

AMENDMENT #31

Josephson

OFFERED IN THE HOUSE

TO: HCS CSSB 54(FIN)

1 Page 27, following line 23:

2 Insert a new bill section to read:

3 **** Sec. 46.** AS 33.16.090(b) is amended to read:

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

5 (1) to a single sentence under AS 12.55.125(a) or (b) may not be
6 released on discretionary parole until the prisoner has served the mandatory minimum
7 term under AS 12.55.125(a) or (b), one-third of the active term of imprisonment
8 imposed, or any term set under AS 12.55.115, whichever is greatest;

9 (2) to a single sentence within or below a presumptive range set out in
10 AS 12.55.125(c)(2)(A), (3), and (4), (d)(3) and (4), (e)(3), and (i)(1), (2), and (3)(D)
11 and (E) [AS 12.55.125(i)(1) AND (2)], and has not been allowed by the three-judge
12 panel under AS 12.55.175 to be considered for discretionary parole release, may not
13 be released on discretionary parole until the prisoner has served the term imposed, less
14 good time earned under AS 33.20.010;

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

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

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

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

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

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

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

12 (B) any term set under AS 12.55.115;

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

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

19 (A) any mandatory minimum sentence or sentences imposed
20 under any provision of law;

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

22 (C) the amount of time that is required to be served under (1) -
23 (5) of this subsection for the sentence imposed for the primary crime, had that
24 been the only sentence imposed;

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

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

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) of this subsection for the sentence imposed for the primary crime, had that

1 been the only sentence imposed, plus one-quarter of the composite total of the
2 active term of imprisonment imposed as consecutive or partially consecutive
3 sentences imposed for all crimes other than the primary crime.

4 (8) to a single sentence under AS 12.55.125(i)(3)(A) - (C)
5 [AS 12.55.125(i)(3)] and (4), and has not been allowed by the three-judge panel under
6 AS 12.55.175 to be considered for discretionary parole release, may not be released on
7 discretionary parole until the prisoner has served, after a deduction for good time
8 earned under AS 33.20.010, one-half of the active term of imprisonment imposed."

9
10 Renumber the following bill sections accordingly.

11
12 Page 43, line 1:

13 Delete "sec. 59"

14 Insert "sec. 60"

15
16 Page 43, line 13:

17 Delete "sec. 49"

18 Insert "sec. 50"

19
20 Page 43, line 14:

21 Delete "sec. 49"

22 Insert "sec. 50"

23
24 Page 43, line 17:

25 Delete "69"

26 Insert "70"

27
28 Page 43, line 20:

29 Delete "Section 69"

30 Insert "Section 70"

31

- 1 Page 43, line 24:
- 2 Delete "SEC. 66"
- 3 Insert "SEC. 67"
- 4
- 5 Page 43, line 25:
- 6 Delete "Section 66"
- 7 Insert "Section 67"
- 8
- 9 Page 44, line 5:
- 10 Delete "sec. 72"
- 11 Insert "sec. 73"
- 12 Delete "sec. 66"
- 13 Insert "sec. 67"
- 14
- 15 Page 44, line 8:
- 16 Delete "sec. 71(a)"
- 17 Insert "sec. 72(a)"
- 18
- 19 Page 44, line 10:
- 20 Delete "sec. 69"
- 21 Insert "sec. 70"
- 22 Delete "sec. 71(b)"
- 23 Insert "sec. 72(b)"
- 24
- 25 Page 44, line 12:
- 26 Delete "Section 68"
- 27 Insert "Section 69"
- 28
- 29 Page 44, line 13:
- 30 Delete "sec. 76"
- 31 Insert "sec. 77"

1

2 Page 44, line 15:

3 Delete "secs. 73 - 78"

4 Insert "secs. 74 - 79"