

Offered: 5/9/85
Referred: Rules

Original sponsor: Rules/Governor

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE
2 SENATE CS FOR CS FOR HOUSE BILL NO. 141 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - FIRST SESSION
5 A BILL
6 For an Act entitled: "An Act relating to the parole of offenders; amending
7 the sunset date for the parole board; and providing
8 for an effective date."
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
10 * Section 1. AS 12.55 is amended by adding a new section to read:
11 Sec. 12.55.115. FIXING ELIGIBILITY FOR DISCRETIONARY PAROLE AT
12 SENTENCING. The court may, as part of a sentence of imprisonment,
13 further restrict the eligibility of a prisoner for discretionary
14 parole for a term greater than that required under AS 33.16.090 and
15 33.16.100.
16 * Sec. 2. AS 33 is amended by adding a new chapter to read:
17 CHAPTER 16. PAROLE ADMINISTRATION.
18 Sec. 33.16.010. PAROLE. (a) A prisoner who is serving a term
19 or terms of at least 181 days is eligible for either discretionary or
20 mandatory parole.
21 (b) A prisoner who is eligible under AS 33.16.090 may be granted
22 discretionary parole by the board of parole.
23 (c) A prisoner who is not eligible for discretionary parole, or
24 who is not released on discretionary parole, shall be released on
25 mandatory parole for the term of good time deductions credited under
26 AS 33.20, if the term or terms of imprisonment exceed 180 days.
27 (d) A prisoner released on discretionary or mandatory parole is
28 subject to the conditions of parole imposed under AS 33.16.150.
29 Parole may be revoked under AS 33.16.220.

1 Sec. 33.16.020. BOARD OF PAROLE. (a) There is in the Depart-
2 ment of Corrections a board of parole consisting of five members ap-
3 pointed by the governor, subject to confirmation by a majority of
4 members of the legislature in joint session.

5 (b) Members of the board serve for staggered terms of five years
6 and until their successors are appointed.

7 (c) The governor shall choose the presiding officer of the board
8 from among the membership.

9 (d) The governor shall make appointments to the board with due
10 regard for representation on the board of the ethnic, racial, sexual,
11 and cultural populations of the state.

12 (e) The governor shall appoint at least one member who resides
13 in the First Judicial District, one member who resides in the Third
14 Judicial District, and one member who resides in either the Second or
15 Fourth Judicial District.

16 Sec. 33.16.030. SELECTION CRITERIA FOR BOARD MEMBERS. (a) The
17 governor shall appoint board members on the basis of their qualifi-
18 cations to make decisions that are compatible with the welfare of the
19 community and of individual offenders. The governor shall appoint
20 members who are able to consider the character and background of
21 offenders and the circumstances under which offenses were committed.

22 (b) At least one person appointed to the board must have ex-
23 perience in the field of criminal justice.

24 (c) Officers or employees of the state may not be appointed to
25 the board.

26 Sec. 33.16.040. COMPENSATION AND EXPENSES. A board member is
27 entitled to compensation at an amount to be set by the governor for
28 each day the member is participating in business of the board, and is
29 also entitled to the per diem and travel allowances provided under

1 AS 39.20.180.

2 Sec. 33.16.050. MEETINGS OF THE BOARD. (a) The board may meet
3 as often as it considers necessary to carry out its responsibilities,
4 but shall meet at least four times a year.

5 (b) Three members of the board constitute a quorum for the
6 conduct of business.

7 (c) Decisions and orders of the board require the affirmative
8 votes of a majority of the members present.

9 (d) The board may conduct meetings by the use of teleconferenc-
10 ing facilities.

11 Sec. 33.16.060. DUTIES OF THE BOARD. (a) The board shall

12 (1) serve as the parole authority for the state;

13 (2) upon receipt of an application, consider the suitabil-
14 ity for parole of a prisoner who is eligible for discretionary parole;

15 (3) impose parole conditions on all prisoners released
16 under discretionary or mandatory parole;

17 (4) under AS 33.16.210, discharge a person from parole when
18 custody is no longer required;

19 (5) maintain records of the meetings and proceedings of the
20 board;

21 (6) recommend to the governor and the legislature changes
22 in the law administered by the board;

23 (7) recommend to the governor or the commissioner changes
24 in the practices of the department and of other departments of the
25 executive branch necessary to facilitate the purposes and practices of
26 parole;

27 (8) upon request of the governor, review and recommend
28 applicants for executive clemency; and

29 (9) execute other responsibilities prescribed by law.

1 (b) The board shall adopt regulations under the Administrative
2 Procedure Act (AS 44.62)

3 (1) establishing standards under which the suitability of a
4 prisoner for discretionary parole shall be determined;

5 (2) providing for the supervision of parolees and for
6 recommitment of parolees; and

7 (3) governing procedures of the board.

8 Sec. 33.16.070. PROCESS. The board or a member of the board may
9 issue subpoenas and subpoenas duces tecum in the performance of board
10 duties under AS 33.16.060(a). Subpoenas issued under this section are
11 enforceable in Superior Court.

12 Sec. 33.16.080. EXECUTIVE DIRECTOR. The board shall hire an
13 executive director to serve the board in the discharge of its duties.
14 The executive director must have had training and experience in the
15 field of criminal justice. The executive director may employ addi-
16 tional staff to assist the board.

17 Sec. 33.16.090. ELIGIBILITY FOR DISCRETIONARY PAROLE. (a) A
18 prisoner who is serving a term of at least 181 days, and who is not
19 otherwise ineligible under (b) of this section, may, in the discretion
20 of the board, be released on discretionary parole subject to AS 12.-
21 55.086(b), 12.55.115, and AS 33.16.100(c) and (d).

22 (b) A prisoner is not eligible for discretionary parole during
23 the term of a presumptive sentence; however, a prisoner is eligible
24 for discretionary parole during a term of sentence enhancement imposed
25 under AS 12.55.155(a) or during the term of a consecutive or partially
26 consecutive presumptive sentence imposed under AS 12.55.025(e) or (g).

27 (c) A prisoner eligible for discretionary parole during a period
28 of sentence enhancement imposed under AS 12.55.155(a) or during a
29 consecutive or partially consecutive presumptive sentence imposed

1 under AS 12.55.025(e) or (g) shall serve the unenhanced portion of the
2 sentence or the initial presumptive sentence before being otherwise
3 eligible for discretionary parole under AS 33.16.100(c) or (d). For
4 purposes of this subsection, the sentence for the most serious offense
5 in the case of consecutive or partially consecutive presumptive sen-
6 tences shall be considered the initial presumptive sentence. The
7 unenhanced sentence or the initial presumptive sentence is considered
8 served for purposes of discretionary parole on the date the unenhanced
9 or initial presumptive sentence is due to expire less good time earned
10 under AS 33.20.010.

11 (d) In determining the eligibility of a prisoner for discretion-
12 ary parole, the board may rely on the verbatim written transcript of
13 the judge's sentencing remarks under AS 12.55.025(a)(1), and any other
14 portion of the sentencing proceeding, as well as the judgment entered
15 by the court.

16 Sec. 33.16.100. GRANTING OF DISCRETIONARY PAROLE. (a) The
17 board may authorize the release of a prisoner on discretionary parole
18 if it determines a reasonable probability exists that

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

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

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

25 (4) release of the prisoner on parole would not diminish
26 the seriousness of the crime.

27 (b) If the board finds a change in circumstances in a prisoner's
28 parole release plan submitted under AS 33.16.130(a), or discovers new
29 information concerning a prisoner who has been granted a parole

1 release date, the board may rescind or revise the previously granted
2 parole release date. In reconsidering the release date, the proce-
3 dures set out in AS 33.16.130(b) and (c) shall be followed.

4 (c) Except as provided in (d) of this section, a prisoner may
5 not be released on discretionary parole until the prisoner has served
6 at least one-fourth of the period of confinement imposed, one-fourth
7 of an enhanced period of confinement imposed under AS 12.55.155(a), or
8 any minimum term set under AS 12.55.115 at sentencing, whichever is
9 greater.

10 (d) A prisoner who is sentenced for a term under AS 12.55.125(a)
11 or (b) may not be released on discretionary parole until the prisoner
12 has served the mandatory minimum term under AS 12.55.125(a) or (b), at
13 least one-third of the period of confinement imposed, or any minimum
14 term set under AS 12.55.115 at sentencing, whichever is greater.

15 Sec. 33.16.110. PREPAROLE REPORT. (a) In determining whether a
16 prisoner is suitable for discretionary parole, the board shall con-
17 sider the preparole reports including,

18 (1) the presentence report made to the sentencing court;

19 (2) the recommendations made by the sentencing court, by
20 the prosecuting attorney, and by the defense attorney, and any state-
21 ments made by the victim or the prisoner at sentencing;

22 (3) the prisoner's institutional conduct history while
23 incarcerated;

24 (4) recommendations made by the staff of the correctional
25 facilities in which the prisoner was incarcerated;

26 (5) reports of prior crimes, juvenile histories, and previ-
27 ous experiences of the prisoner on parole or probation;

28 (6) physical, mental, and psychiatric examinations of the
29 prisoner;

1 (7) information submitted by the prisoner, the sentencing
2 court, the victim of the crime, the prosecutor, or other persons
3 having knowledge of the prisoner or the crime;

4 (8) information concerning an unjustified disparity in the
5 sentence imposed on a prisoner in relation to other sentences imposed
6 under similar circumstances; and

7 (9) other relevant information that may be reasonably
8 available.

9 (b) The board shall provide information available under (a)(3)
10 and (a)(6) of this section when requesting comments on the discre-
11 tionary parole of a prisoner from the sentencing court.

12 Sec. 33.16.120. RIGHT OF VICTIM TO COMMENT ON PAROLE OF PRISON-
13 ER. (a) Upon request of the victim, notice of a hearing to review or
14 consider discretionary parole for a state prisoner who is convicted of
15 a crime against a person shall be sent to the victim of the crime at
16 least 30 days before the scheduled hearing.

17 (b) It is the responsibility of the victim to keep the board
18 apprised of the victim's most current mailing address. The board
19 shall send the notice required under (a) of this section to the last
20 known address of the victim. The address of the victim may not be
21 disclosed to the prisoner or the prisoner's attorney.

22 (c) The victim has a right to comment in writing on the proposed
23 action of the board. Copies of the comments shall be provided to the
24 prisoner and the prisoner's attorney before action by the board.

25 (d) The board shall consider the comments presented under (c) of
26 this section in deciding whether to release the prisoner on parole.

27 (e) Upon request of the victim, if the board decides to release
28 on parole a prisoner who is convicted of a crime against a person, the
29 board shall make every reasonable effort to notify the victim before

1 the prisoner's release date. Notification under this subsection must
2 include the expected date of the prisoner's release, the geographic
3 area in which the prisoner is required to reside, and other pertinent
4 information concerning the prisoner's conditions of parole that may
5 affect the victim.

6 (f) Upon request of the victim, if a prisoner is released under
7 AS 33.16.010(c), the board shall make every reasonable effort to
8 notify the victim before the prisoner's release date. Notification
9 under this subsection must include the expected date of the prisoner's
10 release, the geographic area in which the prisoner is required to
11 reside, and other pertinent information concerning the prisoner's
12 conditions of parole that may affect the victim.

13 Sec. 33.16.130. APPLICATION FOR DISCRETIONARY PAROLE. (a) A
14 prisoner eligible for discretionary parole may apply to the board for
15 discretionary parole. As part of the application for parole, the
16 prisoner shall submit to the board a parole release plan that includes
17 the prisoner's plan for employment, residence, and other information
18 concerning the prisoner's rehabilitative plans if released on parole.

19 (b) Before the board determines a prisoner's suitability for
20 discretionary parole, the prisoner is entitled to a hearing before the
21 board. The prisoner shall be furnished a copy of the preparole re-
22 ports listed in AS 33.16.110, and permitted access to all records that
23 will be considered by the board in making its decision except those
24 that are made confidential by law. The prisoner may also respond in
25 writing to all materials considered by the board, be present at the
26 hearing, and present evidence to the board.

27 (c) The board shall issue its decision in writing and provide
28 the basis for a denial of discretionary parole. A copy of the deci-
29 sion shall be provided to the prisoner.

1 Sec. 33.16.140. ORDER FOR PAROLE. An order for parole issued by
2 the board, setting out the conditions imposed under AS 33.16.150(a)
3 and AS 33.16.150(b), and the date parole custody ends, shall be fur-
4 nished to each prisoner released on discretionary or mandatory parole.

5 Sec. 33.16.150. CONDITIONS OF PAROLE. (a) As a condition of
6 parole, a prisoner released on discretionary or mandatory parole shall
7 refrain from conduct punishable by imprisonment under state or federal
8 law or municipal ordinance.

9 (b) The board may require as a condition of discretionary or
10 mandatory parole that a prisoner released on parole

- 11 (1) meet family obligations;
- 12 (2) pursue employment, education, counseling, or training;
- 13 (3) remain within stated geographic limits unless written
14 permission to depart from the stated limits is granted the parolee;
- 15 (4) report upon release to the parole officer assigned to
16 the parolee;
- 17 (5) report as required to the parole officer assigned to
18 the parolee;
- 19 (6) reside at a stated place and notify the board of any
20 change in place of residence;
- 21 (7) not possess or control firearms or other dangerous
22 weapons;
- 23 (8) refrain from possessing or consuming alcoholic bever-
24 ages;
- 25 (9) submit to reasonable searches and seizures by a parole
26 officer, or a peace officer acting under the direction of a parole
27 officer;
- 28 (10) submit to appropriate medical, mental health, or con-
29 trolled substance or alcohol examination, treatment, or counseling;

1 (11) submit to periodic examinations designed to detect the
2 use of alcohol or controlled substances;

3 (12) make restitution ordered by the court to a victim of
4 the prisoner's crime, according to a schedule established by the
5 board;

6 (13) refrain from opening, maintaining, or using a checking
7 account or charge account;

8 (14) refrain from entering into a contract other than a
9 prenuptial contract or a marriage contract;

10 (15) refrain from operating a motor vehicle;

11 (16) refrain from entering an establishment where alcoholic
12 beverages are served, sold, or otherwise dispensed;

13 (17) refrain from participating in any other activity or
14 associating with any other person that the board determines is rea-
15 sonably likely to diminish the rehabilitative goals of parole, or that
16 may endanger the public.

17 (c) Except for a condition imposed under (b)(4), (7), (9), (11)
18 or (12) of this section, the board may generally delegate imposition
19 of special conditions under (b) of this section to the discretion of
20 the parole officer.

21 (d) The board may require a prisoner released on parole to
22 comply with special conditions imposed under (b) of this section for
23 any period up to the maximum term under which the prisoner is subject
24 to the custody and jurisdiction of the board.

25 Sec. 33.16.160. CHANGE IN PAROLE CONDITIONS. (a) Upon appli-
26 cation of the state or the parolee, the board may change a condition
27 of parole previously imposed under AS 33.16.150(b).

28 (b) If the proposed change in conditions of parole is more
29 restrictive of a parolee's liberty, the parolee is entitled to notice

1 of the proposed change, the reasons for the proposed change, a hearing
2 before the board, and an opportunity to respond to the proposed change
3 and to present evidence.

4 (c) Notwithstanding (a) and (b) of this section, when a parole
5 officer determines that an emergency situation requires an immediate
6 change in a condition of parole, or the imposition of a new condition,
7 the parole officer may impose the change or new condition immediately,
8 without a hearing. The parole officer shall immediately notify the
9 board of the imposition of the emergency change or new condition and
10 shall provide a written report setting out the basis for the change or
11 new condition and the nature of the emergency. The effective period
12 of a change in condition or imposition of a new condition under this
13 subsection may not exceed 15 working days.

14 (d) A condition of parole may be changed, a new condition of
15 parole may be imposed, or a new or changed condition imposed under (c)
16 of this section may be extended by a member of the board or the
17 board's designee if, after a preliminary hearing, an emergency situa-
18 tion is found that requires a change in condition. The effective
19 period of a change in condition under this subsection, the imposition
20 of a new condition under this subsection, or the extension under this
21 subsection of a new or changed condition imposed under (c) of this
22 section may not exceed 90 days.

23 Sec. 33.16.170. CONFIDENTIALITY OF RECORDS AND INFORMATION. (a)
24 Except as provided in (b) of this section, the preparole reports
25 listed in AS 33.16.110, and other information obtained and used by the
26 board under this chapter, are confidential and may not be disclosed to
27 anyone other than the board, the sentencing judge, the prosecuting and
28 defense attorneys, the prisoner, the prisoner's attorney, the attorney
29 for the board, the staff of the board, or others granted access to

1 this information under this chapter.

2 (b) Notwithstanding (a) of this section and AS 33.16.130(b), in
3 a parole proceeding under AS 33.16.130 the board may not disclose
4 to the prisoner or the prisoner's attorney

5 (1) diagnostic opinions that, if made known to the eligible
6 prisoner, could lead to serious disruption of the prisoner's institu-
7 tional program;

8 (2) portions of a document that reveal sources of informa-
9 tion obtained upon a promise of confidentiality; or

10 (3) other information that, if disclosed, may result in
11 physical harm to any other person.

12 (c) When the board withholds information from a prisoner or the
13 prisoner's attorney under (b) of this section, the board shall provide
14 the prisoner with an excised copy of the material or summary of the
15 material withheld containing as much specificity as the circumstances
16 allow.

17 Sec. 33.16.180. DUTIES OF THE COMMISSIONER. The commissioner
18 shall

19 (1) conduct investigations of prisoners eligible for discre-
20 tionary parole, as requested by the board;

21 (2) supervise the conduct of parolees;

22 (3) appoint and assign parole officers and personnel;

23 (4) provide the board, within 30 days after sentencing,
24 information on a sentenced prisoner who may be eligible for discre-
25 tionary parole under AS 33.16.090;

26 (5) notify the board and provide information on a prisoner
27 120 days before the prisoner's mandatory release date, if the prisoner
28 is to be released to mandatory parole; and

29 (6) maintain records, files, and accounts as requested by

1 the board.

2 Sec. 33.16.190. PAROLE AND PROBATION OFFICERS. An officer ap-
3 pointed by the commissioner under AS 33.05.020(a) or under AS 33.16.-
4 180, may discharge duties under AS 33.05 or AS 33.16.

5 Sec. 33.16.200. CUSTODY OF PAROLEE. Except as provided in
6 AS 33.16.210, the board retains custody of discretionary and mandatory
7 parolees until the expiration of the maximum term or terms of impris-
8 onment to which the parolee is sentenced.

9 Sec. 33.16.210. DISCHARGE OF PAROLEE. The board may uncondi-
10 tionally discharge a parolee from the jurisdiction and custody of the
11 board after the parolee has completed two years of parole, if the
12 sentence of the parolee does not include a residual period of pro-
13 bation. A parolee with a residual period of probation may, after two
14 years of parole, be discharged by the board to immediately begin
15 serving the residual period of probation.

16 Sec. 33.16.220. REVOCATION OF PAROLE. (a) The board may revoke
17 parole for conduct in violation of AS 33.16.150(a) or (b).

18 (b) Except as provided in (e) of this section, within 15 working
19 days after the arrest and incarceration of a parolee for violation of
20 a condition of parole, the board or its designee shall hold a prelimi-
21 nary hearing. At the preliminary hearing, the board or its designee
22 shall determine if there is probable cause to believe that the parolee
23 violated the conditions of parole and, when probable cause exists,
24 whether the parolee should be released pending a final revocation
25 hearing. A finding of probable cause at a preliminary hearing in a
26 criminal case is conclusive proof of probable cause that a parole
27 violation occurred.

28 (c) In determining whether a parole violator should be released
29 pending a final revocation hearing, the board or its designee shall

1 consider

2 (1) the likelihood of the parolee's appearance at a final
3 revocation hearing;

4 (2) the seriousness of the alleged violation;

5 (3) whether the parolee presents a danger to the community;

6 and

7 (4) whether the parolee is likely to further violate con-
8 ditions of parole.

9 (d) If the parole violator is released pending a final revoca-
10 tion hearing, the board or its designee may impose additional con-
11 ditions necessary to ensure the parolee's appearance at the final
12 revocation hearing, and to prevent further violation of conditions of
13 parole.

14 (e) A preliminary hearing under (b) of this section is not re-
15 quired if the board holds a final revocation hearing within 20 working
16 days after the parolee's arrest and incarceration.

17 (f) The board shall hold a final revocation hearing no later
18 than 120 days after a parolee's arrest, subject to restrictions aris-
19 ing under AS 33.10.010 and (g) of this section.

20 (g) When the basis for the revocation proceeding is a criminal
21 charge, the parolee may request, or the board upon its own motion may
22 propose that further proceedings on the revocation be delayed. In
23 making the determination to delay further proceedings, the board shall
24 consider prejudice that may result to the parolee's and the state's
25 interests in the pending criminal case and the parolee's decision to
26 delay final revocation proceedings. If good cause to proceed is
27 found, the board shall consult with the attorney general before con-
28 tinuing the final revocation proceeding.

29 (h) At a final revocation hearing, a violation of a condition of

1 parole must be established by a preponderance of the evidence.

2 (i) If, after the final revocation hearing, the board finds that
3 the parolee has violated a condition of parole imposed under AS 33.-
4 16.150(b), or a law or ordinance, the board may revoke all or a por-
5 tion of the parole, or change any condition of parole.

6 Sec. 33.16.230. WAIVER OF HEARING. A prisoner or parolee may
7 waive the right to a hearing provided under AS 33.16.120, 33.16.160,
8 or 33.16.220 by submitting a written waiver to the board.

9 Sec. 33.16.240. ARREST OF A PAROLE VIOLATOR. (a) A parolee may
10 be arrested, with or without a warrant, for a violation of parole.

11 (b) A warrant for the arrest of a parolee who is charged with a
12 violation of parole may be issued by the board, or a member of the
13 board, based on probable cause that a violation has occurred.

14 (c) A parole officer may, without a warrant, arrest a parolee
15 for a violation of parole only if there is danger to the public, if
16 there is a likelihood that the parolee will flee, or if the parolee
17 committed a crime in the presence of the parole officer.

18 (d) If a parolee is arrested without a warrant, the parole
19 officer shall notify the board no later than the working day immedi-
20 ately following the arrest. The parole officer shall, within five
21 working days after the arrest, provide the board with a written report
22 setting out the alleged violation and circumstances that required
23 immediate arrest of the parolee.

24 (e) A parolee arrested for violation of parole is not entitled
25 to bail.

26 (f) Time spent in custody pending revocation proceedings shall
27 be credited toward the unexpired term of imprisonment of the parolee;
28 however, the time the parolee was at liberty on parole does not alter
29 the time the parolee was sentenced to serve.

1 Sec. 33.16.250. EXECUTION OF WARRANT FOR ARREST OF PAROLEE. (a)
2 A parole officer, or a peace officer acting at the request of a parole
3 officer, shall execute a warrant issued under AS 33.16.240 by ar-
4 resting the parolee and confining the parolee in a correctional facil-
5 ity designated by the commissioner.

6 (b) The parole officer or peace officer shall immediately notify
7 the board or a member of the board of an arrest under (a) of this
8 section.

9 Sec. 33.16.260. DEFINITIONS. In this chapter

10 (1) "board" means the board of parole;

11 (2) "commissioner" means the commissioner of corrections;

12 (3) "controlled substance" means a drug, substance, or
13 immediate precursor included in the schedules set out in AS 11.71.-
14 140 - 11.71.190;

15 (4) "crime against a person" has the meaning given in
16 AS 33.30.900;

17 (5) "department" means the Department of Corrections;

18 (6) "discretionary parole" means the release of a prisoner
19 by the board before the expiration of a term, subject to conditions
20 imposed by the board and subject to its custody and jurisdiction;

21 (7) "mandatory parole" means the release of a prisoner who
22 was sentenced to one or more terms of imprisonment exceeding 180 days,
23 for the period of good time credited under AS 33.20, subject to con-
24 ditions imposed by the board and subject to its custody and jurisdic-
25 tion;

26 (8) "parolee" means a prisoner, sentenced to one or more
27 terms of imprisonment exceeding 180 days, released by the board or by
28 operation of law before the expiration of the term, subject to the
29 custody and jurisdiction of the board;

1 (9) "prisoner" means an offender confined for a violation
2 of state law, but does not include a person confined under AS 47;

3 (10) "victim" has the meaning given in AS 12.55.185.

4 * Sec. 3. AS 33.20.040(a) is repealed and reenacted to read:

5 Sec. 33.20.040. RELEASED PRISONER. (a) A prisoner released
6 under AS 33.20.030 shall be released on mandatory parole to the
7 custody and jurisdiction of the parole board under AS 33.16, until the
8 expiration of the maximum term to which the prisoner was sentenced, if
9 the term or terms of imprisonment exceeded 180 days. However, a
10 prisoner released on mandatory parole may be discharged under AS 33.-
11 16.210 before the expiration of the term. A prisoner who was sen-
12 tenced to an imprisonment of 180 days or less shall be unconditionally
13 discharged, except as provided in (c) of this section.

14 * Sec. 4. AS 33.20.040 is amended by adding a new subsection to read:

15 (c) If a prisoner's sentence includes a residual period of
16 probation, a prisoner released under AS 33.20.030 shall immediately
17 begin serving the residual probationary period, except that if manda-
18 tory parole is required under (a) of this section, serving the proba-
19 tionary period shall immediately follow discharge from parole.

20 * Sec. 5. AS 39.50.200(b)(20) is amended to read:

21 (20) [STATE] Board of Parole (AS 33.16.020 [AS 33.15.010]);

22 * Sec. 6. AS 44.66.010(a)(3) is amended to read:

23 (3) [STATE] Board of Parole (AS 33.16.020 [AS 33.15.010])

24 -- June 30, 1989 [1985];

25 * Sec. 7. AS 33.15 is repealed.

26 * Sec. 8. Current members of the board of parole appointed under
27 AS 33.15.010, repealed in sec. 7 of this Act, retain their membership on
28 the board of parole under AS 33.16.020. To accomplish the purpose of
29 AS 33.16.020, the governor shall designate one member whose term expires on

1 January 1, 1987; one member whose term expires on January 1, 1988; one
2 member whose term expires on January 1, 1989; one member whose term expires
3 on January 1, 1990; and one member whose term expires on January 1, 1991.

4 * Sec. 9. APPLICABILITY. AS 33.16.090(b), enacted in sec. 2 of this
5 Act, shall be applied prospectively, except that prisoners sentenced before
6 the effective date of this Act are eligible for discretionary parole during
7 a term of sentence enhancement imposed under AS 12.55.155(a) or during the
8 term of a consecutive or partially consecutive presumptive sentence imposed
9 under AS 12.55.025(e) or (g) if the sentencing court orders discretionary
10 parole eligibility for that period.

11 * Sec. 10. This Act takes effect January 1, 1986.