

AMENDMENT #39

OFFERED IN THE HOUSE

BY REPRESENTATIVE REINBOLD

TO: HCS CSSB 54(FIN)

1 Page 27, line 11, through page 28, line 3:

2 Delete all material and insert:

3 "[1)] has served the amount of time specified under (b) of this section,
4 except that

5 (1) [(A)] a prisoner sentenced to one or more mandatory 99-year terms
6 under AS 12.55.125(a) or one or more definite terms under AS 12.55.125(l) is not
7 eligible for consideration for discretionary parole;

8 (2) [(B)] a prisoner is not eligible for consideration of discretionary
9 parole if made ineligible by order of a court under AS 12.55.115;

10 (3) [(C)] a prisoner imprisoned under AS 12.55.086 is not eligible for
11 discretionary parole unless the actual term of imprisonment is more than one year [;
12 OR

13 (2) IS AT LEAST 60 YEARS OF AGE, HAS SERVED AT LEAST
14 10 YEARS OF A SENTENCE FOR ONE OR MORE CRIMES IN A SINGLE
15 JUDGMENT, AND HAS NOT BEEN CONVICTED OF AN UNCLASSIFIED
16 FELONY OR A SEXUAL FELONY AS DEFINED IN AS 12.55.185].

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

18 (b) A prisoner eligible under (a) [(a)(1)] of this section who is sentenced

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

23 (2) to a single sentence within or below a presumptive range set out in

1 AS 12.55.125(c), (d)(2) - (4), (e)(3) and (4), or (i) [AS 12.55.125(i)(1) AND (2)], and
 2 has not been allowed by the three-judge panel under AS 12.55.175 to be considered
 3 for discretionary parole release, may not be released on discretionary parole until the
 4 prisoner has served the term imposed, less good time earned under AS 33.20.010;

5 (3) to a single sentence under AS 12.55.125(c), (d)(2) - (4), (e)(3) and
 6 (4), or (i) [AS 12.55.125(i)], and has been allowed by the three-judge panel under
 7 AS 12.55.175 to be considered for discretionary parole release during the second half
 8 of the sentence, may not be released on discretionary parole until

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

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

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

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

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

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

24 (B) any term set under AS 12.55.115;

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

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

31 (A) any mandatory minimum sentence or sentences imposed

1 under any provision of law;

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

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

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

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

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

11 (C) the amount of time that is required to be served under (1) -
12 (5) of this subsection for the sentence imposed for the primary crime, had that
13 been the only sentence imposed, plus one-quarter of the composite total of the
14 active term of imprisonment imposed as consecutive or partially consecutive
15 sentences imposed for all crimes other than the primary crime.

16 [(8) TO A SINGLE SENTENCE UNDER AS 12.55.125(i)(3) AND
17 (4), AND HAS NOT BEEN ALLOWED BY THE THREE-JUDGE PANEL UNDER
18 AS 12.55.175 TO BE CONSIDERED FOR DISCRETIONARY PAROLE RELEASE,
19 MAY NOT BE RELEASED ON DISCRETIONARY PAROLE UNTIL THE
20 PRISONER HAS SERVED, AFTER A DEDUCTION FOR GOOD TIME EARNED
21 UNDER AS 33.20.010, ONE-HALF OF THE ACTIVE TERM OF IMPRISONMENT
22 IMPOSED.]

23 * **Sec. 47.** AS 33.16.100(a) is amended to read:

24 (a) The board may authorize the release of a prisoner [CONVICTED OF AN
25 UNCLASSIFIED FELONY WHO IS OTHERWISE ELIGIBLE UNDER
26 AS 12.55.115 AND AS 33.16.090(a)(1)] on discretionary parole if it determines a
27 reasonable probability exists that

28 (1) the prisoner will live and remain at liberty without violating any
29 laws or conditions imposed by the board;

30 (2) the prisoner's rehabilitation and reintegration into society will be
31 furthered by release on parole;

1 (3) the prisoner will not pose a threat of harm to the public if released
2 on parole; and

3 (4) release of the prisoner on parole would not diminish the
4 seriousness of the crime."
5

6 Renumber the following bill sections accordingly.
7

8 Page 28, line 18:

9 Delete "or (f)"

10 Insert "[OR (f)]"
11

12 Page 35, following line 2:

13 Insert new bill sections to read:

14 **** Sec. 60.** AS 33.16.210(a) is amended to read:

15 (a) The board may unconditionally discharge a parolee from the jurisdiction
16 and custody of the board after the parolee has completed **two years** [ONE YEAR] of
17 parole. A discretionary parolee with a residual period of probation may, after **two**
18 **years** [ONE YEAR] of parole, be discharged by the board to immediately begin
19 serving the residual period of probation.

20 *** Sec. 61.** AS 33.16.210(b) is amended to read:

21 (b) Notwithstanding (a) of this section, the board may unconditionally
22 discharge a mandatory parolee before the parolee has completed **two years** [ONE
23 YEAR] of parole if the parolee is serving a concurrent period of residual probation
24 under AS 33.20.040(c), and the period of residual probation and the period of
25 suspended imprisonment each equal or exceed the period of mandatory parole."
26

27 Renumber the following bill sections accordingly.
28

29 Page 42, line 4, following "33.16.089,":

30 Insert "33.16.100(f), 33.16.100(g),"
31

1 Page 43, line 1:

2 Delete "sec. 59"

3 Insert "sec. 62"

4

5 Page 43, line 13:

6 Delete "sec. 49"

7 Insert "sec. 50"

8

9 Page 43, line 14:

10 Delete "sec. 49"

11 Insert "sec. 50"

12

13 Page 43, following line 14:

14 Insert a new subsection to read:

15 "(d) The following sections apply to parole granted on or after the effective date of
16 those sections for conduct occurring on or after the effective date of those sections:

17 (1) AS 33.16.090(b), as amended by sec. 46 of this Act;

18 (2) AS 33.16.210(a), as amended by sec. 60 of this Act; and

19 (3) AS 33.16.210(b), as amended by sec. 61 of this Act."

20

21 Page 43, line 17:

22 Delete "69"

23 Insert "72"

24

25 Page 43, line 20:

26 Delete "Section 69"

27 Insert "Section 72"

28

29 Page 43, line 24:

30 Delete "SEC. 66"

31 Insert "SEC. 69"

1

2 Page 43, line 25:

3 Delete "Section 66"

4 Insert "Section 69"

5

6 Page 44, line 5:

7 Delete "sec. 72"

8 Insert "sec. 75"

9 Delete "sec. 66"

10 Insert "sec. 69"

11

12 Page 44, line 8:

13 Delete "sec. 71(a)"

14 Insert "sec. 74(a)"

15

16 Page 44, line 10:

17 Delete "sec. 69"

18 Insert "sec. 72"

19 Delete "sec. 71(b)"

20 Insert "sec. 74(b)"

21

22 Page 44, line 12:

23 Delete "Section 68"

24 Insert "Section 71"

25

26 Page 44, line 13:

27 Delete "sec. 76"

28 Insert "sec. 79"

29

30 Page 44, line 15:

31 Delete "secs. 73 - 78"

1 Insert "secs. 76 - 81"