

1 IN THE HOUSE

BY JUDICIARY COMMITTEE
BY REQUEST OF THE GOVERNOR

2 CS FOR HOUSE BILL NO. 317

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act providing for parole of prisoners
7 and creating a Board of Parole; and providing
8 for an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 Section 1. DEFINITIONS. As used in this Act:

11 a. "Parole" means the release of a prisoner to the
12 community by the parole board prior to the expiration of his term,
13 subject to conditions imposed by the board and to its supervision.

14 b. "The board" shall mean the Board of Parole.

15 c. "Commissioner" means the Commissioner of the Depart-
16 ment of Health and Welfare of the State of Alaska or his designee.

17 Sec. 2. STATE BOARD OF PAROLE; TERMS, APPOINTMENTS, COMPEN-
18 SATION, REMOVAL. There is hereby created in the Department of
19 Health and Welfare a Board of Parole to consist of three members
20 to be appointed by the Governor. One of the members shall be an
21 official within the Department of Health and Welfare with training
22 in the field of probation and parole, who shall be Chairman of
23 the board. The terms of the two members of the board, other than
24 the Chairman shall be for four years and until successors are
25 appointed and have qualified, except that the first two members
26 shall be appointed for terms of two and four years respectively.
27 The term of the Chairman shall be for four years to commence upon
28 appointment. Successors shall be appointed in the same manner
29 as provided for the board members first appointed, for terms of

1 four years, and a vacancy appearing before expiration of the term
2 of office shall be similarly filled for the unexpired term.

3 Two members of the board, other than the Chairman, shall not
4 receive salaries but shall be compensated per day at an amount to
5 be set by the Governor for every day they shall be in session,
6 and a per diem and travel allowance as provided in Ch. 60, SLA
7 1957. The Chairman shall not receive a salary or compensation
8 for any days he may attend a session of the board, but shall be
9 paid a per diem allowance and travel costs as provided in Ch. 60,
10 SLA 1957. Upon their appointment, the Governor shall advise
11 these persons of their duties under this Act and shall, as soon
12 as practicable, call the first meeting of the members of the
13 board. The necessary expenses of the board shall be paid by
14 appropriation made to the Department of Health and Welfare.

15 Sec. 3. DUTIES OF THE BOARD. The board shall consider all
16 prisoners serving sentences who may be eligible for parole. In
17 considering a prisoner, the board shall consider any presentence
18 report made to the sentencing court, the recommendations by the
19 sentencing court and the prosecuting attorney, the report from
20 the proper officers of the institution wherein the prisoner is
21 incarcerated, the record of the prisoner and all pertinent informa-
22 tion that will enable the board to come to a determination.

23 If it appears to the board from such review that a prisoner
24 eligible for parole will, in reasonable probability, live and
25 remain at liberty without violating the laws, or without violating
26 the conditions imposed by the board, and if the board further
27 determines that his release on parole is not incompatible with the
28 welfare of society, the board may, in its discretion, authorize
29 the release of such prisoner on parole.

1 Any order for parole issued shall contain therein the con-
2 ditions imposed, including the fixing of the parolee's residence,
3 which may be changed in the discretion of the board. The board
4 may, in its discretion, revoke the parole granted to a prisoner
5 for violation of laws or ordinances, or conditions imposed by the
6 board.

7 The board shall adopt such rules not inconsistent with law as
8 it may deem necessary or proper with respect to the eligibility
9 of prisoners for parole, the conduct of parole hearings and con-
10 ditions of release to be imposed on parolees. The board shall
11 meet as often as it is determined to be necessary, and the board
12 must meet at least twice yearly. Two members shall constitute a
13 quorum for the conduct of business. All rules and regulations
14 authorized by this Act shall be adopted pursuant to the Administra-
15 tive Procedure Act.

16 The board shall have authority to issue subpoenas, including
17 duces tecum, and shall have authority to issue warrants to retake
18 a parole violator.

19 Where a court of this or any state, or the United States, or
20 other authority has issued a warrant charging a prisoner with a
21 crime, the board may release him on parole to answer such warrant.

22 Sec. 4. ORDERS, RECORDS, ANNUAL REPORT. All decisions of
23 the board shall be by two-thirds vote.

24 The board shall keep a record of its acts and shall notify
25 the Commissioner of its decisions relating to prisoners who have
26 been considered for parole. At the close of each fiscal year the
27 board shall submit to the Governor, to the Commissioner, and to
28 the Attorney General, a report containing statistical and other
29 data of its work, including research studies which it may make

1 of probation, sentencing, parole or related functions, and a
2 computation and analysis of dispositions in criminal matters by
3 the courts throughout the state.

4 Sec. 5. PROTECTION OF RECORDS. The preparole reports
5 submitted to the board shall be privileged and shall not be dis-
6 closed directly or indirectly to anyone other than the board, the
7 sentencing judge, the prosecuting attorney, or others entitled
8 under this Act to receive such information; except that the board
9 or court may, in its discretion, permit the inspection of such
10 reports or parts thereof by the prisoner or his attorney, or other
11 person having a proper interest therein, whenever the best interest
12 or welfare of the particular prisoner make such action desirable
13 or necessary.

14 Sec. 6. DUTIES OF THE COMMISSIONER; DELEGATION TO CHAIRMAN.
15 The Commissioner shall be charged with the administrative duties
16 and responsibilities necessary to

17 a. Conduct such investigations of prisoners eligible
18 for parole as the board may request.

19 b. Supervise the conduct of parolees and institute
20 such program for reform and rehabilitation of parolees as the
21 board may request.

22 c. Appoint and assign parole officers and personnel to
23 the various judicial districts in the state and to train and
24 supervise the parole officers and personnel.

25 d. Keep such records, files and accounts as the board
26 may request.

27 The Commissioner may assign the duties devolving upon proba-
28 tion officers as provided in the Probation Administration Act to
29 any and all personnel appointed under subsection (c) of this

1 section.

2 Sec. 7. PERSONS ELIGIBLE FOR PAROLE. A state prisoner,
3 other than a juvenile delinquent, wherever confined and serving
4 a definite term or terms of over 180 days, whose record shows that
5 he has observed the rules of the institution in which he is
6 confined may, in the discretion of the board, be released on
7 parole after serving one third of such term or terms, or after
8 serving fifteen years of a life sentence, or of a sentence of
9 over forty-five years.

10 Sec. 8. RELEASE; TERMS AND CONDITIONS. A parolee may be
11 permitted, in the discretion of the board, to return to his home
12 if it be in the State of Alaska, or to go elsewhere in the State
13 of Alaska, upon such terms and conditions, including person reports
14 from such paroled person as the board may prescribe; such parolee
15 may be permitted, in the discretion of the board, to go into
16 another state upon such terms and conditions as the board may
17 prescribe, and subject to the provisions of any compact executed
18 under the authority of Ch. 138, SLA 1957 and any amendments thereto.
19 Any prisoner released on parole shall remain in the legal custody
20 of the Commissioner until the expiration of the maximum term or
21 terms to which he was sentenced, less good time allowances provided
22 by law. While in the custody of the Commissioner, a person shall
23 be subject to the disabilities imposed by the provisions of Sec.
24 65-2-9, ACLA 1949.

25 Sec. 9. RETAKING OF PAROLE VIOLATOR; TIME TO SERVE UNDIMIN-
26 ISHED. A warrant for the retaking of any state prisoner who has
27 violated his parole may be issued only by the board or any member
28 thereof and the warrant must issue within the maximum term or terms
29 to which the parolee was sentenced. A parole violator may be

1 retaken with or without a warrant for violation of any of the terms
2 of parole. The unexpired term of imprisonment of any such parolee
3 shall be served and shall begin to run from the date he is returned
4 to the custody of the Commissioner under said warrant, and the
5 time the prisoner was at liberty on parole shall not diminish the
6 time he was sentenced to serve.

7 Sec. 10. EXECUTION OF WARRANT TO RETAKE PAROLE VIOLATOR.

8 Any parole officer or any officer of any state prison facility,
9 or a prison facility made available to the state under contract,
10 or a peace officer authorized to serve criminal process within the
11 State of Alaska shall execute such warrant by taking such prisoner
12 and returning him to the custody of the Commissioner, or to any
13 prison facility designated by the Commissioner. A parolee who
14 has violated his parole may be retaken by a parole officer without
15 a warrant and returned to the custody of the Commissioner or any
16 prison facility designated by him.

17 Sec. 11. REVOCATION UPON RETAKING PAROLEE. Upon the retaking
18 of a parolee, a peace officer making the arrest shall notify the
19 parole officer. The parole officer upon making the arrest, or
20 being notified by a peace officer of an arrest, shall immediately
21 notify the board, or a member thereof. If the retaking has been
22 without a warrant, the parole officer shall submit to the board,
23 or a member thereof, a report in writing indicating in what manner
24 the parolee has violated the terms and conditions of his parole.
25 The board shall cause the parolee to be brought before it without
26 unreasonable delay for a hearing on the violation charged, under
27 such rules as the board may adopt. If the violation is established,
28 the board may then, or at any time within its discretion, revoke
29 the order of parole and terminate such parole or change the terms

1 and conditions thereof, or impose additional conditions. The
2 parolee may waive the hearing provided for in this section.

3 If parole be revoked and terminated, the prisoner shall be
4 subject to serving the entire remainder of the term to which he
5 was sentenced as provided in Sec. 9 of this Act; the board may,
6 in its discretion, however, require the prisoner to serve only a
7 part of the term to which he was sentenced. In the event the
8 board does not terminate all or part of the parole, the parolee
9 shall be released from the custody of the Commissioner under such
10 terms and conditions as the board may prescribe.

11 Sec. 12. FIXING ELIGIBILITY FOR PAROLE AT TIME OF SENTENCING

12 a. Upon entering a judgment of conviction, the court having
13 jurisdiction to impose sentence, when in its opinion the ends of
14 justice and best interests of the public require that the defendant
15 be sentenced to imprisonment for a term exceeding one year, may:

16 (1) Designate in the sentence imprisonment imposed a
17 minimum term at the expiration of which the prisoner shall become
18 eligible for parole, which term may be less than, but shall not
19 be more than one third of the maximum sentence imposed by the
20 court; or

21 (2) Fix the maximum sentence of imprisonment to be
22 served in which event the court may specify that the prisoner may
23 become eligible for parole at such time as the board of parole
24 may determine.

25 b. Upon commitment of a prisoner sentenced to imprisonment
26 under the provisions of subsection (a), the Commissioner, under
27 such regulations as the Board of Parole may prescribe, shall cause
28 a complete study to be made of the prisoner and shall furnish to
29 the Board of Parole a summary report together with any recommenda-

1 tions which, in his opinion, would be helpful in determining the
2 suitability of the prisoner for parole. This report may include,
3 but shall not be limited to, data regarding the prisoner's previous
4 delinquency or criminal experience, pertinent circumstances of his
5 social background, his capabilities, his mental and physical
6 health, and such other factors as may be considered pertinent.
7 The board of parole may make such other investigation as it may
8 deem necessary.

9 It shall be the duty of the various parole officers and
10 government bureaus and agencies to furnish the Board of Parole
11 information concerning the prisoner, and, whenever not incompatible
12 with the public interest, their views and recommendations with
13 respect to the parole disposition of his case.

14 c. The Board of Parole having jurisdiction of the parolee
15 may promulgate rules and regulations for the supervision, discharge
16 from supervision, or recommitment of paroled prisoners.

17 Sec. 13. APPLICABILITY TO PERSONS ON PAROLE OR INCARCERATED.
18 The provisions of this Act shall apply to all persons convicted
19 and sentenced in the superior court and the district magistrate
20 courts of this state from the effective date of this Act.

21 Sec. 14. SHORT TITLE. This Act may be cited as the "Parole
22 Administration Act."

23 Sec. 15. APPROPRIATION. There is hereby appropriated to the
24 Department of Health and Welfare the sum of \$1,000.00 for the
25 balance of the current fiscal year to pay the expenses incurred,
26 travel allowance, per diem, and daily compensation of the Board
27 of Parole.

28 Sec. 16. EFFECTIVE DATE. This Act shall take effect on the
29 day after its passage and approval or on the day it becomes law

1 without approval.

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