation that the prisoner's medical or mental disability will  
 29 improve noticeably.

30 \* Sec. 2. AS 33.16.900(11) is amended to read:

31 (11) "severely medically or mentally disabled" means that a person

1 has a medical or cognitive condition that substantially reduces [ELIMINATES] the  
 2 [PHYSICAL] ability to commit an offense similar to the offense for which the person  
 3 was convicted or to commit an offense in violation of AS 11.41 that is punishable as a  
 4 felony, and the person is likely to

5 (A) remain subject to the medical or mental condition  
 6 [THROUGHOUT THE ENTIRE PERIOD OF PAROLE]; or

7 (B) die from the medical or mental condition;

8 \* **Sec. 3.** AS 33.30.017(c) is amended to read:

9 (c) The provisions of (b) of this section do not apply to prisoners

10 (1) who are

11 (A) developmentally disabled; or

12 (B) severely medically or mentally disabled, as that term is  
 13 defined in AS 33.16.900;

14 (2) who are housed in a mental health unit or psychiatric unit of a state  
 15 correctional facility; or

16 (3) while placed in a state correctional facility awaiting classification  
 17 under classification procedures for the purpose of making the appropriate assignment  
 18 of the prisoner.