

HOUSE BILL NO. 151

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE KOPONEN

Introduced: 2/20/91

Referred: Health, Education and Social Services, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to parole."

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

3 * Section 1. AS 33.16.090(b) is amended to read:

4 (b) A prisoner is not eligible for discretionary parole during the term of a presumptive
5 sentence except as provided in (e) of this section; however, a prisoner is eligible for
6 discretionary parole during a term of sentence enhancement imposed under AS 12.55.155(a) or
7 during the term of a consecutive or partially consecutive presumptive sentence imposed under
8 AS 12.55.025(e) or (g).

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

10 (c) A prisoner eligible for discretionary parole during a period of sentence enhancement
11 imposed under AS 12.55.155(a) or during a consecutive or partially consecutive presumptive
12 sentence imposed under AS 12.55.025(e) or (g) shall serve the unenhanced portion of the
13 sentence or the initial presumptive sentence before being otherwise eligible for discretionary
14 parole under AS 33.16.100(c) or (d) except as provided in (e) of this section. For purposes of

1 this subsection, the sentence for the most serious offense in the case of consecutive or partially
2 consecutive presumptive sentences shall be considered the initial presumptive sentence. The
3 unenhanced sentence or the initial presumptive sentence is considered served for purposes of
4 discretionary parole on the date the unenhanced or initial presumptive sentence is due to expire
5 less good time earned under AS 33.20.010.

6 * Sec. 3. AS 33.16.090 is amended by adding a new subsection to read:

7 (e) A prisoner otherwise ineligible for discretionary parole under (c) and (d) of this
8 section is eligible for discretionary parole upon successful participation in and completion of the
9 treatment plan of a rehabilitation program ordered by a court under AS 12.55.015(a)(10) or
10 prescribed by the department and after a finding by the department that the prisoner need not be
11 incarcerated for the protection of the public.

12 * Sec. 4. AS 33.16.100 is amended by adding a new subsection to read:

13 (e) Notwithstanding (c) and (d) of this section and AS 12.55, the board may authorize
14 the release of a prisoner on discretionary parole if the department certifies that the prisoner has
15 successfully participated in and completed a treatment plan of a rehabilitation program ordered
16 by a court under AS 12.55.012(a)(10) or prescribed by the department and after a finding by the
17 department that the prisoner need not be incarcerated for the protection of the public. In making
18 a determination to authorize the release of a prisoner on parole under this subsection, the board
19 shall also make the determinations required under (a) of this section.

20 * Sec. 5. AS 33.16.150 is amended by adding a new subsection to read:

21 (e) The board shall impose as a condition of parole of a prisoner eligible for discretionary
22 parole under AS 33.16.090(e) and granted and released on discretionary parole under
23 AS 33.16.100(e) that the prisoner continue successful participation and compliance with a
24 treatment plan of a rehabilitation program ordered by a court under AS 12.55.015(a)(10) or
25 recommended by the department.

26 * Sec. 6. AS 33.16.220(a) is amended to read:

27 (a) The board may revoke parole if the parolee
28 (1) engages in conduct in violation of AS 33.16.150(a), [OR] (b), or (e); or
29 (2) has violated an order of the court to participate in or comply with the
30 treatment plan of a rehabilitation program under AS 12.55.015(a)(10).