

HOUSE BILL NO. 137
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE MULDER

Introduced: 2/5/93

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

A BILL
FOR AN ACT ENTITLED

1 "An Act authorizing special medical parole for terminally ill prisoners."

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

3 * **Section 1.** AS 33.16.010(d) is amended to read:

4 (d) A prisoner released on special medical, discretionary, or mandatory parole
5 is subject to the conditions of parole imposed under AS 33.16.150. Parole may be
6 revoked under AS 33.16.220.

7 * **Sec. 2.** AS 33.16.010 is amended by adding a new subsection to read:

8 (e) A prisoner eligible under AS 33.16.085 may be released on special medical
9 parole by the Parole Board.

10 * **Sec. 3.** AS 33.16.060 is amended to read:

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 suitability for parole of
14 a prisoner who is eligible for special medical or discretionary parole;

- 1 (3) impose parole conditions on all prisoners released under
2 discretionary or mandatory parole;
- 3 (4) under AS 33.16.210, discharge a person from parole when custody
4 is no longer required;
- 5 (5) maintain records of the meetings and proceedings of the board;
- 6 (6) recommend to the governor and the legislature changes in the law
7 administered by the board;
- 8 (7) recommend to the governor or the commissioner changes in the
9 practices of the department and of other departments of the executive branch necessary
10 to facilitate the purposes and practices of parole;
- 11 (8) upon request of the governor, review and recommend applicants for
12 executive clemency; and
- 13 (9) execute other responsibilities prescribed by law.
- 14 (b) The board shall adopt regulations under the Administrative Procedure Act
15 (AS 44.62)
- 16 (1) establishing standards under which the suitability of a prisoner for
17 special medical or discretionary parole shall be determined;
- 18 (2) providing for the supervision of parolees and for recommitment of
19 parolees; and
- 20 (3) governing procedures of the board.

21 * Sec. 4. AS 33.16 is amended by adding a new section to read:

22 Sec. 33.16.085. SPECIAL MEDICAL PAROLE. (a) Notwithstanding a
23 presumptive, mandatory, or mandatory minimum term a prisoner may be serving or
24 any restriction on parole eligibility under AS 12.55, a prisoner who is serving a term
25 of at least 181 days, may, in the discretion of the board, be released on special medical
26 parole.

27 (b) Upon application by a prisoner or the commissioner, the board may
28 authorize the release of a prisoner on special medical parole if it determines that the
29 prisoner is suffering from a terminal illness.

30 * Sec. 5. AS 33.16.140 is amended to read:

31 Sec. 33.16.140. ORDER FOR PAROLE. An order for parole issued by the

1 board, setting out the conditions imposed under AS 33.16.150(a) and (b) [,] and the
2 date parole custody ends, shall be furnished to each prisoner released on special
3 medical, discretionary, or mandatory parole.

4 * Sec. 6. AS 33.16.150(a) is amended to read:

5 (a) As a condition of parole, a prisoner released on special medical,
6 discretionary, or mandatory parole shall refrain from conduct punishable by
7 imprisonment under state or federal law or municipal ordinance.

8 * Sec. 7. AS 33.16.150(b) is amended to read:

9 (b) The board may require as a condition of special medical, 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 permission to
14 depart from the stated limits is granted the parolee;
- 15 (4) report upon release to the parole officer assigned to the parolee;
- 16 (5) report as required to the parole officer assigned to the parolee;
- 17 (6) reside at a stated place and notify the board of any change in place
18 of residence;
- 19 (7) not possess or control firearms or other dangerous weapons;
- 20 (8) refrain from possessing or consuming alcoholic beverages;
- 21 (9) submit to reasonable searches and seizures by a parole officer [,]
22 or a peace officer acting under the direction of a parole officer;
- 23 (10) submit to appropriate medical, mental health, or controlled
24 substance or alcohol examination, treatment, or counseling;
- 25 (11) submit to periodic examinations designed to detect the use of
26 alcohol or controlled substances;
- 27 (12) make restitution ordered by the court under [ACCORDING TO]
28 a schedule established by the board;
- 29 (13) refrain from opening, maintaining, or using a checking account or
30 charge account;
- 31 (14) refrain from entering into a contract other than a prenuptial

- 1 contract or a marriage contract;
- 2 (15) refrain from operating a motor vehicle;
- 3 (16) refrain from entering an establishment where alcoholic beverages
- 4 are served, sold, or otherwise dispensed;
- 5 (17) refrain from participating in any other activity or associating with
- 6 any other person that the board determines is reasonably likely to diminish the
- 7 rehabilitative goals of parole, or that may endanger the public.

8 * Sec. 8. AS 33.16.200 is amended to read:

9 Sec. 33.16.200. CUSTODY OF PAROLEE. Except as provided in

10 AS 33.16.210, the board retains custody of special medical, discretionary, and

11 mandatory parolees until the expiration of the maximum term or terms of

12 imprisonment to which the parolee is sentenced.

13 * Sec. 9. AS 33.16.900 is amended by adding a new paragraph to read:

14 (11) "special medical parole" means the release by the board before the

15 expiration of a term, subject to conditions imposed by the board and subject to its

16 custody and jurisdiction, of a prisoner who is suffering from a terminal disease.