

**SENATE BILL NO. 223**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SECOND LEGISLATURE - FIRST SESSION

**BY SENATOR DONLEY**

**Introduced: 5/3/01**

**Referred: Judiciary, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act referencing the award of good time and restricting release on mandatory parole**  
2 **for prisoners serving certain sentences who fail to attain certain minimum educational**  
3 **standards; relating to eligibility for a permanent fund dividend for persons convicted of**  
4 **and incarcerated for certain offenses; and providing for an effective date."**

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

6 **\* Section 1.** AS 33.16.010(c) is amended to read:

7 (c) A prisoner who is not eligible for discretionary parole, or who is not  
8 released on discretionary parole, shall be released on mandatory parole for the term of  
9 good time deductions credited under AS 33.20 [,] if the **prisoner is eligible under (a)**  
10 **of this section** [TERM OR TERMS OF IMPRISONMENT ARE TWO YEARS OR  
11 MORE].

12 **\* Sec. 2.** AS 33.20.010(a) is amended to read:

13 (a) Notwithstanding AS 12.55.125(f)(3) and 12.55.125(g)(3), a prisoner  
14 convicted of an offense against the state or a political subdivision of the state and

1 sentenced to a term **or terms** of imprisonment

2 **(1) of two years or more** [THAT EXCEEDS THREE DAYS] is  
3 entitled to a deduction of **either**

4 **(A) one-third of the term or terms of imprisonment rounded**  
5 **off to the nearest day if the prisoner follows the rules of the correctional**  
6 **facility in which the prisoner is confined and the prisoner either**

7 **(i) attains or has attained a high school diploma, a**  
8 **general education development diploma, or an equivalent diploma**  
9 **before being incarcerated or while incarcerated if the program is**  
10 **made available to the prisoner;**

11 **(ii) is incapable of attaining a diploma or its**  
12 **equivalent; or**

13 **(iii) does not speak English as the prisoner's primary**  
14 **language and, due to the prisoner's age and social background, the**  
15 **commissioner determines that the prisoner cannot reasonably be**  
16 **expected to meet an educational requirement; or**

17 **(B) one-twelfth of the term or terms of imprisonment**  
18 **rounded off to the nearest day if the prisoner follows the rules of the**  
19 **correctional facility in which the prisoner is confined and the prisoner**  
20 **does not qualify for a one-third deduction under (A) of this paragraph;**

21 **(2) that exceed three days but less than two years is entitled to a**  
22 **deduction of one-third of the term or terms of imprisonment rounded off to the**  
23 **nearest day if the prisoner follows the rules of the correctional facility in which**  
24 **the prisoner is confined.** [A PRISONER IS NOT ELIGIBLE FOR A GOOD TIME  
25 DEDUCTION IF THE PRISONER HAS BEEN SENTENCED TO A

26 (1) MANDATORY 99-YEAR TERM OF IMPRISONMENT UNDER  
27 AS 12.55.125(a) AFTER JUNE 27, 1996; OR

28 (2) DEFINITE TERM UNDER AS 12.55.125(l)].

29 \* **Sec. 3.** AS 33.20.010 is amended by adding a new subsection to read:

30 (c) A prisoner is not eligible for a good time deduction if the prisoner has been  
31 sentenced to a

1 (1) mandatory 99-year term of imprisonment under AS 12.55.125(a)  
2 after June 27, 1996; or

3 (2) definite term under AS 12.55.125(l).

4 \* **Sec. 4.** AS 43.23.005(d) is amended to read:

5 (d) Notwithstanding the provisions of (a) - (c) of this section, an individual is  
6 not eligible for a permanent fund dividend for a dividend year when

7 (1) during the qualifying year, the individual was sentenced as a result  
8 of conviction in this state of a felony;

9 (2) during all or part of

10 **(A) either of the two calendar years immediately preceding**  
11 **that dividend year, the individual was incarcerated as a result of the**  
12 **conviction in this state of a felony; or**

13 **(B)** the qualifying year, the individual was incarcerated as a  
14 result of the conviction in this state of a

15 [(A) FELONY; OR

16 (B)] misdemeanor if the individual has been convicted of

17 **(i) a prior felony as defined in AS 11.81.900; or**

18 **(ii)** two or more prior **misdemeanors** [CRIMES] as  
19 defined in AS 11.81.900.

20 \* **Sec. 5.** AS 43.23.028(a) is amended to read:

21 (a) By October 1 of each year, the commissioner shall give public notice of  
22 the value of each permanent fund dividend for that year and notice of the information  
23 required to be disclosed under (3) of this subsection. In addition, the stub attached to  
24 each individual dividend check and direct deposit advice must

25 (1) disclose the amount of each dividend attributable to income earned  
26 by the permanent fund from deposits to that fund required under art. IX, sec. 15,  
27 Constitution of the State of Alaska;

28 (2) disclose the amount of each dividend attributable to income earned  
29 by the permanent fund from appropriations to that fund and from amounts added to  
30 that fund to offset the effects of inflation;

31 (3) disclose the amount by which each dividend has been reduced due

1 to each appropriation from the dividend fund, including amounts to pay the costs of  
 2 administering the dividend program and the hold harmless provisions of  
 3 AS 43.23.075;

4 (4) include a statement that an individual is not eligible for a dividend  
 5 when

6 (A) during the qualifying year, the individual was convicted of  
 7 a felony;

8 (B) during all or part of

9 (i) the qualifying year or the year preceding the  
 10 qualifying year, the individual was incarcerated as a result of the  
 11 conviction of a felony; or

12 (ii) the qualifying year, the individual was incarcerated  
 13 as a result of the conviction of a

14 [(i) FELONY; OR

15 (ii)] misdemeanor if the individual has been convicted  
 16 of a prior felony or two or more prior misdemeanors [CRIMES];

17 (5) include a statement that the legislative purpose for making  
 18 individuals listed under (4) of this subsection ineligible is to

19 (A) obtain reimbursement for some of the costs imposed on the  
 20 state criminal justice system related to incarceration or probation of those  
 21 individuals;

22 (B) provide funds for services for and payments to crime  
 23 victims and for grants for the operation of domestic violence and sexual assault  
 24 programs;

25 (6) disclose the total amount that would have been paid during the  
 26 previous fiscal year to individuals who were ineligible to receive dividends under  
 27 AS 43.23.005(d) if they had been eligible;

28 (7) disclose the total amount appropriated for the current fiscal year  
 29 under (b) of this section for each of the funds and agencies listed in (b) of this section.

30 \* **Sec. 6.** The changes made to AS 33.16.010 and AS 33.20.010 by this Act apply to  
 31 persons convicted of crimes committed on or after the effective date of this Act.

1 \* **Sec. 7.** This Act takes effect immediately under AS 01.10.070(c).