

Introduced: 2/11/87
Referred: Health, Education &
Social Services, Judiciary
and Finance

5-0367B

1 IN THE HOUSE BY ZAWACKI

2 SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 49

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to deduction from a term of impris-
7 onment by the Board of Parole."

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

9 * Section 1. AS 33.16.010(c) is amended to read:

10 (c) A prisoner who is not eligible for discretionary parole, or
11 who is not released on discretionary parole, shall be released on
12 mandatory parole for the term of [GOOD TIME] deductions credited under
13 AS 33.20, if the term or terms of imprisonment exceed 180 days.

14 * Sec. 2. AS 33.16.090(c) is amended to read:

15 (c) A prisoner eligible for discretionary parole during a period
16 of sentence enhancement imposed under AS 12.55.155(a) or during a
17 consecutive or partially consecutive presumptive sentence imposed
18 under AS 12.55.025(e) or (g) shall serve the unenhanced portion of the
19 sentence or the initial presumptive sentence before being otherwise
20 eligible for discretionary parole under AS 33.16.100(c) or (d). For
21 purposes of this subsection, the sentence for the most serious offense
22 in the case of consecutive or partially consecutive presumptive sen-
23 tences shall be considered the initial presumptive sentence. The
24 unenhanced sentence or the initial presumptive sentence is considered
25 served for purposes of discretionary parole on the date the unenhanced
26 or initial presumptive sentence is due to expire less [GOOD] time
27 earned under AS 33.20.010.

28 * Sec. 3. AS 33.16.900(7) is amended to read:

29 (7) "mandatory parole" means the release of a prisoner who

1 was sentenced to one or more terms of imprisonment exceeding 180 days,
2 for the period of [GOOD] time credited under AS 33.20, subject to
3 conditions imposed by the board and subject to its custody and juris-
4 diction;

5 * Sec. 4. AS 33.20.010(a) is amended to read:

6 (a) Except as provided in (b) of this section and notwithstanding
7 AS 12.55.125(f)(3) and 12.55.125(g)(3), a prisoner convicted of an
8 offense against the state or a political subdivision of the state and
9 sentenced to a term of imprisonment that exceeds three days may re-
10 ceive [IS ENTITLED TO] a deduction of one-third of the term of im-
11 prisonment rounded off to the nearest day if the Board of Parole
12 determines that the prisoner has followed [FOLLOWS] the rules of the
13 correctional facility in which the prisoner is confined.

14 * Sec. 5. AS 33.20.010(b) is amended to read:

15 (b) A prisoner sentenced to a term of imprisonment of more than
16 one year before April 9, 1986, who was entitled to a deduction of less
17 than one-third of the term of imprisonment may receive [IS ENTITLED
18 TO] a deduction of one-third of the portion of the term of imprison-
19 ment remaining to be served as of April 9, 1986, if [UNLESS] the Board
20 of Parole determines that, with reasonable probability, the prisoner
21 will [NOT] live and remain at liberty without violating any laws.

22 * Sec. 6. AS 33.20.050 is amended to read:

23 Sec. 33.20.050. FORFEITURE FOR OFFENSE. If during the term of
24 imprisonment a prisoner commits an offense or violates the rules of
25 the correctional facility, all or part of the deduction allowed under
26 AS 33.20.010 [PRISONER'S GOOD TIME] may be forfeited under regulations
27 adopted by the Board of Parole [COMMISSIONER OF CORRECTIONS]. The
28 amount of [GOOD] time forfeited shall be related to the severity of
29 the offense or rule violation.

1 * Sec. 7. AS 33.20.060 is amended to read:

2 Sec. 33.20.060. RESTORATION OF FORFEITED [GOOD] TIME. The Board
3 of Parole [COMMISSIONER OF CORRECTIONS] may restore all or a portion
4 of a prisoner's [FORFEITED GOOD] time forfeited under AS 33.20.050.
5 under regulations adopted by the board [COMMISSIONER], if the prisoner
6 demonstrates progress in faithfully observing the rules of the correc-
7 tional facility in which the prisoner is confined. The amount of
8 forfeited [GOOD] time restored by the board [COMMISSIONER] shall be
9 related to the severity of the offense or rule violation committed by
10 the prisoner and the length of time of good conduct that followed the
11 offense or rule violation.

12 * Sec. 8. AS 33.35.010, art. III(a), is amended to read:

13 (a) When a person is serving a term of imprisonment in a penal
14 or correctional institution of a party state, and when during the term
15 of imprisonment there is pending in another party state any untried
16 indictment, information or complaint on the basis of which a detainer
17 has been lodged against the prisoner, the prisoner shall be brought to
18 trial within 180 days after the prisoner has had delivered to the
19 prosecuting officer and the appropriate court of the prosecuting
20 officer's jurisdiction written notice of the place of imprisonment and
21 a request for a final disposition to be made of the indictment, infor-
22 mation or complaint. However, for good cause shown in open court, the
23 prisoner or counsel for the prisoner being present, the court having
24 jurisdiction of the matter may grant any necessary or reasonable
25 continuance. The request of the prisoner shall be accompanied by a
26 certificate of the appropriate official having custody of the pris-
27 oner, stating the term of commitment under which the prisoner is being
28 held, the time already served, the time remaining to be served on the
29 sentence, the amount of [GOOD] time earned for good behavior, the time

1 of parole eligibility of the prisoner, and any decisions of the state
2 parole agency relating to the prisoner.

3 * Sec. 9. AS 33.35.010, art. IV(b), is amended to read:

4 (b) Upon receipt of the officer's written request as provided in
5 paragraph (a) of this article, the appropriate authorities having the
6 prisoner in custody shall furnish the officer with a certificate
7 stating the term of commitment under which the prisoner is being held,
8 the time already served, the time remaining to be served on the sen-
9 tence, the amount of [GOOD] time earned for good behavior, the time of
10 parole eligibility of the prisoner, and any decisions of the state
11 parole agency relating to the prisoner. Those authorities shall at the
12 same time furnish all other officers and appropriate courts in the
13 receiving state who have lodged detainers against the prisoner with
14 similar certificates and with notices informing them of the request
15 for custody or availability and of the reasons for the request.

16 * Sec. 10. AS 33.35.010, art. V(f), is amended to read:

17 (f) During the continuance of temporary custody or while the
18 prisoner is otherwise being made available for trial as required by
19 this agreement, time being served on the sentence shall continue to
20 run but [GOOD] time shall be earned by the prisoner for good behavior
21 only if, and to the extent that, the law and practice of the jurisdic-
22 tion which imposed the sentence may allow.