

Offered: 3/11/87
Referred: Judiciary and
Finance

5-0584B

Original sponsors: Swackhammer, Gruenberg,
Navarre, et al.

1 IN THE HOUSE BY THE HEALTH, EDUCATION AND
2 CS FOR HOUSE BILL NO. 140 (HESS) SOCIAL SERVICES COMMITTEE
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 parole."
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
8 * Section 1. AS 33.16.010(a) is amended to read:
9 (a) A prisoner who is serving a term or terms of two years or
10 more [AT LEAST 181 DAYS] is eligible for [EITHER DISCRETIONARY OR]
11 mandatory parole.
12 * Sec. 2. AS 33.16.010 (c) is amended to read:
13 (c) A prisoner who is not eligible for discretionary parole, or
14 who is not released on discretionary parole, shall be released on
15 mandatory parole for the term of good time deductions credited under
16 AS 33.20, if the term or terms of imprisonment are two years or more
17 [EXCEED 180 DAYS].
18 * Sec. 3. AS 33.16.100(d) is amended to read:
19 (d) A prisoner who is sentenced for a term under AS 12.55.-
20 125(a), [OR] (b), (c), or (i) may not be released on discretionary
21 parole until the prisoner has served the mandatory minimum term under
22 AS 12.55.125(a), [OR] (b), (c), or (i), at least one-third of the
23 period of confinement imposed, or any minimum term set under AS 12.-
24 55.115 at sentencing, whichever is greater.
25 * Sec. 4. AS 33.16.210 is amended to read:
26 Sec. 33.16.210. DISCHARGE OF PAROLEE. The board may uncondi-
27 tionally discharge a parolee from the jurisdiction and custody of the
28 board after the parolee has completed two years of parole [, IF THE
29 SENTENCE OF THE PAROLEE DOES NOT INCLUDE A RESIDUAL PERIOD OF

1 PROBATION]. A discretionary parolee with a residual period of pro-
2 bation may, after two years of parole, be discharged by the board to
3 immediately begin serving the residual period of probation.

4 * Sec. 5. AS 33.16.210 is amended by adding a new subsection to read:

5 (b) Notwithstanding (a) of this section, the board may uncondi-
6 tionally discharge a mandatory parolee before the parolee has com-
7 pleted two years of parole if the parolee is serving a concurrent
8 period of residual probation under AS 33.20.040(c), and the period of
9 residual probation is equal to or exceeds the period of mandatory
10 parole.

11 * Sec. 6. AS 33.16.900(7) is amended to read:

12 (7) "mandatory parole" means the release of a prisoner who
13 was sentenced to one or more terms of imprisonment of two years or
14 more [EXCEEDING 180 DAYS], for the period of good time credited under
15 AS 33.20, subject to conditions imposed by the board and subject to
16 its custody and jurisdiction;

17 * Sec. 7. AS 33.16.900(8) is amended to read:

18 (8) "parolee" means a prisoner, sentenced to one or more
19 terms of imprisonment exceeding 180 days in the case of discretionary
20 parole and of two years or more in the case of mandatory parole, re-
21 leased by the board or by operation of law before the expiration of
22 the term, subject to the custody and jurisdiction of the board;

23 * Sec. 8. AS 33.20.040(a) is amended to read:

24 (a) Except as provided in (c) of this section, a [A] prisoner
25 released under AS 33.20.030 shall be released on mandatory parole to
26 the custody and jurisdiction of the parole board under AS 33.16, until
27 the expiration of the maximum term to which the prisoner was sen-
28 tenced, if the term or terms of imprisonment are two years or more
29 [EXCEEDED 180 DAYS]. However, a prisoner released on mandatory parole

1 may be discharged under AS 33.16.210 before the expiration of the
2 term. A prisoner who was sentenced to a term or terms of [AN] impris-
3 onment of less than two years [180 DAYS OR LESS] shall be uncondition-
4 ally discharged from mandatory parole [, EXCEPT AS PROVIDED IN (c) OF
5 THIS SECTION].

6 * Sec. 9. AS 33.20.040(c) is amended to read:

7 (c) If a prisoner's sentence includes a residual period of
8 probation, the probationary period shall run concurrently with a
9 period of mandatory parole for that sentence and the prisoner shall be
10 under the concurrent jurisdiction of the court and the parole board.
11 Nothing in this section precludes both the court and the parole board
12 from revoking the prisoner's probation and mandatory parole for the
13 same conduct. A period of imprisonment resulting from the revocation
14 of probation or mandatory parole may be imposed consecutively in the
15 discretion of the court or the parole board [A PRISONER RELEASED UNDER
16 AS 33.20.030 SHALL IMMEDIATELY BEGIN SERVING THE RESIDUAL PROBATIONARY
17 PERIOD, EXCEPT THAT IF MANDATORY PAROLE IS REQUIRED UNDER (a) OF THIS
18 SECTION, SERVING THE PROBATIONARY PERIOD SHALL IMMEDIATELY FOLLOW
19 DISCHARGE FROM PAROLE].