

Offered: 3/27/87  
Referred: Finance

5-0584L

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

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 140 (Judiciary)

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 mandatory and discretionary  
7 parole and residual probation."

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

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

10 (a) A prisoner who is serving a term or terms of two years or  
11 more [AT LEAST 181 DAYS] is eligible for [EITHER DISCRETIONARY OR]  
12 mandatory parole.

13 \* Sec. 2. AS 33.16.010 (c) is amended to read:

14 (c) A prisoner who is not eligible for discretionary parole, or  
15 who is not released on discretionary parole, shall be released on  
16 mandatory parole for the term of good time deductions credited under  
17 AS 33.20, if the term or terms of imprisonment are two years or more  
18 [EXCEED 180 DAYS].

19 \* Sec. 3. AS 33.16.100(d) is amended to read:

20 (d) A prisoner who is sentenced for a term under AS 12.55.-  
21 125(a), [OR] (b), (c), or (i) may not be released on discretionary  
22 parole until the prisoner has served the mandatory minimum term under  
23 AS 12.55.125(a), [OR] (b), (c), or (i), at least one-third of the  
24 period of confinement imposed, or any minimum term set under AS 12.-  
25 55.115 at sentencing, whichever is greater.

26 \* Sec. 4. AS 33.16.210 is amended to read:

27 Sec. 33.16.210. DISCHARGE OF PAROLEE. The board may uncondi-  
28 tionally discharge a parolee from the jurisdiction and custody of the  
29 board after the parolee has completed two years of parole [, IF THE

1 SENTENCE OF THE PAROLEE DOES NOT INCLUDE A RESIDUAL PERIOD OF PRO-  
2 BATION]. A discretionary parolee with a residual period of probation  
3 may, after two years of parole, be discharged by the board to immedi-  
4 ately begin serving the residual period of probation.

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

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

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

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

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

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

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

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

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

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

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