

H B

225

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Sectional Analysis of HB 225

Sec.1: The composition of the parole board is set at five members who serve for five-year, staggered terms. Eliminates members who have conflicts through state employment or political office. Changes the minimum meetings per year from two to four. Establishes a removal procedure for definite conduct and with time limits.

The parole board is assigned the responsibility for making recommendations to the legislature and Commissioner. They are also responsible for maintaining records, making operating rules and standards, reports, etc. Invokes the Administrative Procedure Act (44.62).

The scope of the parole board is extended to include that period of time designated in the certificate of deduction for good conduct. Criteria for assessing suitability for parole are delineated. Designates written reports and testimony to be used in determination of eligibility. Makes confidentiality of pre-parole report more stringent and excludes parolee from seeing evaluations made by mental health or corrections personnel.

States that the parole order specify that violations of state or federal laws constitute grounds for revocation. Provides that the parolee accept conditions imposed by the board and establishes parolee's right to a hearing on reconsideration of a condition.

The duties of Commissioner of DHSS remain the same except for the provision that information pertinent to eligibility determination must be provided in a timely manner.

In Sec. 16.220, limited access to civil process is restored to parolees in conjunction with Bush v. Reid, Sup. Ct. No. 973, and the due process clauses in Alaska and United States constitutions.

A significant change from existing statute is the provision for interviews with a single member of the parole board for the purpose of determining either eligibility for parole or probable cause for revocation. A preliminary hearing before a single member of the board to determine probable cause must be held within 14 days of arrest. The revocation must be taken up at the next meeting of the parole board. Unless otherwise specified, time spent on parole may not be credited against a prisoner's sentence.

Sec.2 Changes termination date from 6/30/80 to 6/30/84.

Sec.3 Changes AS 33.30.030 to reflect that time specified in the certificate of deduction is considered a release on parole and subject to imposition of conditions by the parole board. Suggested language change on page 12, line 11, would change "period" to "certificate".

Sec. 4-7 Repeals old law replaced by chapter 16, allows for its application on effective date of this Act., which is 7/1/81.

Sec.6 Provides that the Governor shall appoint a new board to an initial staggered term schedule of 5,4,3,2,1 years.

POSITION PAPER
HOUSE BILL 225

House Bill 225 presents many changes to the current Parole Board statute including:

- a) Sets five year terms for Board members as recommended by the Commission on Accreditation for Corrections and other professional organizations.
- b) Statutorily sets the compensation of Board members at \$100 per day for each day they are involved in carrying out Parole Board business.
- c) Requires the Board to maintain standards for the release of offenders.
- d) Requires the Board's regulations to be promulgated pursuant to the Alaska Administrative Code, making the regulations more accessible to the public.
- e) Defines statutorily the bases for the appeal of Board decisions.
- f) Sets standards for the imposition of any condition of release and allows the offender to appeal any condition imposed.
- g) Allows the Board to discharge parolees from parole after two years of supervision cutting down the parole officer's workloads and limiting the intrusion of the State into the lives of the offenders. It requires the offender be discharged after 5 years unless good cause is shown.
- h) Provides clarification of definitions and of the mandatory release statutes.
- i) Establishes statutorily the bases for the removal of Parole Board members.

The department believes that the proposed changes in this bill would add to the effectiveness of the present parole system.

Approved by: Helen D. Beirne Date 2-5-82
Helen D. Beirne, Commissioner
Department of Health and Social
Services

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill No. 225

Title "An Act relating to parole of offenders & continuing existence of the *

Requested by House HESS Committee Date February 4, 1982

II. FISCAL DETAILS ^{*}Board of Parole."

Agency Affected Department of Health & Social Services

Program Category Affected Offender Confinement, Reformation, and Supervision

BRU, Program, Or Subprogram(s) Affected Adult Confinement; Probation & Com. Prog.

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

FULL TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

This bill essentially enables the Board of Parole to continue their existence and carry out their responsibilities in the same general manner as in the past. Therefore, there would be no fiscal impact on the Division of Adult Corrections.

IV. DATE February 4, 1982

PREPARED BY Roger C. Lange
AGENCY Division of Adult Corrections

Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (first Legislator Named)

PHONE 465-3376

33-001 (Rev. 12/81)

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THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill 225
 Title An Act Relating to Parole of Offenders: Continuing the Existence of the Board
 Requested by Representative Martin Date February 25, 1981

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services
 Program Category Affected Justice
 BRU, Program, or Subprogram(s) Affected Parole Board
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
200 TRAVEL	-0-	5.5	5.9	6.4	6.9	7.5
300 CONTRACTUAL	-0-	2.4	-0-	2.8	-0-	3.2
400 COMMODITIES						
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800 COMPENSATION	-0-	23.8	23.8	23.8	23.8	23.8
TOTAL	-0-	31.7	29.7	33.0	30.7	34.5

FUNDING (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
GENERAL FUND	-0-	31.7	29.7	33.0	30.7	34.5
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POSITIONS

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
FULL TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

IV. DATE March 5, 1981 PREPARED BY Samuel H. Trivette
 AGENCY Parole Board
 PHONE 465-3384
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named) M&B Approval Date 3/5/81

A. Section .020 & .030, Nomination/Selection of Members

Budget one trip to Anchorage, Fairbanks, Bethel, Nome, Kenai, Ketchikan, and Sitka to meet with organizations to recruit for Board members and to administer member assessment. One additional day trip to one location to do final interviews and train on member responsibilities.

Travel 3.8

B. Section .050, Compensation

- a) Reading reports - assume 225 cases/year X 3/4 hours per file = 23 "member days"
Guess 23 X 5 members X \$100 = 11.5
- b) Phone log shows average of 30 calls/quarter to the office X 4 quarters = 120 calls/year for handling appeals, requests for special hearings, setting mandatory release conditions, etc.
120 calls X \$120 = 12.0

Compensation Total 23.5

C. Section .080, Responsibilities

- a) Costs to rent meeting rooms, advertise, professional recording of hearings, to establish regulations in the Alaska Administrative Code.

Contractual 2.4

- b) Travel costs for Executive Director and Chairman to conduct 1 day hearings in Anchorage, Fairbanks, and Juneau.

Travel 1.7

- c) Compensation for Chairman 3 days at \$100.

.3

Section .080 Total 4.4

Assumptions

1. Travel will increase at a rate of 8% per year.
2. Contractual will increase at a rate of 8% per year, but hearings to modify regulations will be held only once every two years.

New Hope Baptist Church

333 North Price
Anchorage, Alaska 99504

Doctor William B. Lyons, Pastor
272-9315-277-9222

March 12, 1982

Honorable Mike Beirne
Chairman, House Health, Education
and Social Services Committee
Alaska House of Representatives
Pouch V
Juneau Alaska 99811

Dear Representative Beirne:

There are a number of primary issues your committee needs to address in choosing between the two basic approaches to parole in Alaska as set forth in HB 225 and HB 293. Some of them are:

1. Are you concerned about increasing the chances of convicted felons not committing new crimes after they are released from jail?
2. Are you concerned about decision-makers taking into consideration certain factors present after sentencing significantly increasing a person's chances of success in the community, thereby supporting the constitutional mandates of reformation of the offender and protection of the public?
3. Are you willing to adopt a system of releasing prisoners back into the community that has shown to statistically produce a higher recidivism rate (HB 293) than discretionary parole does (HB 225)?
4. Is it more important that a prisoner know his release date from jail the date he is sentenced or that he be told this information in the first 6 months of incarceration and he be required to complete certain programs that will lower his risk in the community when he is released?
5. Are you concerned that persons convicted of similar crimes and having similar backgrounds serve a similar amount of time if they are sent to jail, irrespective of who the sentencing judge was, the city in which the

prisoner was sentenced, or which institution the prisoner is assigned to?

6. Are you concerned that decisions regarding the release of prisoners after sentencing be consistent?
7. Are you concerned that most sentenced prisoners be told early in their sentences when they can expect to be released and what their conditions of release will be?
8. Are you concerned that non-governmental citizen with different backgrounds including minority members having a role in the criminal justice system in determining who and when prisoners will be released from jail back to the community?
9. Are you concerned about keeping down the costs of operating our corrections system by allowing the somewhat early release of those prisoners who are a demonstrated low risk to commit new crimes in the community?
10. Are you concerned about establishing a public policy that would presume all felony offenders would be sentenced to a year or more of jail, when preliminary data shows judges more frequently increase sentences rather than decrease them when sentencing under the new criminal code?

National research and Alaska data shows that prisoners released by discretionary parole do significantly better than those released at sentence expiration minus good time (mandatory release), even when you control for differing risk of the two groups. If risk is allowed to be considered (as it is at current parole board hearings) parolees do even better. This data is based upon review of many studies by the criminal justice researchers at the National Council on Crime and Delinquency. Furthermore, the new felony conviction rate of Alaska parolees is about half the national average.

Risk is considered by the Alaska Parole Board now as it is required by AS 33.15.080. However, most of the risk factors utilized by the Board in its guidelines refer to "what the prisoner did" such as prior felony convictions, prior misdemeanor convictions, juvenile probation record, juvenile institutional record, adult probation/parole record, alcohol abuse/drug abuse record. Specific numerical scores are assigned to each factor so the guidelines are applied precisely and consistently to each parole applicant. It has been said we are notoriously poor predictor's of the future behavior of our fellow human beings. If we define our terms specifically, we find this statement is not necessarily correct. In compiling parole guidelines research our parolees fell into 4 distinct risk categories. Only 16% of the parolees in the best risk category had any problems (even minor violations) while on parole while over 57% of the parolees in the worst category had problems. This 41% difference certainly is significant. Realize a prisoner's risk is not cast in concrete - it is simply a numerical tool in helping to set a reasonable prison term. Similar risk profiles are utilized throughout

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the country as a tool in the same manner psychological tests help us understand some things about human behavior. Furthermore, the Division of Adult Corrections will soon begin using a slightly modified version of the Parole Board's guidelines risk scale in making furlough decisions. The Division feels risk is an appropriate factor to consider when placing prisoners in the community. Besides the factors known at sentencing, other factors become known to correctional authorities later on that significantly increase or decrease a prisoner's chances of success or failure on parole such as:

- a) Institutional behavior.
- b) Involvement in some institutional programs or programing after release.
- c) Certain aspects of a prisoner's release plan have been statistically significant.

In order to insure the lowest possible offender recidivism and the protection of the public, these and similar factors would be considered by the Board. Even if the Legislature should decide as a policy matter that it does not wish to have risk used as a factor, the Parole Board is in an excellent position to apply its guidelines fairly and equitably to all prisoners using its numerical tables, considering only those "prior behavior" items. Prisoners would serve very similar time for basically similar crimes and backgrounds. Under current law, offenders committing similar crimes with similar backgrounds sometimes receive widely divergent sentences because a number of factors:

1. Individual personalities and philosophies of the prosecutor, defense attorney and judge.
2. The bargaining of prior felony convictions(s), bargaining of whether to charge the use of a handgun during the commission of the crime, the bargaining of which charges of multiple count indictments to dismiss, and the bargaining of mitigating and aggravating factors.
3. Pressure of the local community or the judge and prosecutor.

Since all parole decisions are made by the same five peoples, utilizing the same policies, procedures and guidelines, consistency is maintained throughout the state. This consistency is documented by parole guidelines research and would be difficult if not almost impossible to duplicate in any other forum not involving a team of persons making all of the decisions statewide. As you know from the guidelines research data, the Board has dealt equitably with prisoners of different racial and ethnic backgrounds. Certainly in sentencing is a laudable goal of the criminal justice system. Many prisoners can sit down now and complete their own parole guidelines risk score I know with a 90% certainty when they will be released on parole. The Parole Board members have had a goal for almost three

years the receipt of funding so they could see offenders in the first four to six months of their sentences so most of the parole applicants could be advised of their release dates at that time rather than waiting to see the Board until they were eligible for parole release. The parole guidelines introduced a high degree of certainty into the system that could be improved upon by supplemental funding allowing the Board to see parole applicants earlier in their sentences. The parole guidelines not only establish certainty into the system, but they introduce statewide consistency into the decision-making process. The Board is the only component of the system likely to maintain this consistent certainty. Although gameplaying is certainly present in all segments of the criminal justice system it is less likely to be a primary factor when a prisoner would have to con two staff and a majority of the five Board members. The experience of the current Board members and staff in handling well over 8,000 hearings probably has been a factor in the Board's very low recidivism rate.

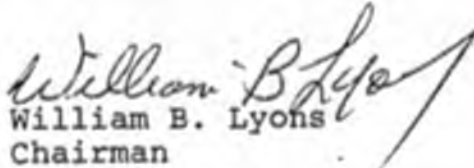
Parole release can help deal with the overcrowding of institutions if given the proper tools and if properly administered (see Michigan law). Competent research shows most prisoners can be released from jail before they earn all of their good time, at little risk to the community and at a substantial savings. This fact alone would support the retention of the Parole Board. The Board granted parole to 165 prisoners in the last two years - you can expect a major impact on Corrections if you decide to abolish discretionary parole.

The Parole Board members are not regular state employees that are required to follow the wishes of a particular administrator or appointee. They come from various communities around the state and their concern is with their constituents. Research shows they can do an excellent job of releasing those prisoners not likely to commit new crimes and still help reduce prison populations.

Parole in Alaska is working well--given small additional funding, its certainty could be increased so most offenders would know their release dates shortly after sentencing. The sunset audit report shows the Board has overcome the problems identified in the 1979 report. Give the Board a chance to work. The Board members and staff have spent a significant amount of time working on legislation over the last four years. We would hope the issue of continuation of a parole board could be resolved this spring without just another one year continuation so we can get on with the business of improving our operation if we are to remain in existence.

The Parole Board members support the continuation of a discretionary parole system in Alaska and would specifically support HS 225 or CSSB 327, both with a small number of amendments. Specific amendment information will be forwarded to you in the next few days.

Sincerely yours,


William B. Lyons
Chairman

WBL/ab

cc: Senate H.E.S.S.
Board Members
Commissioner Beirne

POSITION PAPER/Department of Health & Social Services

*Human Factor
Board Rep our peers or state of society - its probably the only means of
voluntary by participating*

POSITION PAPER
HOUSE BILL 225

Y.S.M.

*personally expressed
There has been mistake - had overload*

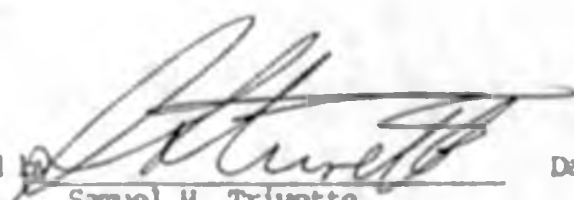
House Bill 225 presents many positive changes to the current Parole Board statute including: *minimum cost increase -*

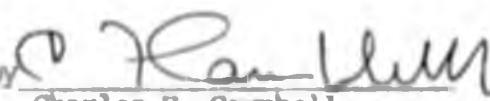
- a) Five year terms for Board members as recommended by the Commission on Accreditation for Corrections and other professional organizations.
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- i) Establishes statutorily the bases for the removal of Parole Board members.

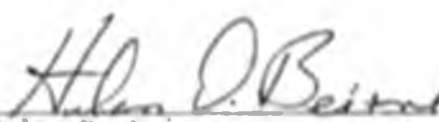
The changes listed in sections a) through g) above are supported by the Commission on Accreditation for Corrections, the Alaska Corrections Masterplan consultants and other professional corrections organizations. These are the same provisions that were included in HB 983 passed by the Alaska House of Representatives in 1980. This bill does an excellent job of balancing the interests of the offenders and of the public. The costs of implementing this bill are negligible. It allows the Parole Board to continue out its functions in a manner that current research shows has been very equitable and just.

POSITION PAPER
HOUSE BILL 225

The Department of Law is currently drafting a bill that would abolish the Parole Board. We are taking no position on this bill.

Recommended by  Date 3/10/81
Samuel H. Trivette
Executive Director

Recommended by  Date 3/10/81
Charles F. Carroll
Director
Division of Corrections

Approved by  Date 3/10/81
Helen D. Beirne
Commissioner
Department of Health
and Social Services

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill 225

Title An Act Relating to Parole of Offenders: Continuing the Existence of the Board

Requested by Representative Martin Date February 25, 1981

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services

Program Category Affected Justice

BRU, Program, or Subprogram(s) Affected Parole Board

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

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FULL TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

IV. DATE March 5, 1981

PREPARED BY Samuel H. Trivetto

AGENCY Parole Board

PHONE 465-3384

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named) M&B Approval W. L. ...

Date 3/5/81

A. Section .020 & .030, Nomination/Selection of Members

Budget one trip to Anchorage, Fairbanks, Bethel, Nome, Kenai, Ketchikan, and Sitka to meet with organizations to recruit for Board members and to administer member assessment. One additional day trip to one location to do final interviews and train on member responsibilities.

Travel 3.8

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THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

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Requested by _____ Date _____

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Program Category Affected Offender Confinement, Reformation and Supervision

BRU, Program, or Subprogram(s) Affected Adult Confinement; Probation & Community Programs

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200 TRAVEL						
300 CONTRACTUAL						
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TOTAL	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -
PART TIME						
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III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

This bill essentially enables the Board of Parole to continue their existence and carry out their responsibilities in the same general manner as in the past. Therefore, there would be no fiscal impact on the Division of Adult Corrections.

IV. DATE March 5, 1981

PREPARED BY Roger C. Lange

AGENCY Division of Corrections, Dept. of H. & S.S.

PHONE 465-3370

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named) M&B Approval _____

Date _____

INTRODUCTION OF BILLS (House)(cont'd)

HB 223 (cont'd)

New provisions are added to AS 47.25 under new sections 103 & 108, "Contractual Agreements," and "Eligibility." Effective July 1, 1981.

Introduced February 25 and referred to Health, Education & Social Services, then to Finance.

Delta/Greely
REAA
(adjusting
FY 81 appro-
priations)

HOUSE BILL NO. 224, by Rep. Moss. Repeals and reappropriates certain appropriations made to the Delta/Greely Regional Educational Attendance Area for FY 81. Reappropriates \$2.1 million to the Dept. of Transportation & Public Facilities for construction projects for the Delta/Greely REAA including: (1) a vocational education facility; (2) library expansion at Fort Greely; (3) sprinkler system at Delta; (4) administrative offices at Delta; and (5) classrooms at Fort Greely. No amounts specified for each.

Repeals Sec. 286, Ch. 50, SLA 1980, lines 22-25, page 42 and lines 4-5, page 43. Included: (23) Delta sprinkler system-- (\$200,000); (24) Library expansion, Fort Greely (\$300,000); (25) Vocational Education Fac. (\$1,000,000); (4) Delta Admin. Offices (\$200,000); and (5) Fort Greely classrooms (\$400,000).

States that the amount reappropriated is for capital projects and is subject to AS 37.25.020 (does not lapse). Effective immediately.

Introduced February 25 and referred to Health, Education & Social Services, then to Finance.

Parole of
Offenders

HOUSE BILL NO. 225, by Rep. Martin. Extends the existence of the State Board of Parole (which expired on June 30, 1980) until June 30, 1984. Rewrites the Parole Administration Act (AS 33.15), adding new language to AS 33 under Chapter 16, "Parole Administration." Makes the following changes regarding the Board:

- Increases the term of board members from four to five years.
- Directs the Governor to designate the chairman, and stipulates that chairman must have a minimum two year's experience in the field.
- Adds prohibition that member of board may not seek or hold a statewide or national elective public office during his term.
- Requires the Governor to seek nominations for board members and outlines selection criteria for members.
- Add procedure for the removal of board members for "disability, nonfeasance, neglect of duty, malfeasance in office, or conviction of a crime."
- Allows board member to receive compensation of \$100 per day "for each day he is concerned with the business of the board."
- Requires board to meet at least four times a year (currently must meet at least twice a year).
- Requires a vote of at least three members on all decisions and orders.
- Deletes provision which currently allows board members to issue warrants to retake a parole violator.
- Expands on section which outlines the responsibilities of the board.

HB 225 (cont'd)

Changes regarding the board (cont'd):

--States that Exec. Director serves at the pleasure of the board (currently serves at the pleasure of the Governor) and directs Exec. Director to employ the staff of the board.

New Chapter includes the following provisions regarding the parole process:

--Makes a distinction between "discretionary parole" (granted by the board) and "mandatory parole" (release "by operation of law" such as for good conduct).

--States that a prisoner other than a juvenile delinquent who is serving a definite term of over 180 days and who is not imprisoned for a committing a felony may, in the discretion of the board, be released on discretionary parole. Convicted felon may not be released until he has served at least the prescribed minimum term. A convicted felon who is released under AS 33.20-.030 (early release for good conduct) "shall be placed on mandatory parole for the period specified in the certificate of deduction subject to written conditions imposed by the board."

--Allows sentencing court to designate in the sentence of imprisonment a term at the expiration of which the prisoner is eligible for parole. Term shall be at least one-third of the period of confinement or the minimum term prescribed in AS 12.55-.125 for felonies, whichever is greater.

--Outlines conditions for granting of discretionary parole. States that prisoner may not be released until he has served either one-third of sentence or the minimum term required by law for felony convictions (currently parole may not be granted until prisoner has served either one-third of sentence or 15 years of a life sentence).

--Outlines information to be taken into consideration by the board when determining the suitability of a prisoner for discretionary parole. Includes: the presentence report; recommendations made by sentencing court, by prosecuting attorney & defense attorney, and any statement made by the prisoner at sentencing; the prisoner's history at the jail to which he was sent; a recommendation made by an officer at the jail; official reports of earlier crimes and earlier probation and parole experiences; physical, mental, and psychiatric exams of the prisoner; and information submitted by the prisoner, the prisoner's attorney, a victim of the crime, or other persons.

--Grants a prisoner the right to an interview with a member of the board to review the suitability of the prisoner for discretionary parole. Prisoner may waive such right.

--Requires the board to furnish to each person released under its supervision an order for parole. The order shall contain the conditions of parole and the date parole supervision expires. Order does not take effect until it is accepted and signed by the parolee and his parole plan is approved.

HB 225 (cont'd)

--Outlines mandatory conditions of parole: prisoner must refrain from violating state or federal laws. Board may require as a condition of parole that parolee accept any condition established by board under regulations adopted by it. Allow parolee to request reconsideration by the board of a condition of parole at any time.

--States that pre-parole reports submitted to the board are confidential.

--Allows a prisoner or a parolee to appeal a decision or order of the board to the superior court on the ground of arbitrariness or capriciousness.

--Outlines the duties of the Commissioner of Health & Social Services with regard to granting of parole. Only change over existing section is that Commissioner must "provide the board in a timely manner with information requested on sentenced prisoners who may be eligible for parole release or parole supervision." Also allows Commissioner to assign the duties of probation officers to parole officers appointed by him (no change over existing law).

--States that board retains legal custody of a discretionary parolee until the expiration of the maximum term or terms to which the parolee is sentenced less good time allowance. Board retains custody of a mandatory parolee until the expiration of the maximum term or terms to which he was sentenced. States that disability imposed by AS 33.30.320 (person sentenced to life imprisonment is considered "civilly dead") applies to a parolee as long as he is in the legal custody of the board, but the disability "does not deny a parolee access to the courts to protect the rights he may have." Parolee who has been on parole for five years shall be discharged from parole and from custody of board "unless the board finds after a hearing that continued supervision is necessary for the protection of society."

--Section on discretionary discharge states that board may discharge a parolee from supervision and custody and from further liability under his sentence after parolee has completed two years of parole. Requires annual review of a parolee's record after he has completed two years of parole.

--Allows board to release prisoner to answer a warrant issued by another court in Alaska, another state, the U.S., or by another authority, charging the prisoner with a crime (no change from existing law).

--Board may revoke parole for violation of state or federal law. Grants parolee arrested on charge of violation of state or federal law the right to a preliminary hearing before a single member of the board or before an authorized hearing officer to determine whether probable cause exists to revoke parole.

--Section dealing with arrest of parole violators states that parolee may be arrested without a warrant "only under exigent conditions which require immediate arrest" (more stringent than existing law which allows arrest without warrants).

HB 225 (cont'd)

--States that chapter applies to all persons convicted and sentenced in the Superior Courts and the District Courts of Alaska (no change).

Bill repeals and re-enacts 33.20.040(a) which relates to the release of prisoners who are released earlier than their term of confinement because of deductions for good conduct. New subsection reads: "A prisoner released under AS 33.20.030 [Discharge for Good Conduct] who is not granted parole under AS 33.16.100 and 33.16.120 [Eligibility for and granting of discretionary parole, under new provisions of bill] shall be released on parole for the period specified in the period of deduction subject to conditions imposed by the board and subject to its supervision."

Bill repeals AS 33.13 (Parole Administration Act).

New provisions apply to persons on parole or being considered for parole on the effective date of bill. States that terms of the members of the Board of Parole terminate on effective date of bill. Outlines initial terms of new members to be appointed by the Governor. Provides Act effective July 1, 1981.

Introduced February 25 and referred Health, Education & Social Services, then to Judiciary.

Marijuana
(legalizing
use for can-
cer patients)

HOUSE BILL NO. 226, by Reps. Randolph, Bairne, Bettisworth, Brown and Rogers. Legalizes the use of marijuana by persons who have been diagnosed by a physician to be ill with cancer. (Bill adds new subsection to AS 17.12.020, authorized possession of depressant, hallucinogenic & stimulant drugs.) Does not provide for effective date.

Introduced February 26 and referred to Health, Education & Social Services, then to Judiciary.

Disputed Tax
Payments

HOUSE BILL NO. 227, by Reps. Randolph, Abood, Barnes, Bairne, Bettisworth, Bylsma, Fanning and Metcalfe. Adds new section to AS 43.05 (Administration of Revenue Laws) which allows a person who prevails on a question of tax liability to recover from the state the expenses of preparing and presenting arguments and evidence relative to the tax or penalty in dispute. Person must present a certified statement of expenses to Dept. of Revenue in order to be reimbursed. States that bill has the effect of changing Rule 79 of the Alaska Rules of Civil Procedure by altering the manner of recovery of costs by a plaintiff entitled to recovery of expenses in an appeal of a disputed tax or penalty. Also changes Rule 82 of the Rules of Civil Procedure by mandating recovery of the entire amount of a plaintiff's attorney fees in the successful appeal of a disputed tax or penalty. Does not provide for effective date.

Introduced February 26 and referred to Judiciary and Finance.

General Obligation Bonds
(retirement)

HOUSE BILL NO. 228, by Reps. Randolph, Abood, Anderson, Barnes, Bairne, Bettisworth, Bylsma, Fanning, Halford and Phillips. Amends AS 37.10.070 which outlines allowable investments for

INTRODUCTION OF BILLS (House)(cont'd)

HB 228 (cont'd)

state surplus funds, by adding primary requirement stating the surplus funds be used "in accordance with appropriations for that purpose, to purchase and retire state general obligation bonds issued under the provisions of the State Bonding Act." If Commissioner determines that there is a surplus in excess of the amount necessary to purchase and retire outstanding state g. o. bonds, that surplus may be invested in the other allowable investments currently contained in the section. Does not provide for effective date.

Introduced February 26 and referred to State Affairs and Finance.

Overtime
Compensation

HOUSE BILL NO. 229, by Reps. Randolph, Anderson, Beirne, Bettisworth, Fanning and Metcalfe. Exempts from statute governing the payment of overtime compensation "an employee who is in sole charge of an independent establishment or a physically separated branch establishment." (Adds new paragraph to list of those currently exempted in AS 23.10.060.) Provides Act effective immediately.

Introduced February 26 and referred to State Affairs and Finance.

Permit &
License
Holders

HOUSE BILL NO. 230, by Reps. Randolph, Beirne, Bettisworth, Bylsma, Fanning and Metcalfe. Entitles permit or license holder to be reimbursed for the cost of their permit or license if the requirement for the permit or license is eliminated by law while person owns it. Amount of reimbursement shall be the sum last paid for the purchase of the permit or license by the present owner. Does not provide for effective date.

Introduced February 26 and referred to Labor & Commerce, then to Finance.

Fish & Game
Violations
(seizure of
property)

HOUSE BILL NO. 231, by Reps. Randolph, Abood, Barnes, Beirne, Bettisworth, Bylsma, Fanning, Metcalfe and Montgomery. Amends section of the Fish and Game Code (AS 16.05) which relates to the seizure and confiscation by the court of items used in or in aid of a violation of AS 16.05. Allows seizure of guns, traps, nets, fishing tackle, boats, aircraft, automobiles or other vehicles, sleds, and other paraphernalia used in or in aid of a violation of AS 16.05 or a regulation of the Dept. of Fish & Game (currently items may also be seized for violation of a rule of the department). Bill amends section to allow seizure only "if the person making the seizure determines that the seizure is necessary to preserve the items as evidence of a violation." Also amends section to require items to be returned to owner "within seven days after the seizure unless an extension is approved by court order for cause shown (currently items shall be returned "after completion of the case and payment of the fine, if any"). Section amended by bill is AS 16.05.190, "Seizure Without Warrant and Confiscation by Court." Does not provide for effective date.

Introduced February 26 and referred to Resources and Judiciary.

Acquitted
Defendants
(costs & atty.
fees)

HOUSE BILL NO. 232, by Reps. Randolph, Beirne, Bettisworth, Fanning and Metcalfe. Adds new section to AS 12.45 (Trial) which provides for an award of costs and attorney fees to a defendant acquitted of

INTRODUCTION OF BILLS (House)(cont'd)

Appropriation
(special)
(auto repair
abuse study)

HOUSE BILL NO. 292, by Reps. Hayes, Abood, Anderson, Beirne, Bettisworth, Brown, Martin and Metcalfe. Appropriates \$65,000 from the general fund to the Dept. of Law, Consumer Protection Section, for investigation of abuses related to automobile repairs. Appropriation lapses June 30, 1982. Provides Act effective July 1, 1981.

Introduced March 9 and referred to Labor & Commerce and Finance.

Parole of
Offenders/
Executive
Clemency

HOUSE BILL NO. 293, by the Rules Committee by request of the Governor. Governor's bill revamping the parole system in the state. Outline of bill is as follows:

--Sec. 1 adds new chapter to AS 33, Ch. 16 "PAROLE OF OFFENDERS AND EXECUTIVE CLEMENCY."

--Sec. 2 repeals AS 33.30.010 - 090 (Prison Facilities: Establishment, Control & Management) and AS 33.30.250 - 320 (portion of General Provisions). Sections of AS 33.30 which remain intact are Secs. 100 - 190, and Sec. 225.

--Sec. 3 adds new sections to AS 33.30 relating to the establishment, control and management of correctional facilities and programs; to the procedure for commitment; to programs and furloughs; and to miscellaneous provisions.

--Sec. 3 (misnumbered in bill--should be 4) repeals and reenacts AS 33.30.200, the definitions for AS 33.30.

--Secs. 4 & 5 repeal and reenact AS 11.56.340 & 350 (unlawful evasion in the first degree; unlawful evasion in the second degree).

--Sec. 6 repeals and reenacts 12.55.080 (Suspension of Sentence and Probation).

--Sec. 7 amends 12.55.090(b)(Grant of Probation); Sec. 8 amends 12.55.100 (Conditions of Probation); and Sec. 9 amends 12.55.110 (Notice and Grounds for Revocation of Suspension).

--Secs. 10 - 13 amend subsections of 12.55.125 (Sentences of Imprisonment for Felonies).

--Sec. 14 amends 12.55.155(a) (Factors in aggravation and mitigation--of presumptive sentencing).

--Sec. 15 amends 12.55.165 (Extraordinary Circumstances--in sentencing).

--Sec. 16 repeals AS 33.15 and AS 33.20 (Parole Administration Act and Pardons and Paroles).

--Sec. 17 terminates the Interim Sentence Review and Parole Commission established in Sec. 1 of bill on July 1, 1983.

--Sec. 18 states that Secs. 10 - 15 do not apply to or govern the punishment for any offense committed before July 1, 1981. Offenses committed before that date shall be punished according to the law existing at the time the offense was committed.

--Sec. 19 provides effective date of July 1, 1981.

INTRODUCTION OF BILLS (House) (cont'd)

HB 293 (cont'd)

Introduced March 9 and referred to Health, Education and Social Services, then to Finance.

In his message transmitting the bill to the House for consideration, Governor Hammnd stated:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill pertaining to the treatment of prisoners. It allows the Alaska Board of Parole to "sunset" as provided by law on July 1, 1981, and establishes a parole system whereby a prisoner's release date is set at the time of sentencing. The bill also sets presumptive sentences for first time felony offenders and constitutes a complete revision of AS 33.30 pertaining to correctional facilities. It clarifies ambiguous provisions in existing law pertaining to the custody of prisoners, and provides for the establishment of comprehensive furlough programs by the Department of Health and Social Services designed to facilitate an offender's reintegration into society before his final release after serving a term of imprisonment.

This bill should be viewed as the next logical step in the revision and modernization of Alaska's statutes pertaining to crimes and sentencing that began with passage of the revised criminal code in 1978. That legislation, in part, established presumptive sentences for repeat felony offenders and eliminated those offenders from consideration for early release by the parole board. This bill sets presumptive sentences for first-time felony offenders and makes that class of offenders ineligible for early release by the parole board.

To satisfy the requirements of art. III, sec. 21, of the Alaska Constitution, the bill establishes a parole system that allows for release of offenders before the expiration of their terms of imprisonment through the earning of a deduction from their sentences for good conduct while in prison and by permitting their participation in furlough programs established by the Department of Health and Social Services. The furlough programs are intended to foster successful reintegration of the offender into society by encouraging him to obtain employable skills, education, and appropriate counselling or treatment while serving the last part of his term of imprisonment.

This legislation also establishes a two-year interim sentence review and parole commission to set release dates for prisoners who commit crimes before July 1, 1981, the date the new parole system established by this bill takes effect. In setting a parole release date, the commission is specifically authorized to consider whether there was unjustified disparity in the sentence imposed when compared to other sentences imposed under similar circumstances. This provision of the bill will provide an appropriate mechanism to remedy any unjustified disparity in sentencing that may have occurred in the past that can be attributed to the race of the defendant or to any other reason. It is also responsive to the findings and recommendations of the Advisory Committee on Minority Sentencing Practices and the Anchorage Native Caucus arising out of the studies by the Alaska Judicial Council that first highlighted the problem of sentencing disparity in the state.

The central premise of this bill is that certainty in punishment, and certainty regarding the term of imprisonment a prisoner is required to serve, should be the central considerations applicable in establishing penalties for criminal conduct. This legislation insures certainty in sentencing of offenders by providing presumptive sentences for all felonies. Additionally, it also insures certainty in the correctional process by putting all offenders on an equal footing in terms of early release and participation in rehabilitative programs.

INTRODUCTION OF BILLS (House) (cont'd)

Community Work HOUSE BILL NO. 255, by the Judiciary Committee by Request.
(damages) Adds a new subsection to AS 12.55.055 (Code of Criminal Procedure. Sentencing and Probation. Community Work) which reads: "(c) The state is liable for damages to other persons caused by an intentional or negligent act of a person while he is performing community work by order of a court under this section." Provides Act takes effect immediately.

Introduced March 4 and referred to Judiciary.

Housing HOUSE BILL NO. 256, by the Rules Committee by Request of the
Authorities Legislative Budget and Audit Committee. (See Senate Bill No. 231, page 367, identical).

Introduced March 4 and referred to State Affairs, then to Finance.

ASHA HOUSE BILL NO. 257, by the Rules Committee by Request of the
(family & Legislative Budget and Augit Committee. (See Senate Bill No. 234, page 368, identical).
handicapped
housing fund)

Introduced March 4 and referred to Labor & Commerce, then to Finance.

Appropriation HOUSE BILL NO. 258, by the Rules Committee by Request of the
(special) Legislative Budget and Audit Committee. (See Senate Bill No. 235, page 369, identical).
(family &
handicapped

housing fund) Introduced March 4 and referred to Labor & Commerce, then to Finance.

ASHA HOUSE BILL NO. 259, by the Rules Committee by Request of the
(sr. citizen Legislative Budget and Audit Committee. (See Senate Bill No. 233, page 368, identical).
housing fund)

Introduced March 4 and referred to Community & Regional Affairs, then to Finance.

Appropriation HOUSE BILL NO. 260, by the Rules Committee by Request of the
(special) Legislative Budget and Audit Committee. (See Senate Bill No. 232, page 368, identical).
(ASHA-Sr. Cit.
Housing)

Introduced March 4 and referred to Community & Regional Affairs, then to Finance.

Parole of HOUSE BILL NO. 261, by the Judiciary Committee by Request.
Offenders (See House Bill No. 225, page 352, similar). Continues the existence of the State Board of Parole until June 30, 1985 (expired June 30, 1980). Repeals the Parole Administration Act (AS 33.15) and adds a new chapter to AS 33 (ch. 16) re-writing that section.

Section relating to the Board of Parole states that the board consists of seven members appointed by the governor subject to confirmation by a majority of the members of the legislature in joint session. Provides members serve staggered terms of

Jurors &
Jury Panels

HOUSE BILL NO. 254, by the Judiciary Committee by Request.
(See SB 171, page 216, similar). Makes several changes relating to jurors under the Code of Civil Procedure (AS 09.20):

- Changes age qualification of juror to 18 (presently 19).
- Amends section relating to limitation on jury service (025) stating that no person may be required to serve more than "a total of" three months during any consecutive two-year period. Also states that a person is serving as a juror whenever he is in attendance in court as a member of a jury or a jury panel.
- Amends section relating to the jury list (050) by including a list of persons who filed for a distribution of the Alaska permanent fund income, and deleting a list of persons who filed for a state income tax return, and if considered necessary by the administrative director of courts, a list of all persons who hold a valid Alaska drivers' license. Deletes all reference to the Lt. Governor and replaces with "director of elections."
- states that a copy of the appropriate portion of the jury list shall be transmitted "to the presiding judge of each judicial district", deleting "only to each district judge and each superior court judge" and states that it shall only be used to summon jurors and for other "purposes of judicial administration." (deleting "for state governmental purposes".) Also states that duplicate names and names of deceased persons and persons permanently excused shall be eliminated before transmitting it to the presiding judge).
- Amends sec. 060, "Use of Jury Box" to include the use of a computer list: "A randomly generated computer list of prospective jurors may be used in place of the jury box."
- Amends sec. 070 "Public drawing for jurors for panel" to allow a random selection of the jury panel by computer in place of the public drawing of names.
- Repeals and reenacts section 080 "Jury panel" by stating that the panel for trial or civil cases consists of at least twice the number of jurors needed to serve on a trial jury (presently "24"), including any needed alternate jurors. Adds new subsection (b) which states "If the list of prospective jurors for a court location does not produce sufficient names for a jury panel of minimum size, the administrative director of courts may authorize that additional names of prospective jurors be randomly selected from sources other than those listed in AS 09.20.050."
- Provides the Dept. of Revenue shall furnish the Dept. of Administration with a list of all persons who filed for the Alaska permanent fund within 30 days of the effective date of this Act.

Provides Act takes effect immediately.

Introduced March 4 and referred to Judiciary.

HB 261, (cont'd)

five years and until their successors are appointed and qualified. Vacancy to be filled for the unexpired term and governor to designate the presiding officer of the board.

--States that the governor shall seek nominations for board members and outlines selection criteria for members.

--Provides for removal of members for disability, inefficiency, neglect of duty or malfeasance in office.

--Allows member no compensation of \$100 per day for each day of board business and entitles him to per diem and travel allowances. Provides for a cost-of-living adjustment.

--Provides board may meet as often as it considers necessary, not less than four times a year. States that decisions and orders of the board require the votes of a majority of members present and in no case less than votes of three members.

--States the board or a member of the board may issue subpoenas and subpoenas duces tecum.

--Outlines responsibilities of the board, stating that the board shall serve as the state parole authority; consider the suitability of parole for eligible prisoners; discharge person from parole when supervision is no longer necessary; maintain records of the board; adopt fair standards for prisoners for determining parole; recommend changes relating to legislation and within state departments and the executive branch; execute other responsibilities prescribed and adopt regulations under the Administrative Procedure Act.

--Provides for hiring of an executive director who has training and experience in the field of parole.

--Section relating to parole eligibility (100) states that a prisoner, other than a juvenile delinquent, who is serving a term of over 180 days who is not imprisoned under a Class A, B, or C felony whose record shows that he has observed the institutional rules may be released on parole at the discretion of the board. States that a prisoner imprisoned for murder in the 1st or 2nd degree may not be released until he has served at least the prescribed minimum term of imprisonment. States that any prisoner imprisoned under a Class A, B, or C felony who is released at the expiration of his term (AS 33.20.030, Discharge) shall be placed on parole for the period specified in the certificate of deduction, subject to written conditions imposed by the board.

--allows court to fix eligibility for parole at the time of sentencing. States that the term of imprisonment shall be at least one-third of the period of confinement imposed by the court or the minimum term prescribed in sentences of imprisonment for felonies (AS 12.55.125).

--provides for the granting of parole if the board determines that the prisoner will live and remain at liberty without violating the laws or without violating the conditions imposed by the board; the prisoners release is not incompatible with the welfare of society. States a prisoner may not be released until he has served at least one-third of the period of confinement.

--Outlines considerations of the board in determination of suitability of parole including pertinent reports, recommenda-

HB 261, (cont'd)

tions, examinations, information and the prisoner's history.

--states that the board may not deny parole on the grounds that the prisoner did not obtain necessary or desirable treatment if it was not available at the correctional facility to which the prisoner was assigned.

--provides department shall hold a hearing to review suitability of a prisoner for parole or for the setting, posting of parole dates. Provides prisoner shall have reasonable notice, shall be permitted to have a copy of all information and records being considered 30 days before the hearing; prisoner has the right to enter written responses; right to be present at hearing, present evidence on his behalf and to cross-examine witnesses who testify against him. Decision of board shall be issued in writing and reasons for decision shall be provided.

--board shall provide each person released an order for parole which shall contain the conditions imposed and the date that the parole supervision expires. Order does not take effect until it is accepted and signed by the parolee.

--entitles person released a deduction from the term of parole for good time, one day for every three days of good conduct while on parole. Good time earned on parole is subject to forfeiture if a violation of a condition of parole occurs during parole.

--Outlines conditions of parole: parolee required to refrain from violation of state or federal law; board may require person to accept one or more of listed conditions depending on the nature and circumstances of the crime. Conditions range from meeting family obligations to refraining from consuming alcoholic beverages, submission to searches and seizures conducted reasonably by a parole or peace officer acting under direction of a parole officer, submission to necessary medical treatment, to refraining from entering into contracts without permission.

--provides for a hearing on application for a change in parole conditions, waiver of hearing, confidentiality of records and information, appeals, outlines duties of the commissioner in relation to parolees, access to law by prisoners, and parole officers.

--provides for discharge of parolee, providing that the board retains legal custody of a parolee until the expiration of the maximum term to which parolee is sentenced less good time allowance. States parolee who has been on parole for five years and who has not been charged with a felony shall be discharged from parole and the custody of the board. Provides for discretionary discharge of a parolee after completion of two years of parole. Provides for release of prisoner to answer process.

--Provides for revocation of parole by board for violation of a state or federal law or a condition imposed by the board. Entitles parolee right to hearings. Provides for arrest of parole violator only on a warrant issued based on probable cause. Provides for execution of the warrant for arrest of parolee by parole officer or peace officer.

HB 261. (cont'd)

Provides Act takes effect July 1, 1981.

Introduced March 4 and referred to Health, Education and Social Services, then to Judiciary.

Fishery Industrial Tech. Center

HOUSE BILL NO. 262. by Rep. Zharoff. Establishes a Fishery Industrial Technology Center as a part of the University of Alaska. States that the center shall create employment opportunities in the state's fishing industry and other benefits to the state by providing training opportunities to citizens of the state on the most efficient and appropriate technologies for the harvesting, processing and conservation of the fishery resources of the state; by providing information and technical assistance on the adaptation of existing and new technologies to the users of the fishery resources of the state; by providing research and development activities to adapt existing technologies to enhance the economic viability of the industry; by providing research and development activities to create new technologies which will enhance the effectiveness of the industry, and provide economic benefits to state citizens; and by encouraging joint projects between industry and government in order to use industrial experience and government programs to enhance the productivity of the industry.

Establishes the Fishery Industrial Council to provide program and planning guidance to the center. Council to consist of 11 members appointed by the U of A president. Members to serve two year term. States that the principal activities of the center shall be located in Kodiak, Alaska. Provides for the issuance of an annual report and states that the center shall cooperate with other agencies in the development of its programs. Provides Act takes effect immediately.

Introduced March 4 and referred to Health, Education and Social Services, then to Finance.

Appropriation
(special)
(Fishery Industrial Tech Center)

HOUSE BILL NO. 263. by Rep. Zharoff. Appropriates \$200,000 to the University of Alaska for the Fishery Industrial Technology Center. Provides unexpended and unobligated portion of the appropriation lapses into the general fund 6/30/82. Provides Act takes effect on effective date of a version of HB 262.

Introduced March 4 and referred to Health, Education and Social Services, then to Finance.

Appropriation
(special)
(Iliamna dock)

HOUSE BILL NO. 264. by Rep. Chuckwuk. Makes a special appropriation in the amount of \$175,000 to the Department of Community and Regional Affairs for payment as a grant to the village of Iliamna for design and construction of a dock. Provides Act takes effect immediately.

Introduced March 5 and referred to Transportation, then to Finance.



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A PRELIMINARY DESCRIPTIVE STATISTICAL REPORT OF 1980 FELONY SENTENCES

Nicholas Maroules
Executive Director

Acknowledgement

Judicial Council staff, whose assistance was invaluable in the data collection, analysis and administrative aspects of the 1980 Felony Sentencing study includes:

Martha Bender	Administrative Assistant
Sheila Vonesh	Administrative Assistant
Kevin Newland	Research Associate
Larry Pederson	Computer Specialist
Julia Coster	Research Assistant
Cindy Sparyers	Research Assistant
Michael Rikard	Research Assistant
Phyllis Ruemler	Research Assistant
Kate Dougherty	Research Assistant
Janet Graser	Research Assistant

In addition, the staff wishes to express its appreciation of the contribution of the Judicial Council's previous Executive Director, Teresa J. White.

The tables and figures discussed in this report are merely descriptive of the types of offenses, dispositions and sentence outcomes rendered in 1980. A complete multivariate analysis is not expected to be completed until February, 1982. Accordingly, a thorough discussion of the data collection methodology, coding, study design and statistical methodology will not be presented here, but will be included in the Council's final report. Nevertheless, a few comments regarding the parameters of the data base used in this study are discussed below.

A. Data Base

The data base and design of this study are comparable to the Judicial Council's earlier sentencing studies. The data includes all cases originally charged as a felony that were committed between January 1, 1980 and December 31, 1981, that resulted in a conviction.

Due to the typical two month time period between acceptance of a guilty plea or conviction and sentencing, we continued to code cases until August, 1981 in an effort to include the universe of 1980 offenses. Nevertheless, a few cases were "lost" due to appeals or extended delays in trials and/or sentencing.

I. INTRODUCTION

In 1978 the Alaska Judicial Council announced that its felony statistical study of the effects of the elimination of plea bargaining revealed apparent racial disparities among sentences for many classes of offenses. As a result, the Supreme Court and legislature asked the Council to conduct a follow-up study and to thereafter periodically monitor felony sentencing patterns. The follow-up study, covering felony sentences imposed between July, 1976 and July, 1979 indicated that racially disproportionate sentences had been largely eliminated. However, this research revealed other findings suggesting problematical outcomes in sentencing, including significant differences in sentence outcomes according to whether a defendant plead guilty or was convicted at trial, by the type of attorney representing a defendant as well as the impact of pre-sentence report factors.

The purpose of this report is to outline felony sentencing patterns discerned from the Judicial Council's most recent study, covering Anchorage, Fairbanks and Juneau felony offenses committed in 1980 that resulted in conviction. This study is particularly significant since, in addition to providing a basis to check the disparate and other outcomes discerned in the earlier studies, it provides the first statistically comprehensive view of sentencing patterns under the state's new criminal code.

II. Preliminary Urban Sentencing Patterns:

Comparison of 1980 Data with Past Studies

A. Introduction

This section of the report compares felony offenses and sentencing patterns rendered from 1980 offenses with those studied by the Judicial Council in its two major previous studies, the plea bargaining study covering 1974-76 offenses and the follow-up 1976-79 study.

Utilizing the same broad analytical classification scheme developed in the earlier studies, offenses were grouped into six broad classes. These classes reflect the felony offenses that were originally charged. The subsequent analysis of sentence outcomes focuses on the offense at conviction.

B. Offense Classes

Table I represents a comparison of the distribution of 1980 offense classes with those discerned from the Judicial Council's two earlier studies.

TABLE I

Distribution of Convicted Offenses
By Six Classes of Offense
For Three Study Periods

<u>Class of Offense:</u>	<u>1974-76 Period</u>		<u>1976-79 Period</u>		<u>1980 Study</u>	
	<u>%</u>	<u>n</u>	<u>%</u>	<u>n</u>	<u>%</u>	<u>n</u>
Murder/Kidnapping Class 1	1.7%	(25)	3.6%	(49)	2.9%	(14)
Violent Felonies Class 2	29.4%	(420)	27.1%	(365)	31.4%	(151)
Property Offenses Class 3	34.8%	(499)	35.7%	(481)	41.4%	(199)
Fraud Offenses Class 4	13.6%	(195)	15.2%	(204)	5.4%	(26)
Drug Offenses Class 5	17.8%	(255)	14.3%	(192)	17.0%	(82)
"Moral" Offenses Class 6	2.7%	(39)	4.1%	(55)	1.9%	(9)
Totals	100.0%	(1433)	100.0%	(1366)	100.0%	(488)

The most notable changes in the distribution of offenses over the three study periods concerns property offenses (Class 3) and fraud offenses (Class 4). Property offenses increased proportionately from approximately 35% in the first two studies to 41% in 1980. Conversely, fraud offenses decreased from approximately 14% for the first two periods to only 5.4% in 1980. One likely explanation for the significant proportionate decrease in fraud offenses concerns the impact of the Pre-Trial Intervention Project instituted by the Department of Law. This program allows the District Attorney to screen "appropriate" cases into a diversionary system that functions as an

alternative to traditional disposition. Fraud offenses-- particularly bad check and forgery offenses--are typical examples of diverted offenses. This hypothesis will be tested in our final report by analyzing or profiling data we collected on diverted offenses.

C. Classification of Felonies In New Criminal Code

The new criminal code that became effective January 1, 1980 classified most felony offenses, including unclassified, "A", "B" and "C" felonies. In addition, as will be discussed, infra, a presumptive sentencing scheme was implemented for repeat felony offenders.

Table II, below, represents the distributions of both offenses charged and offenses at conviction according to this new classification scheme.

TABLE II

Distribution of New Criminal
Code Classified Offenses
Comparing Offenses Charged and
Offenses at Conviction

Classification Offense:	Offenses Charged %	(n)	Offenses Convicted %	(n)
Unclassified Felonies	2.7%	(13)	1.9%	(9)
"A" Felonies	12.3%	(59)	6.9%	(35)
"B" Felonies	24.5%	(118)	17.0%	(82)
"C" Felonies	43.0%	(207)	35.1%	(169)
Drug Felonies	17.0%	(82)	16.6%	(80)
Felonies Not Classified	0.4%	(2)	---	---
Misdemeanors	---	---	22.4%	(108)
	100%=n=481		100%=n=481	

D. Trials

The Council's study of 1976-79 cases indicated that the proportion of (convicted) cases that went to trial rose substantially over the 1974-76 study period. The overall proportion of cases that went to trial in 1974-76 was 11.8% compared to 21.9% for the later period. As Table III, below, indicates, the overall proportion of trials has decreased significantly among 1980 new criminal code offenses to 15.8%. In fact, the proportion of 1980 offenses that went to trial nearly approximates the trial rate for the 1974-76 study. However, any explanation for this overall change in trial rates cannot be determined until we have completed our multivariate analysis.

TABLE III

Proportion of Convicted Cases
That Went to Trial By Class
Of Offense* For Three
Study Periods

<u>Class of Offense:</u>	<u>1974-76 Period %</u>	<u>1976-79 Period %</u>	<u>1980 Study %</u>
Violent Felonies Class 2	20.7%	33.7%	22.5%
Property Offenses Class 3	6.8%	13.5%	7.5%
Fraud Offenses Class 4	5.7%	16.2%	7.7%
Drug Offenses Class 5	11.8%	26.6%	15.8%
All Cases	11.8%	21.9%	15.8%

*Classes 1 and 6 excluded due to small number of cases.

E. Sentencing

(1) Comparison With Past Studies

Our 1976-79 sentencing study revealed that sentences increased in length substantially for most classes of offense while a defendant's chance of receiving a probationary sentence decreased in comparison with the plea bargaining study. In fact, typical violent felony and property offenses sentences nearly doubled in length (82% and 92% increases,

respectively). Tables IV and V represent a comparison of mean active sentences and the proportion of cases receiving probation with past studies.

TABLE IV
 MEAN ACTIVE SENTENCES FOR
 SIX OFFENSE CLASSES FOR THREE
 STUDY PERIODS
 (IN MONTHS)

<u>Class of Offense:</u>	<u>1974-76 Period</u>	<u>1976-79 Period</u>	<u>1980 Study</u>
Murder/Kidnapping	231.4 (22)	356.1 (49)	434.7 (14)
Violent Felonies	36.5 (274)	66.3 (293)	29.2 (119)
Property Offenses	10.4 (257)	20.0 (283)	14.8 (144)
Fraud Offenses	16.4 (99)	19.9 (136)	17.6 (18)
Drug Offenses	33.1 (120)	27.3 (110)	16.3 (65)
"Morals" Offenses	38.4 (22)	44.0 (37)	16.7 (3)

TABLE V

Proportion of Cases Receiving
 Probation for Six Offense Classes
 For Three Study Periods
 (In Percent)*

<u>Class of Offense:</u>	<u>1974-76 Period</u> %	<u>1976-79 Period</u> %	<u>1980 Study</u> %
Murder/Kidnapping	12%	0%	0%
Violent Felonies	35%	20%	21%
Property Offenses	48%	41%	28%
Fraud Offenses	49%	33%	31%
Drug Offenses	53%	43%	21%
"Morals" Offenses	44%	33%	67%

*Percentages rounded to nearest whole number

Table IV reveals that mean average sentence lengths have decreased substantially since the 1976-79 study. The decrease is greatest for violent felonies (-56%) and drug offenses (-40%) in comparison with the 1976-79 period. In fact, the average sentences for many 1980 offense classes are actually lower than those for the 1974-76 period. A multivariate "modeling" of sentence outcomes for each class of offense should provide an index to the factors associated with this overall decrease. Conversely, the proportionate of cases

receiving a straight probationary sentence has decreased for most 1980 offense classes. A clear pattern emerges in comparing the figures for the three study periods: proportionately fewer defendants have received straight probation over the past six years. Thus, more defendants are being sentenced to periods of incarceration while the average period of incarceration has decreased substantially.

F. Presumptively Sentenced Cases

The new criminal code established presumptive sentencing for repeat felony offenders whose prior conviction is less than seven years old, excluding periods of incarceration. Sentencing for first offenders, including defendants with prior misdemeanors or felonies older than seven years, follows the previous criminal code's sentencing scheme within statutorily established ranges. Figure 1, below, outlines the terms of imprisonment under the new criminal code.

TERMS OF IMPRISONMENT IN NEW CRIMINAL CODE

	FIRST FELONY CONVICTION	SECOND FELONY CONVICTION	THIRD FELONY CONVICTION
"A" Felony	0-20 3-[6]*-20	5-[10]-20	7 1/2-[15]-20
"B" Felony	0-10	0-[4]-10	3-[6]-10
"C" Felony	0-5	0-[2]-5	0-[3]-5

Key

Number in bracket is presumptive sentence. Number to left is lowest mitigated sentence. Number to right is highest aggravated sentence.

- Six year presumptive term applies if first A felony conviction, other than manslaughter, and defendant used or possessed a firearm during the offense or caused serious physical injury.

Note: In addition to Class "A", "B" and "C" felonies, there are three unclassified felonies with corresponding statutory sentence ranges: Murder in First Degree - 20-99 years
Murder in Second Degree and Kidnapping - 5-99 years.

Our analysis indicates that there were fewer 1980 convictions that resulted in presumptive sentencing than was originally anticipated. (Data on prior criminal histories of offenders would suggest that thirty to forty percent would be subject to presumptive sentencing.) Table VI reflects the proportion of presumptive and traditional sentences rendered in 1980 for each of the six classes of offense.

TABLE VI

Type of Sentence for
Six Classes of Offense
(In Percent)

Class of Offense:	Presumptively Sentenced		Traditionally Sentenced	
	%	(n)	%	(n)
(1) Murder/Kidnapping	7.0%	(1)	93.0%	(13)
(2) Violent Felonies	19.9%	(30)	79.1%	(121)
(3) Property Offenses	12.6%	(25)	87.3%	(174)
(4) Fraud Offenses	34.6%	(9)	65.4%	(17)
(5) Drug Offenses	0%	(0)	100.0%	(82)
(6) "Morals" Offenses	0%	(0)	100.0%	(9)

According to this distribution, fraud offense convictions are most likely to have resulted in presumptive sentencing, presumably due to the nature of the defendant's prior record. Drug offenses were not reclassified under the new criminal code and are thus not subject to presumptive sentencing.

In an effort to identify differences in patterns between defendants sentenced presumptively and those traditionally sentenced, Table VII compares the proportion of cases receiving straight probation and the mean active sentence for three of the six classes of offense. (Classes 1, 5 and 6 were excluded; class 1 had only one case sentenced presumptively, while classes 5 and 6 had none.)

TABLE VII

Comparison of Sentence
Outcomes For Presumptive
And Traditional Sentences
For Three Classes of Offense

<u>Class of Offense</u>	<u>Presumptive</u>		<u>Traditional</u>	
	<u>% prob</u>	<u>X Active</u>	<u>% prob</u>	<u>X Active</u>
Violent Felonies Class 2	3.3%	67.7	25.6%	16.8
Property Offenses Class 3	0%	41.3	31.6%	8.9
Fraud Offenses	0%	33.3	47.1%	1.9

As the above table indicates, the sentence outcomes between presumptive and traditional sentences is striking. Presumptive sentencing results in an extremely low probability of receiving probation as well as considerably longer average sentences than traditionally sentenced cases. The forthcoming multivariate analysis will facilitate a better comparison of these differences by controlling for such factors as the specific offense (as opposed to class of offense) at conviction.

G. Offense and Sentence Distributions for Six Classes of Offense

Tables A-I through A-VI, appendix, provide summaries of specific offenses at conviction and corresponding sentence distributions for each of the six major classes of offense. These distributions reflect the conviction outcomes for cases

that began as a class 1 through 6 offense. Our final analysis will cross-classify new criminal code offenses with those of the old code to facilitate a more direct comparison of sentencing patterns for the specific offenses represented in these tables.

III. Conclusion

As has been stated repeatedly throughout this preliminary report, these results provide a descriptive statistical analysis of 1980 new criminal code offenses and sentences. A more definitive analysis considering the impact of race, type of attorney and other factors associated with increases or decreases in typical sentence length will be completed in late winter, 1982. Nevertheless, the analysis and findings presented in this report provide a sound statistical summary of 1980 offense and sentencing patterns, especially as they compare with the results of prior studies.

The findings of this report suggest many implications for the criminal justice system. Foremost among these concerns the impact of increased numbers of incarcerations on the Division of Corrections. Although sentence lengths have decreased since the last study (1976-79), proportionately more defendants are going to jail. In addition, the number of 1980 Anchorage, Fairbanks and Juneau cases (n=481) reveals that the number of convictions is increasing. (Our 1976-79 study revealed that

the number of convictions had steadily decreased from the 1974-75 period to the 1976-79 period.) Accordingly, we plan to include a prison population impact analysis in our final report that projects the anticipated effects of these sentencing patterns on our jail populations.

In addition, we hope to identify, in the context of multivariate analysis, the factors associated with the overall decrease in sentence lengths and straight probationary sentences identified in this report.

APPENDIX A

TABLE A1

Offenses and Sentence Distribution
 --Class 1, Murder Kidnapping--
 --1980 Offenses--
 (Urban Courts)

OFFENSE	n	%	X Act of N	X Act Sent	(n) Active	Med ActiveActive Time.....											
							Prob.		1-6 Mo.		7-12		13-24		25-60		Over 60	
							%	(n)	%	(n)	%	(n)	%	(n)	%	(n)	%	(n)
Murder 1	5	35.7	1046.4		(5)	1099.5	----	----	----	----	----	----	----	----	----	100.0	(5)	
Murder 2	3	21.4	92.0		(3)	96.0	----	----	----	----	----	----	----	33.3	(1)	66.7	(2)	
Kidnapping	1	7.1	360.0		(1)	360.0	----	----	----	----	----	----	----	----	----	100.0	(1)	
Manslaughter	3	21.4	64.0		(3)	57.0	----	----	----	----	----	----	----	66.7	(2)	33.3	(1)	
Coercion	1	7.1	1.6		(1)	1.6	----	----	100.0	(1)	----	----	----	----	----	----	----	
Assault 3	1	7.1	24.0		(1)	24.0	----	----	----	----	----	100.0	(1)	----	----	----	----	
TOTALS	14	100.0			(14)			7.1	(1)			7.1	(1)	21.4	(3)	64.3	(9)	

p = .002

p = .004

TABLE A2

Offenses And Sentence Distribution
 --Class 2, Violent Felonies--
 --1980 Offenses--
 (Urban Courts)

OFFENSE	n	% of N	X Act Sent	(n) Active	Med ActiveActive Time.....											
						Prob.		1-6 Mo.		7-12		13-24		25-60		Over 60	
						%	(n)	%	(n)	%	(n)	%	(n)	%	(n)	%	(n)
Assault 1	6	6.0	36.1	(5)	14.9	16.7	(1)	16.7	(1)	33.3	(2)	----	----	----	----	33.3	(2)
Sexual Assault 1	10	10.0	106.0	(9)	60.0	10.0	(1)	----	----	----	----	20.0	(2)	30.0	(3)	40.0	(4)
Attempt Sex. Assault 1	2	2.0	21.0	(2)	21.0	----	----	----	----	----	----	100.0	(2)	----	----	----	----
Robbery 1	13	13.0	70.0	(12)	63.0	7.7	(1)	7.7	(1)	----	----	7.7	(1)	30.8	(4)	46.2	(6)
Attempt Robbery 1	1	1.0	30.0	(1)	30.0	----	----	----	----	----	----	----	----	100.0	(1)	----	----
Assault 2	23	23.0	25.5	(19)	12.0	7.4	(4)	30.4	(7)	13.0	(3)	8.7	(2)	26.1	(6)	4.3	(1)
Sexual Assault 2	1	1.0	12.0	(1)	12.0	----	----	----	----	100.0	(1)	----	----	----	----	----	----
Robbery 2	8	8.0	36.0	(7)	33.0	12.5	(1)	----	----	12.5	(1)	25.0	(2)	37.5	(3)	12.5	(1)
Crim. Negligent Homicide	1	1.0	----	----	----	100.0	(1)	----	----	----	----	----	----	----	----	----	----
Arson 1	1	1.0	4.0	(1)	4.0	----	----	100.0	(1)	----	----	----	----	----	----	----	----
Attempt Arson 2	1	1.0	----	----	----	100.0	(1)	----	----	----	----	----	----	----	----	----	----
Escape 2	5	5.0	33.6	(5)	42.0	----	----	20.0	(1)	----	----	20.0	(1)	60.0	(3)	----	----

TABLE A2

Offenses And Sentence Distribution (Cont'd)
 --Class 2, Violent Felonies--
 --1980 Offenses--
 (Urban Courts)

OFFENSE	n	%	X Act	(n)	MedActive Time.....														
						Sent	Active	Active	Prob.		1-6 Mo.		7-12		13-24		25-60		Over 60	
									%	(n)	%	(n)	%	(n)	%	(n)	%	(n)	%	(n)
Fail to Aid Injured Person	1	1.0	----	----	----	100.0	(1)	----	----	----	----	----	----	----	----	----	----			
Misconduct Weapon 1	5	5.0	27.0	(4)	26.0	20.0	(1)	----	----	----	----	60.0	(3)	20.0	(1)	----	----			
Assault 3	22	22.0	17.3	(17)	7.7	22.7	(5)	45.5	(10)	4.5	(1)	----	(3)	----	(3)	----	----			
TOTALS	100	100.0	----	(83)	----	17.0	(17)	21.0	(21)	8.0	(8)	16.0	(16)	24.0	(24)	14.0	(14)			

p = .000

p = .004

TABLE A3

Offenses and Sentence Distribution
 --Class 3, Property Offenses--
 --1980 Offenses--
 (Urban Courts)

OFFENSE	n	X of N	X Act Sent	(n) Active	Med ActiveActive Time.....											
						Prob.		1-6 Mo.		7-12		13-24		25-60		Over 60	
						%	(n)	%	(n)	%	(n)	%	(n)	%	(n)	%	(n)
Theft 1	1	0.7	6.0	(1)	6.0	----	----	100.0	(1)	----	----	----	----	----	----	----	----
Burglary 1	38	26.0	30.4	(27)	24.0	28.9	(11)	21.1	(8)	5.3	(2)	15.8	(6)	18.4	(7)	10.5	(4)
Attempt Burglary 1	1	0.7	6.0	(1)	6.0	----	----	100.0	(1)	----	----	----	----	----	----	----	----
Theft 2	49	33.6	14.2	(34)	12.0	30.6	(15)	32.7	(16)	8.2	(4)	24.5	(12)	4.1	(2)	----	----
Theft Receiving 2	2	1.4	21.0	(2)	21.0	----	----	50.0	(1)	----	----	----	----	50.0	(1)	----	----
Conceal Merchandise 1	1	0.7	0.2	(1)	0.2	----	----	100.0	(1)	----	----	----	----	----	----	----	----
Burglary 2	39	26.7	16.7	(27)	12.8	30.8	(12)	20.5	(8)	15.4	(6)	26.2	(11)	2.6	(1)	2.6	(1)
Criminal Mischief 2	14	9.6	17.8	(11)	23.2	21.4	(3)	21.4	(3)	7.1	(1)	42.9	(6)	7.1	(1)	----	----
Criminal Trespass 2	1	0.7	1.0	(1)	1.0	----	----	100.0	(1)	----	----	----	----	----	----	----	----
TOTALS	146	100.0		(105)		28.1	(41)	27.4	(40)	8.9	(13)	24.0	(35)	8.2	(12)	3.4	(5)

p = .045

p = .471

TABLE A4

Offenses and Sentence Distribution
 --Class 4, Fraud Offenses--
 --1980 Offenses--
 (Urban Courts)

OFFENSE	n	%	X̄ Act of N Sent	(n) Active	Med ActiveActive Time.....											
						Prob.		1-6 Mo.		7-12		13-24		25-60		Over 60	
						%	(n)	%	(n)	%	(n)	%	(n)	%	(n)	%	(n)
Bad Check 2	4	17.4	36.0	(1)	36.0	75.0	(3)	----	----	----	----	----	----	25.0	(1)	----	----
Forgery 2	18	78.3	20.0	(14)	24.0	22.2	(4)	33.3	(6)	----	----	11.1	(2)	33.3	(6)	----	----
Bribery	1	4.3	----	----	----	100.0	(1)	----	----	----	----	----	----	----	----	----	----
TOTALS	23	100.0		(15)		34.8	(8)	26.1	(6)			8.7	(2)	30.4	(7)		

p = .357

p = .368

TABLE A5

Offenses and Sentence Distribution
 --Class 5, Drug Offenses--
 --1980 Offenses--
 (Urban Courts)

OFFENSE	n	%	of N	X Act Sent	(n) Active	Med ActiveActive Time.....											
							Prob.		1-6 Mo.		7-12		13-24		25-60		Over 60	
							%	(n)	%	(n)	%	(n)	%	(n)	%	(n)	%	(n)
Possession Narcotic	20	25.0		7.1	(12)	2.3	40.0	(8)	35.3	(7)	15.0	(3)	10.0	(2)	-----	-----	-----	-----
Sale Narcotic	42	52.5		14.0	(36)	6.2	14.3	(6)	52.4	(22)	9.5	(4)	9.5	(4)	9.5	(4)	4.8	(2)
Fraud/Deceit Obtain Narcotic	4	5.0		30.5	(4)	30.5	-----	-----	50.0	(2)	-----	-----	-----	-----	50.0	(2)	-----	-----
Possession for Sale-HDS	3	3.8		30.0	(2)	30.0	33.3	(1)	-----	-----	33.3	(1)	-----	-----	33.3	(1)	-----	-----
Sale of HDS	10	12.5		17.8	(9)	12.0	10.0	(1)	40.0	(4)	10.0	(1)	20.0	(2)	20.0	(2)	-----	-----
Disposal to a Minor	1	1.3		120.0	(1)	120.0	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	100.0	(1)
TOTALS	80	100.0			(64)		20.0	(16)	43.8	(35)	11.3	(9)	10.0	(8)	11.3	(9)	3.8	(3)

p = .000

p = .003

TABLE A6

Offenses and Sentence Distribution
 --Class 6, Moral Offenses--
 --1980 Offenses--
 (Urban Courts)

OFFENSE	n	% of N	X Act Sent	(n) Active	Med ActiveActive Time.....											
						Prob.		1-6 Mo.		7-12		13-24		25-60		Over 60	
						%	(n)	%	(n)	%	(n)	%	(n)	%	(n)	%	(n)
Sex Abuse Minor	5	62.5	2.0	(1)	2.0	80.0	(4)	20.0	(1)	----	----	----	----	----	----	----	----
Incest	1	12.5	----	----	----	100.0	(1)	----	----	----	----	----	----	----	----	----	----
Promote Prostitution 1	1	12.5	36.0	(1)	36.0	----	----	----	----	----	----	----	----	100.0	(1)	----	----
Promote Prostitution 2	1	12.5	12.0	(1)	12.0	----	----	----	----	100.0	(1)	----	----	----	----	----	----
TOTALS	8	100.0		(3)		62.5	(5)	(12.5)	(1)	(12.5)	(1)			12.5	(1)		

P = .061

STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

POUCH H 01
JUNEAU, ALASKA 99811
PHONE: 465-3030

February 2, 1982

Document# 26-82

The Honorable Michael F. Beirne
Representative
Alaska State Legislature
Pouch V
Juneau, AK 99811

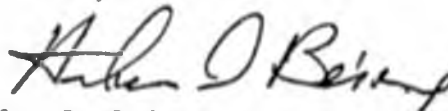
Dear Representative Beirne:

Recently you requested statistics regarding:

- (1) Summary of our Current Correctional Bed Capacity;
- (2) Summary of our Funded and Requested Correctional Construction Projects; and,
- (3) Projection of Inmate Population.

If you have questions, please do not hesitate to contact me.

Sincerely,



Helen D. Beirne
Commissioner

Enclosure

DIVISION OF ADULT CORRECTIONS
CAPACITY OF CORRECTIONAL CENTERS
FEBRUARY 1982

STATE INSTITUTIONS	NORMAL OPERATING CAPACITY	EMERGENCY OPERATING CAPACITY	01/27/82 PRISONER COUNTS
Anchorage - 3rd Ave.	70	80	81
Anchorage - 6th Ave.	100	115	133
Eagle River	80	100	112
Alaska Women's Fac/ER	28	30	21
Palmer	113	113	107
Ridgeview Post #6	50	50	46
Fairbanks	110	118	164
Juneau	90	100	111
Ketchikan	22	30	21
Nome	30	34	32
<hr/>			
DAC Inst. Capacity			
* Totals In-State	693	770	828
<hr/>			
Alaska Prisoners in Federal Institutions			190
Prisoners Housed in Contract Community Facilities (Halfway Houses)			63
<hr/>			
Total Number of Prisoners In-State & Federal Institutions			1081

*In March 1982 additional beds will be available as follows:

Ridgeview Post #6 - 40 new beds for a 90 bed capacity
Palmer (existing facility) - 24 new beds for a 137 bed capacity
Palmer Addition (new facility) - 100 new beds.

In-State confinement capacity by March 1982:

<u>NORMAL OPERATING CAPACITY</u>	<u>EMERGENCY OPERATING CAPACITY</u>
857	934

DIVISION OF ADULT CORRECTIONS

SUMMARY OF CAPITAL PROJECTS AFFECTING BED SPACE
(DOES NOT INCLUDE CORRECTIONAL INDUSTRIES, CODE UPGRADE OR RELATED PROJECTS)

FUNDED PROJECTS:

<u>Bed Space Increase</u>	<u>Project</u>
-0-	<u>Ketchikan Correctional Center</u> - Scheduled Completion 9-1-82. New Institution, 30 single rooms. Current Status - ahead of schedule - Contractor's estimated completion - 4-30-82. Staffing Available to operate 9-1-82. Since this is a replacement facility no system increase will result.
180	<u>Anchorage Pre-Trial</u> - Scheduled Completion - 12-31-82. New Institution, 180 single rooms. Current Status - ahead of schedule - Contractor's estimated completion 12-1-82.
60	<u>Eagle River Correctional Center Expansion</u> - Scheduled Completion 7-31-82. New single rooms = 80 - Post Construction Capacity = 180. Current Status - ahead of schedule - Contractor's estimated completion - 7-1-82. Upon completion of this project, it will be necessary to remove 20 inmates from 3rd Avenue in order to approach compliance. Therefore, the system capacity in August will only increase by 60, rather than by a full 80 beds.
100	<u>Palmer Addition</u> - Scheduled Completion - 3-1-82. New Institution, 100 single rooms. Current Status - nearly completed - Contractor's estimated completion date - 3-1-82.
40	<u>Juneau Expansion</u> - Scheduled Completion - October 1983. New single rooms = 56, Post Construction Capacity = 130 Current Status - on schedule - In design development stage.
67	<u>Fairbanks Expansion</u> - Scheduled Completion - October 1983. New single rooms = 77. Post Construction Capacity = 177.
Between 4 and 22	<u>Nome Replacement</u> - Scheduled Completion - Fall of 1983. New Institution, 32-50 single rooms, Post Construction Capacity = 32-50. Now in design phase. This project replaces 28 beds, so system increase will be minimal.
-0-	<u>Bethel Jail</u> - Scheduled Completion - Fall of 1983. New Institution, 40 single rooms, Post Construction Capacity = 40. Current Status - Now in design phase. While Bethel beds will be new to the DOAC system, we will also be assuming the current local jail function. No system increase will be realized.

FY'83 PROJECT REQUESTS AFFECTING BED SPACE:

Bed Space
Increase

Project

- | | |
|-----|--|
| 300 | <u>Long-Term Facility</u> - Secure institution for sentenced male felons to be located in Southcentral Alaska. \$41 million has been requested for this 300 bed facility with a core capacity enabling future expansion to not more than 400 beds. Through P.F.P.F. funds, an architectural firm has been selected to begin planning and preliminary design. Completion is projected for early 1985. |
| 80 | <u>Fairbanks Addition</u> - Minimum to medium custody facility to be located adjacent to the existing Fairbanks Correctional Center. This facility would be similar to the new Palmer Addition and would permit those requiring less secure conditions of confinement to remain in the Northern Region. |
-
-

SUMMARY OF BED SPACE INCREASES

- 451 Beds - Funded projects under design or construction
- 380 Beds - FY'83 Capital Request
- 831 Beds - Funded or Requested

INSTATE BED CAPACITY COMPARED WITH PROJECTED PRISONER POPULATION

<u>Facility</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>
Ketchikan	30	30	30	30	50
Juneau Men's	90	130	130	130	130
Juneau Women's	3	3	3	3	3
Fairbanks	110	177	177	177	177
3rd Avenue	50	50	50	50	50
6th Ave. Men's & Women's	100	100	100	100	100
Ridgeview Men's	90	-0-	-0-	-0-	-0-
Eagle River Men's	160	160	160	160	160
Eagle River Women's	28	28	28	43	43
Palmer	237	237	237	237	237
Post Road	-0-	180	180	180	180
Nome	28	32	32	32	32
Bethel	-0-	40	40	40	40
Long Term Fac. Southcentral	-0-	-0-	-0-	300	300
Fairbanks Addition	-0-	-0-	-0-	80	80
INSTATE BED TOTAL	896	1,167	1,167	1,562	1,582
Projected Inmate Populations	1,112	1,281	1,450	1,620	1,790
Range of Expected High/Low	to	to	to	to	to
Counts	1,022	1,191	1,360	1,530	1,700

Summary: The difference between "Instate Bed Totals" and "Projected Inmate Populations" is that number that must be addressed through placement in the Federal Prison System, placement in contract community facilities, or by additional construction.

STATEWIDE CONFERENCE ON INCARCERATION AND RE-ENTRY ALTERNATIVES

Reports and Recommendations

Hiring Ex-Offenders
Dennis Morgan, Workshop Leader.....1

~~Program Alternatives~~
Marian Kowacki, Workshop Leader.....2

Juvenile Justice Alternatives
Kathryn Ostrosky, Workshop Leader.....5

~~Sentencing Alternatives~~
Peter King, Workshop Leader.....6

Work Release & Diversionary Programs
Chris Cobb, Workshop Leader.....7

Prison Ministries
Josh Liljenstolpe, Workshop Leader.....8

Problems of Women Prisoners
Diane Tickell, Workshop Leader.....9

Prison Industries
Roger Endell, Workshop Leader.....10

Mental Health Alternatives
Joyce Munson, Workshop Leader.....13

Prisoner's Rights
Pam Durham, Workshop Leader.....14
Tim Stearns, Co-leader

Bush Justice Alternatives
Steve Conn, Workshop Leader.....15

Prison Construction
Sylvia Short, Workshop Leader.....16

Organizations for Ex-Offenders
Karen Kastle, Workshop Leader.....18

~~Program Alternatives~~
Samuel Trivette, Workshop Leader.....19

Social Services to Prisoners and Families
Elliot Robinson, Workshop Leader.....20

Prison Administration in an Intake Facility
Charles Moses, Workshop Leader.....21
Stan Zaborac, Co-leader

Conference Chairpersons:
Patrick Wright, National Alliance of Businessmen
~~CONFERENCE COORDINATOR~~

TREATMENT ALTERNATIVES

Marian Kowacki, Program Director, Treatment Alternatives to Street Crime
Michael Walti, Executive Director, Narcotic Drug Treatment Center, Inc.
Jerry Schreiner, Psychological Counselor, Public Defender Agency

25 workshop participants

This group met all together briefly to discuss the basic format, review the alternative programs available, and hear a report on a program that is being developed by several inmates at the Eagle River Correctional Center. We would like to express thanks and appreciation to the Director of the Division of Corrections for allowing two current inmates from Eagle River Correctional Center to participate in this workshop.

Alternative Programs that we are aware of are:

- Alaska Children's Services-Emergency Shelter, Group Homes, Jesse Lee Home, Center for Children and Parents
- Akeela House
- Alaska Psychiatric Institute
- Alaska Youth Advocates
- Anchorage Community Mental Health Center
- Omaha House
- Family Connection
- Family House
- McLaughlin (Cottage program)
- Narcotic Drug Treatment Center
- Open Door Clinic
- Salvation Army Comprehensive Alcoholism Services
- Studio Club
- Treatment Alternatives to Street Crime

Small group discussion focused on three areas: alternatives and treatment alternatives to incarceration; treatment alternatives for persons within correctional centers; and treatment alternatives for those who have served their sentences.

Participants in one small group began discussion with defining societal expectations of incarceration for offenders. The group agreed that the three main functions of incarceration, as far as the general public is concerned, are: 1) Protection of society, 2) Rehabilitation of the offender, and 3) Punishment for the crime.

CONCLUSIONS:

1. The ultimate, long-term protection of society can only be assured if rehabilitation of the offender occurs.
2. Punishment and rehabilitation are mutually exclusive goals which cannot occur simultaneously. As punishment increases the possibility for real rehabilitation diminishes.
3. People rehabilitate themselves and are not rehabilitated by others.
4. The well known fact that at least 50% of all incarceration is unnecessary for the protection of society was reaffirmed by the group.
5. There are plenty of treatment alternatives available in Alaska should the Division of Corrections administration decide to use them.
6. An alternatives strategy needs to be developed which provides a combination of skill development, and re-entry counseling and training, using available community agencies and programs.



Moderator, Peter Ring, Criminal Justice Center, University of Alaska
Recorder, Samuel Trivette, Executive Director, Alaska Board of Parole

19 Workshop participants

After a review and discussion of the proposed revisions to the Alaska Criminal Code, the group made the following recommendations:

1. More offenders should be sent to institutions for short-term "shock" sentences.
2. Multiple offenders should be given longer sentences as the result of their continued criminal activity.
3. More people should become involved in diversionary programs; Division of Corrections staff as well as other public and private agencies.
4. Restitution and Community Service as alternatives to incarceration or in conjunction with incarceration, should be utilized more frequently.
5. There should be a more restrained use of discretion in all sectors of the Criminal Justice System beginning with the police and including the prosecutor, the judge, the classification process, determination of good time, and the parole board.
6. Prior verified police contacts should be considered routinely by the sentencing judge and remain in the presentence report prepared by the Division of Corrections. The disparity in the admissibility of this information should be removed. (i.e. some judges are not allowing into evidence information that the Alaska Supreme Court says should be considered) This was viewed as an administrative matter that the courts should handle internally.

Moderator: Samuel H. Trivette, Executive Director, Alaska Board of Parole

About 25 participants

Mr. Trivette began by presenting information regarding proposed changes in Alaska Statutes by the Criminal Code Revision Commission. After general discussion of some of the concepts embodied in that legislation, he then spoke specifically of the modifications proposed by the Criminal Code Revision Committee as they relate to the areas of probation and parole. These concepts were discussed at length. Other problems were discussed as time permitted. Participants in this discussion strongly urged that an extensive conference on probation/parole matters be set up and implemented in the near future.

RECOMMENDATIONS:

1. The participants were supportive of the changes in the statutes being recommended by the Criminal Code Revision Commission in its draft legislation, as this relates to probation and parole matters. They were supportive of the direction of the bill in articulating the goals of the Criminal Justice System and in specifying the purposes of sentencing.

2. The curtailing of discretion in all facets of the system including the police, district attorney, judge, parole board, and the determination of good time was viewed as positive. The "just desserts" model embodied in the legislation, including a parole guidelines model similar to Oregon's system, was strongly supported by the participants as helpful in eliminating unwarranted disparities in sentencing.

3. All participants agreed that there was not sufficient emphasis being placed on the programming and staffing of community corrections programs. A great majority of the funding goes for the operation of institutions rather than community programming including probation and parole. It is well established that there are many more offenders involved in diversionary programs and on probation and parole than serving time in correctional institutions.

The group discussed the direction of recent court decisions in Alaska, specifically Supreme Court decisions, stressing that the rehabilitation programs be made available, especially psychiatric/psychological, drug, and alcohol programming. The need for these programs was recognized by the participants. Also pointed out was the extreme need for a psychiatric consultant available to probation/parole staff for advice, and for staffing and evaluating clients.


5. Also discussed were the recent court decisions requiring more individualization in dealing with persons under supervision and limiting the system's control of the offenders behavior, only if it met the test of one of the following: a. Assisting in the reintegration of the offender, or b. Protection of the public.

6. Participants urged that funds be expended to provide more education of the public regarding the problems and responsibilities of probation and parole staff so that the community gets a better understanding of the overall operation of the Criminal Justice System.

HOUSE RESEARCH AGENCY
Pouch Y - State Capitol
Juneau, Alaska 99811
465-3991

MEMORANDUM

February 28, 1980

TO: Representative Nels Anderson
FROM: Christine Johnson, Research Analyst 
THROUGH: Duncan L. Read
RE: Alaska State Parole Board #70

Earlier this month, you requested that the House Research Agency assemble information for you regarding the Alaska State Parole Board. Attached please find several pages of charts which should address your first concern pertaining to parole board caseloads. The Alaska Parole Board holds an average of 225 parole hearings each year. Additionally, the Board annually considers five or six revocation cases, and may also hold several hearings regarding offenders who have been released from prison according to the "mandatory release" and "legislative release" provisions in State law (AS 33.20.040, 33.15.180), but have violated conditions of their discharge. Board members spend between forty and sixty days each year on Parole Board business.

We have tried to provide you state-by-state statistics which indicate, to some degree, how the Alaska Parole Board functions relative to the other boards throughout the country. As the attached information indicates, sixteen other states have parole boards whose members serve on a part-time basis. There are also five states which have mixed boards, with both full and part-time members (see chart).

While nine states (Hawaii, Maine, Montana, New Hampshire, North Dakota, Rhode Island, South Dakota, Vermont, Wyoming) have smaller institutional populations than Alaska's, only one other state's parole board meets as infrequently as the Alaska Board. This may be one of the Alaska Parole Board's most significant inadequacies. Every offender who is eligible for parole and who applies for it is considered by the Board the next time they meet at his/her institution. However, as the Board only meets once a year at each of the detention facilities in Alaska, an individual who becomes eligible for parole several months after the annual board meeting at his/her institution could wait up to half a year for the board to consider the case.

In your memo to the Agency, you expressed concern that the State Parole Board may hear too many cases each year to treat each one adequately. This is difficult to measure. The State's parole recidivism rate may be an indicator of the quality of the Parole Board's decisions. Since 1975, the average annual parole revocation rate in Alaska has been 31%. However, an average of only 3.9% of the revocations occurred because the parolee committed a new offense. A board's typical daily caseload may also provide some insight into decision quality, indicating the amount of attention each case receives from the board as a whole. The Alaska Parole Board hears an average of 12 cases in a day; only one state board has a lower daily caseload. Parole boards in the eight states which have penal institution populations smaller than Alaska's see an average of 24 parole applicants daily. In a day, boards in Florida, Arizona and Texas may decide as many as a hundred cases.

It can be misleading to compare state parole boards' case disposition statistics. For example, in many states, e.g., Oregon, the court sets only the maximum term an offender must serve, and inmates are eligible for parole anytime after entering an institution. The Oregon Parole Board must see each sentenced offender and determine what amount of time he or she will actually serve. Data pertaining to Oregon would indicate that the Oregon Board paroles proportionately more offenders than the Alaska Parole Board because every inmate who is discharged from an Oregon institution before serving the maximum sentence for his or her type of offense is released by the Parole Board.

Parole Board Policy on Employment

The State Parole Board considers an offender's employment plans when making a decision regarding his/her parole. According to the Board's recently completed policy manual, the Board will review parole applicants' "employment history, including vocational and academic skills and training learned within the institution. Also previous training, job experiences including military training are also factors where appropriate in determining the applicant's employability." Additionally, the policy manual states that a "release plan" which each applicant is required to prepare and submit prior to his hearing should include "employment verification, job training verification, housing verification, and other letters of reference relevant to an applicant's plans." According to the executive director of the Parole Board, Sam Trivette, the Board acknowledges that it is frequently unrealistic to rigidly impose these employment requirements. According to the director, the Board is sensitive to the circumstances of offenders from rural areas who may never have held a typical job, or who are returning to communities whose employment opportunities are limited. Mr. Trivette repeated to us what he told the House Judiciary Committee in a letter dated November 12, 1979:

The Board has released offenders to subsistence plans including fishing, trapping, ivory and wood carving, training others to carve, chopping firewood to heat the home, repair fishing gear for the next season, etc. The Board has even paroled people to subsistence gardening in an appropriate case... The Board does release persons other than native persons to rural Alaska subsistence plans and will continue to do so when the Board members feel the offender's plan is realistic considering his entire life history. Some parole applicants have continually failed in some bush settings and the Board will not release any offender to a remote location so that he can escape supervision or just to get him out of sight.

Mr. Trivette asked us to note the Parole Board cannot release offenders to subsistence hunting as federal law does not permit felons to carry guns (18 USC § 1202).

Although the Parole Board may consider subsistence plans as an alternative to more traditional employment, this is not explicitly stated anywhere in the new Board policy manual which will be distributed through the State institutions. As an anonymous letter which appeared in the Tundra Times on August 15, 1979, indicates, the Board's receptivity to alternative employment plans is not widely understood. The author wrote:

I will state again, it is my firm conviction that the Department of Corrections should lift the stipulation of having a job, a requisite to the Native seeking parole. Simply for the reason there are no jobs in the bush communities.

The Parole Board's policy in this matter could be more clearly expressed so that prospective parolees understand that the Board will consider several kinds of employment options and they can develop their release plans accordingly.

Community Involvement in the Parole Process

You indicated in your letter to us that you would like to expand the role of village councils in the parole process. When contacted, Mr. Gray of your staff said you were specifically interested in the possibility of employing individuals at the village level who would assume parole responsibilities for offenders from the community. In this regard, there is presently a program in existence which, if expanded, could be what you have in mind. The Division of Corrections has employed "probation aides" since 1969. At this time, there is only one aide in Bethel and one in Kotzebue, but in previous years the program has been larger.

According to Walt Jones of the Division of Corrections, the difference between probation aides and professional probation/parole officers is the degree of administrative responsibility. Probation/parole officers in rural areas must also be regional office managers, and perform personnel and budget-related functions not required of probation aides. Aides have most of the same duties and powers with respect to probationers and parolees as professional officers. They have the power to enforce conditions of parole and probation and may make arrests when necessary. Aides and officers receive very similar training. The requirements for a probation aide position include the equivalent of eighth grade reading ability, sixth grade mathematic skills, maturity, and suitable character. The Division of Corrections budgets \$34,800 for each aide position. This amount includes the aide's salary and necessary support costs, i.e., transportation, administrative assistance. (Each professional probation/parole officer position requires \$68,200, according to the Division. This figure includes the officer's salary, transportation and the cost of renting space for a regional office.)

The State Parole Board encourages comment from parole applicants' home communities, and maintains that a community's comments and receptivity to the applicants' return will impact the parole decision. However, according to the Parole Board's executive director, the Board does not presently have the necessary personal contacts or resources to directly request information from rural communities. Any information the Board receives from village councils, or other organizations, comes unsolicited, or in response to an applicant's efforts to have a community spokesperson recommend his/her release. Additionally, in the director's opinion, the Parole Board believes there should be someone in the offender's home community to provide assistance and supervision, and to report back to the parole officer and the Board.

With some modifications, the probation aide program, could address both these concerns. Parole Board members would be assured that they were not releasing a parolee into a completely unstructured setting, and through the aide, could determine communities' willingness to have offenders returned. Although the village councils would not be directly supervising parolees responsibility for parolees would be at the village level and the councils could participate to a greater extent in decisions regarding the parolees' presence and behavior in the communities.

We have not done a thorough analysis of what modifications would be necessary in order to expand the existing aide program. However, we have considered the possibility of creating part-time aide positions, having fulltime aides serving several villages, or the State contracting with village councils to train and employ parole aides when there will be parolees returning to the community.

Representative Nels Anderson
February 28, 1980
Page 5

We would be happy to provide further information if it would be useful to you. Please don't hesitate to contact us if we can be of more assistance

CJ/dp

ALASKA BOARD OF PAROLE
STATISTICS

	1975		1976		1977		1978		1979 (First Half)
Parole Hearings	252		214		212		226		91
Paroled	93		53		75		64		34
Continued	133		92		78		72		30
Denied	22		61		52		78		27
Other	4		8		7		12		
Revocations	Technical Violation / New Felony Committed		Technical Violation / New Felony Committed		Technical Violation / New Felony Committed		Technical Violation / New Felony Committed		Technical Violation / New Felony Committed
1-3 Months	10	3	5	1	5		3	1	
4-6 Months	7		6		6	2	8		
7-12 Months	7		4	2	4		1		
13-18 Months	3				4	1			
19-24 Months	1								
25 or More Months	2		1			1			
TOTAL	30	3	16	3	19	4	12	1	
Revocation Rates	3-1/2 yr. - 4-12/yr. Follow up 35%		2-1/2 yr. - 3-1/2 yr. Follow up 36%		1-1/2 yr. - 2-1/2 yr. Follow up 31%		6 Mo. - 18 Mo. Follow up 20%		
Felony Revocation Rate	3.2%		5.6%		5.3%		1.6%		

STATE	INSTITUTIONAL POPULATION	PAROLE POPULATION	FULL-TIME BOARD	NUMBER OF BOARD MEMBERS	FREQUENCY OF BOARD HEARINGS	NUMBER OF CASES HEARD BY BOARD IN A TYPICAL DAY
Alabama	3,293	1,963	Yes	3	Monthly	30
Alaska	766	240	No	5	Quarterly; once a year at each major state facility	12
Arizona	3,122	1,832	Yes	5	Monthly	20-25
Arkansas	2,485	1,852	No	5	Monthly	150 at larger institution 75-80 at smaller facilities
California	21,220	17,880	Yes	9	Monthly	12-16
Colorado	2,375	2,946	Yes	5	Monthly	20
Connecticut	3,271	1,564	No ^a	11	At least monthly	12-15
Delaware	1,007	500	No ^a	5	Semimonthly	20
Florida	14,152	44,530	Yes	7	Whenever there are applicants eligible for parole	75-100
Georgia	11,373	3,374	Yes	5	Whenever there are applicants eligible for parole	30
Hawaii	594	n/a	No ^a	3	Monthly	20

^aThe chairman serves fulltime; members serve part-time

^bThe chairman and two members serve fulltime; two members serve part-time

1978 information

STATE	INSTITUTIONAL POPULATION	PAROLE POPULATION	FULL- TIME BOARD	NUMBER OF BOARD MEMBERS	FREQUENCY OF BOARD HEARINGS	NUMBER OF CASES HEARD BY BOARD IN A TYPICAL DAY
Idaho	855	293	No	5	Monthly	30
Illinois	10,847	10,971	Yes	10	Monthly	12-15
Indiana	4,846	2,028	Yes	5	Monthly	50
Iowa	1,999	1,093	No	5	4 times a year at women's facility; bimonthly elsewhere	30
Kansas	2,263	1,931	No	5	Monthly	25
Kentucky	3,372	2,307	Yes	5	Monthly	40
Louisiana	7,270	1,936	Yes	5	Monthly	35
Maine	747	349	No	5	biweekly at major institutions; monthly at smaller facilities	15-25
Maryland	8,028	5,296	Yes	7	monthly at major institutions; as necessary at local jails	15
Massachusetts	2,543	2,788	Yes	7	Monthly	12-16 at state prison; 15-30 at county facilities
Michigan	13,487	5,624	Yes	7	varies among facilities; semiweekly to semimonthly	25-30

^aThe chairman serves fulltime; members serve part-time

^bThe chairman and two members serve fulltime; two members serve part-time

1978 information

STATE	INSTITUTIONAL POPULATION	PAROLE POPULATION	FULL- TIME BOARD	NUMBER OF BOARD MEMBERS	FREQUENCY OF BOARD HEARINGS	NUMBER OF CASES HEARD BY BOARD IN A TYPICAL DAY
Minnesota	1,813	2,250	Yes	5	Several times a month	15
Mississippi	1,949	1,631	No ^a	5	Monthly	30
Missouri	5,229	1,586	Yes	5	Bimonthly at women's institution; monthly elsewhere	15-18
Montana	360	518	No	3	Monthly	25
Nebraska	1,320	427	No ^b	5	Semimonthly	30-35
Nevada	1,351	683	Yes	3	Bimonthly	60-75
New Hampshire	263	1,190	No	3	Monthly	25-35
New Jersey	5,626	7,300	Yes	3	Monthly	10-30
New Mexico	1,582	566	Yes	3	Weekly	3-10
New York	20,174	6,851	Yes	12	Monthly	80
North Carolina	13,924	6,980	Yes	5	Monthly at eight locations in State	20-40
North Dakota	284	298	No	3	Bimonthly	20-25

^aThe chairman serves fulltime; members serve part-time

^bThe chairman and two members serve fulltime; two members serve part-time

STATE	INSTITUTIONAL POPULATION	PAROLE POPULATION	FULL- TIME BOARD	NUMBER OF BOARD MEMBERS	FREQUENCY OF BOARD HEARINGS	NUMBER OF CASES HEARD BY BOARD IN A TYPICAL DAY
Ohio	12,968	6,351	Yes	7	Monthly	20-25
Oklahoma	3,687	1,366	No	5	Monthly rotating between two locations	60-70
Oregon	2,626	1,310	Yes	5	Monthly at women's facility; 4 times a week at state penitentiary; weekly at other institutions	15
Pennsylvania	7,598	8,920	Yes	5	Monthly	20-40
Rhode Island	667	280	No	5	Monthly	35
South Carolina	7,364	2,132	No	7	Semimonthly	50
South Dakota	565	589	No	3	Monthly	40
Tennessee	5,568	4,080	Yes	3	Monthly	25
Texas	24,396	13,915	Yes	3	no hearings held, cases reviewed as necessary	80-100
Utah	956	570	No	3	three to four times a month	40
Vermont	411	407	No	5	Monthly	15

^aThe chairman serves fulltime; members serve part-time

^bThe chairman and two members serve full-time; two members serve part-time

STATE	INSTITUTIONAL POPULATION	PAROLE POPULATION	FULL- TIME BOARD	NUMBER OF BOARD MEMBERS	FREQUENCY OF BOARD HEARINGS	NUMBER OF CASES HEARD BY BOARD IN A TYPICAL DAY
Virginia	8,147	3,008	Yes	5	Quarterly	15-25
Washington	4,000	2,463	Yes	7	Varies among facilities; weekly, semimonthly, monthly	16-20
West Virginia	1,142	650	Yes	3	Monthly	15
Wisconsin	3,286	2,414	Yes	10	Monthly	12-18
Wyoming	410	201	No	3	Quarterly	15-20

^aThe chairman serves fulltime; members serve part-time

^bThe chairman and two members serve fulltime; two members serve part-time.

1978 information

TERMS OF IMPRISONMENT AND AUTHORIZED FINES IN REVISED CRIMINAL CODE

	FIRST FELONY CONVICTION	SECOND FELONY CONVICTION	THIRD FELONY CONVICTION
--	----------------------------	-----------------------------	----------------------------

"A" Felony	0-20	5-[10]-20	7 1/2-[15]-20
	3-[6]*-20		
"B" Felony	0-10	0-[4]-10	3-[6]-10
"C" Felony	0-5	0-[2]-5	0-[3]-5

MAXIMUM FINES - PERSONS

Murder or kidnapping - \$75,000
 A, B, or C Felony - \$50,000
 A misdemeanor - \$ 5,000
 B misdemeanor - \$ 1,000
 Violation - \$ 300

MAXIMUM FINES - ORGANIZATIONS

All offenses - \$100,000 or
 3 X pecuniary gain
 - whichever is greater

KEY

Number in bracket is presumptive sentence.
 Number to left is lowest mitigated
 sentence. Number to right is highest
 aggravated sentence.

* Six year presumptive term applies if first
 A felony conviction, other than manslaughter,
 and defendant used or possessed a firearm
 during the offense or caused serious physical
 injury.

MAXIMUM TERMS OF IMPRISONMENT
 FOR MISDEMEANORS

A misdemeanor - 1 year
 B misdemeanor - 90 days

Sec. 1

- Sec. 33.16.010. Established 5 member parole board, presiding officer has a minimum of 2 year related work experience.
- Sec. 33.16.020. Provided for nomination by the Governor.
- Sec. 33.16.030. Sets out criteria for qualification of board members.
- Sec. 33.16.040. Provides procedures for removal by Governor of board members and appeal process.
- Sec. 33.16.050. Allows \$100/day compensation for Board members plus travel and per diem expenses.
- Sec. 33.16.060. Sets out minimum of 4 meetings per year of the board.
- Sec. 33.16.070. Authorizes board to issue subpoena.
- Sec. 33.16.080. Describes scope of responsibilities of board including records, standards, recommendations to legislature and commissioner and presentation of annual operating budget. The board shall adopt regulations under AS 44.62 which establish standards for parole eligibility to standards of supervision.
- Sec. 33.16.090. Provides for Executive Director and staff.
- Sec. 33.16.100. Establish eligibility guidelines for discretionary parole release of non-presumptively sentenced prisoners and provided that prisoners released with good time deductions be considered on parole until the end of the period of original sentence.
- Sec. 33.16.110. Provides for fixing eligibility for discretionary parole at the time of sentencing when period of imprisonment is over one year and at least 1/3 of term is served.
- Sec. 33.16.120. Sets out broad criteria for paroling prisoners.
- Sec. 33.16.130. Lists various sources of information for determining suitability, including: 1. presentence report, 2. sentencing recommendations, 3. history at facility, 4. correctional personnel recommendations, 5. criminal history, 6. physical and mental examination.
- Sec. 33.16.140. Established prisoner's right to interview with a member of board, materials in pre-parole report he is intitled to see, may waive right to interview and receive a written decision.

- Sec. 33.16.150. Provides for order of parole.
- Sec. 33.16.160. Sets out parameters for conditions imposed by parole board and right of parolee to request reconsideration.
- Sec. 33.16.170. Provides for waiver of hearing.
- Sec. 33.16.180. Establishes confidentiality of pre-parole reports.
- Sec. 33.16.190. Establishes right to appeal decisions of board to superior court.
- Sec. 33.16.200. Assigns commissioner responsibilities including investigations and records.
- Sec. 33.16.210. Commissioner may assign probation duties to parole officers.
- Sec. 33.16.220. Sets out authority of DOC over parolees. Provides for discharge of parole after 5 years unless the board feels this is contra-indicated.
- Sec. 33.16.230. Allows for discretionary release after 2 years of parole.
- Sec. 33.16.240. Warrants.
- Sec. 33.16.250. Revocation procedures.
- Sec. 33.16.260. Basis for arrest on parole violation--warrant exigent circumstances.
- Sec. 33.16.270. Allows parole officer to execute arrest.
- Sec. 33.16.280. Applicability.
- Sec. 33.16.290. Definitions.

Sec. 2 Amended language AS 44.66.010(a)(3)

Sec. 3. AS 33.20.040(a) Changed to say that persons released with certificates of deduction for good conduct will be on parole for that amount of time specified in the certificate.

Sec. 4. AS 33.15. repealed

Sec. 5. AS.33.16 enacted.

Sec. 6. Allows for replacement of board members

Sec. 7. 7/1/81 effective date.