

Introduced: 2/4/70
Referred: Health, Welfare and
Education, Finance and
Judiciary

1 IN THE HOUSE

BY CROFT

2 HOUSE BILL NO. 603

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act transferring probation and parole services from
7 the division of corrections, Department of Health and
8 Welfare, to the Alaska court system."

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

10 * Section 1. AS 33.05.010 is amended to read:

11 Sec. 33.05.010. POWERS OF ADMINISTRATIVE DIRECTOR [COMMISSIONER].

12 The administrative director [COMMISSIONER] shall administer a proba-
13 tion system and enforce the probation laws in the superior court.

14 * Sec. 2. AS 33.05.020 is amended to read:

15 Sec. 33.05.020. DUTIES OF ADMINISTRATIVE DIRECTOR [COMMISSIONER].

16 (a) The administrative director [COMMISSIONER] shall appoint and make
17 available to the superior court, where necessary, qualified probation
18 officers and assistants.

19 (b) The administrative director [COMMISSIONER] shall fix proba-
20 tion officers' and assistants' salaries, assign them to the various
21 judicial districts, and shall provide for their necessary expenses in-
22 cluding clerical services and travel. He may assign to all probation
23 officers and personnel any duties concerning the administration of the
24 parole system as provided in the Parole Administration Act.

25 * Sec. 3. AS 33.05.040(4) is amended to read:

26 (4) keep records of his work, keep accurate and complete
27 accounts of all money collected from persons under his supervision,
28 give receipts for money collected and make at least monthly returns of
29 it, make the reports to the court and the administrative director

1 [COMMISSIONER] required by them, and perform other duties the court
2 may direct;

3 * Sec. 4. AS 33.05.040~~(5)~~ is amended to read:

4 (5) perform such duties with respect to persons on parole
5 as the administrative director [COMMISSIONER] shall request, and in
6 such service shall be termed a parole officer.

7 * Sec. 5. AS 33.05.080 is amended to read:

8 Sec. 33.05.080. DEFINITIONS. When used in this chapter, unless
9 the context otherwise requires,

10 (1) "probation" is a procedure under which a defendant,
11 found guilty of a crime upon verdict or plea, is released by the
12 superior court subject to conditions imposed by the court and subject
13 to the supervision of the probation service as provided in this chapter
14 [HEREINAFTER PROVIDED];

15 [(2) "COMMISSIONER" MEANS THE COMMISSIONER OF THE DEPART-
16 MENT OF HEALTH AND WELFARE OR HIS DESIGNEE]

17 (3) "administrative director" means the administrative
18 director of courts or his designee.

19 * Sec. 6. AS 33.15.010 is amended to read:

20 Sec. 33.15.010. STATE BOARD OF PAROLE. There is in the judicial
21 system [DEPARTMENT] a board of parole consisting of five members to be
22 appointed by the chief justice of the supreme court [GOVERNOR], subject
23 to confirmation by a majority of the members of the legislature in
24 joint session. One of the members, who shall be chairman of the board,
25 shall be a person with training or experience in the field of probation
26 and parole, and he may be an official or employee of the Department of
27 Health and Welfare [DEPARTMENT] but may not be an official or employee
28 of the youth and adult authority. The term of each of the other four
29 members of the board is four years and until his successor is appointed

1 and qualifies. Successors are appointed in the same manner as provided
2 for the board members first appointed. A vacancy shall be filled for
3 the unexpired term.

4 * Sec. 7. AS 33.15.020 is amended to read:

5 Sec. 33.15.020. COMPENSATION AND EXPENSES. The members of the
6 board, other than the chairman, shall not receive salaries but are en-
7 titled to compensation per day at an amount to be set by the chief
8 justice of the supreme court [GOVERNOR] for every day they are in ses-
9 sion, and a per diem and travel allowance as provided by law. The
10 chairman is not entitled to a salary or compensation for days he at-
11 tends a session of the board, but is entitled to a per diem allowance
12 and travel costs as provided by law.

13 * Sec. 8. AS 33.15.030 is amended to read:

14 Sec. 33.15.030. CHIEF JUSTICE OR HIS DESIGNEE [GOVERNOR] TO ADVISE
15 OF DUTIES AND CALL BOARD MEETING. Upon appointment, the chief justice
16 or his designee [GOVERNOR] shall advise those appointed of their duties
17 under this chapter and shall, as soon as practicable, call the first
18 meeting of the members of the board.

19 * Sec. 9. AS 33.15.040 is amended to read:

20 Sec. 33.15.040. PAYMENT OF BOARD EXPENSES. The necessary ex-
21 penses of the board shall be paid by appropriation made to the judicial
22 system [DEPARTMENT].

23 * Sec. 10. AS 33.15.130(b) is amended to read:

24 (b) The board shall keep a record of its acts and shall notify
25 the administrative director [COMMISSIONER] of its decisions relating to
26 prisoners considered for parole. At the close of each fiscal year the
27 board shall submit to the governor, the administrative director [COM-
28 MISSIONER], and the attorney general, a report containing statistical
29 and other data of its work, including research studies which it may

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

4 * Sec. 11. AS 33.15.150 is amended to read:

5 Sec. 33.15.150. DUTIES OF THE ADMINISTRATIVE DIRECTOR [COMMIS-
6 SIONER]. The administrative director [COMMISSIONER] is charged with the
7 administrative duties and responsibilities necessary to

8 (1) conduct investigations of prisoners eligible for parole
9 as the board requests;

10 (2) supervise the conduct of parolees and institute pro-
11 grams for reform and rehabilitation of parolees as the board requests;

12 (3) appoint and assign parole officers and personnel to
13 the judicial districts in the state and to train and supervise parole
14 officers and personnel;

15 (4) keep records, files and accounts as the board requests

16 * Sec. 12. AS 33.15.160 is amended to read:

17 Sec. 33.15.160. ADMINISTRATIVE DIRECTOR [COMMISSIONER] MAY DELE-
18 GATE ADMINISTRATIVE DUTIES TO BOARD CHAIRMAN. The administrative
19 director [COMMISSIONER] may delegate all or part of the administrative
20 duties and responsibilities specified in sec. 150 of this chapter to
21 the chairman of the board.

22 * Sec. 13. AS 33.15.170 is amended to read:

23 Sec. 33.15.170. ADMINISTRATIVE DIRECTOR [COMMISSIONER] MAY ASSIGN
24 DUTIES OF PROBATION OFFICERS TO PAROLE OFFICERS. The administrative
25 director [COMMISSIONER] may assign the duties of probation officers as
26 provided in the Probation Administration Act to personnel appointed
27 under sec. 150(3) of this chapter.

28 * Sec. 14. AS 33.15.200 is amended to read:

29 Sec. 33.15.200. RETAKING OF PAROLE VIOLATOR. A warrant for the

1 retaking of a state prisoner who violates his parole may be issued only
2 by the board or a member of it and the warrant shall issue within the
3 maximum term or terms to which the parolee was sentenced. A parole
4 violator may be retaken with or without a warrant for violation of a
5 term of parole. The unexpired term of imprisonment of the parolee shall
6 be served and begins to run from the date he is returned to the custody
7 of the administrative director [COMMISSIONER] under the warrant, and the
8 time the prisoner was at liberty on parole does not diminish the time
9 he was sentenced to serve.

10 * Sec. 15. AS 33.15.230(b) is amended to read:

11 (b) Upon commitment of a prisoner sentenced to imprisonment under
12 (a) of this section, the administrative director [COMMISSIONER], under
13 such regulations as the board prescribes, shall have a complete study
14 made of the prisoner and shall furnish to the board a summary report to-
15 gether with any recommendations which, in his opinion, would be helpful
16 in determining the suitability of the prisoner for parole. This report
17 may include, but shall not be limited to, data regarding the prisoner's
18 previous delinquency or criminal experience, circumstances of his social
19 background, his capabilities, his mental and physical health, and such
20 other factors considered pertinent. The board may make such other in-
21 vestigation as it considers necessary.

22 * Sec. 16. AS 33.15.260 is amended by adding a new paragraph to read:

23 (5) "administrative director" means the administrative
24 director of courts or his designee.

25 * Sec. 17. AS 33.20.020 is amended to read:

26 Sec. 33.20.020. GOOD TIME. (a) A prisoner may, in the discre-
27 tion of the administrative director of courts [COMMISSIONER OF HEALTH
28 AND WELFARE] or his designee, be allowed a deduction from his sentence
29 of not to exceed three days for each month of actual employment in a

1 prison or camp project or activity for the first year or any part of
2 it, and not to exceed five days for each month of any succeeding year
3 or part of it.

4 (b) In the discretion of the administrative director of courts or
5 his designee [COMMISSIONER] the same allowance may also be made to a
6 prisoner performing exceptionally meritorious service or performing
7 duties of outstanding importance in connection with institutional oper-
8 ations.

9 (c) The allowance is in addition to commutation of time for good
10 conduct, and under the same terms and conditions and without regard to
11 length of sentence.

12 * Sec. 18. AS 33.20.030 is amended to read:

13 Sec. 33.20.030. DISCHARGE. A prisoner shall be released at the
14 expiration of his term of sentence less the time deducted for good
15 conduct. A certificate of deduction shall be entered on the commit-
16 ment by the warden, keeper, or the commissioner of health and welfare.

17 * Sec. 19. AS 33.20.060 is amended to read:

18 Sec. 33.20.060. RESTORATION OF LOST GOOD TIME. The administrative
19 director of courts or his designee [COMMISSIONER] may restore forfeited
20 or lost good time or such portion of it which he considers proper upon
21 recommendation of the keeper or person in charge of the penal or cor-
22 rectional institution in which the prisoner is incarcerated.

23 * Sec. 20. AS 33.25.050 is amended to read:

24 Sec. 33.25.050. IMPLEMENTATION OF COMPACT. The administrative
25 director of courts [COMMISSIONER OF HEALTH AND WELFARE] may enter into
26 such contracts on behalf of the State of Alaska as may be appropriate
27 to implement the participation of this state in the Western Interstate
28 Corrections Compact under art. III of the compact. No contract is of
29 any force or effect until approved by the commissioner of administration.

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* Sec. 21. AS 44.29.020(17) is amended to read:

(17) probation and parole supervision of minors in cases arising under AS 47.10.010 - 47.10.290.

* Sec. 22. AS 33.15.260(4) is repealed.