

H B

58

COMMITTEE REPORT  
SENATE

4/27/83

FURTHER: FINANCE

Date: July 27, 1983

Mr. President:

HEBS

CS SB III 58(10)

The Committee on \_\_\_\_\_ has had \_\_\_\_\_

relating to participation in counseling or treatment required by a court or the division of corrections.

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)  same title
- replace with CS for \_\_\_\_\_  new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

Jack Hall

Scott F. [unclear]

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[Signature]

CHAI AN

# Alaska State Legislature

## House of Representatives

Al Adams

Chairman

Committee on Finance

April 14, 1983

WHILE IN SESSION

Pouch V

State Capitol

Juneau, Alaska 99811

(907) 465-3706

OUT OF SESSION

P.O. Box 333

Kotzebue, Alaska 99752

(907) 442-3320

1024 W. 6th

Anchorage, Alaska 99501

(907) 274-0615



Official Business

### MEMORANDUM

TO: House Finance Committee Members

FROM: Al Adams, Chair *APA*

SUBJ: CS SS HB 58 (Judiciary), An Act relating to a prisoner serving a sentence in full or having probation revoked for refusing to participate in counseling or treatment required by the court.

Section 1. Provides that a court may impose a full sentence if the defendant refuses to participate in alcohol, drug, sex offender or other mental health treatment required by the sentencing judge.

Section 2. If the court suspends a person's sentence, it may require alcohol, drug, sex offender or other mental health treatment as a condition of probation.

Section 3. Provides that parole can be revoked if the parolee refuses to participate in treatment required by the sentencing judge.

Section 4. Provides that treatment may be a requirement of probation.

Section 5. Allows for revocation of a suspended sentence if treatment is refused.

Section 6. Provides that parole will not be granted if a judge requires treatment that a prisoner refuses.

Section 7. Provides that a work furlough will not be granted if a prisoner refuses treatment required by a judge.

Since there is no effective date clause, the Act would go into effect 90 days after passage.

SUMMARY OF COMMITTEE SUBSTITUTE FOR SSB 58

Denial of Parole or Furlough

Section 7 - The Parole Board may not parole a prisoner who refuses to participate in alcohol, drug, sex offender or other mental health treatment.

Section 8 - The Division of Corrections may not furlough a prisoner who refuses to participate in treatment.

Revocation of Suspension of Sentence

Sections 2, 3 and 5 - A judge may impose available alcohol, drug, sex offender or other mental health treatment as a condition of probation.

Section 6 - A sentence will be revoked if the defendant refuses to participate in treatment that is required by the judge.

House Finance Committee

LETTER OF INTENT ON CSSSHB 58

The House Finance Committee has considered CSSSHB 58 which was referred from the House Judiciary Committee.

The intent of this bill is not in any way to affect good time allowances as provided for in A.S. 33.20.010. Rather, the intent is that an offender who refuses to participate in available treatment would be ineligible for parole, furlough, or continued probation.

DATE: April \_\_\_\_, 1983.

---

REP. AL ADAMS, Chairman

# Alaska State Legislature

Representative John Lind  
District 10-A  
3933 Geneva Place  
Anchorage, AK 99508



While in Juneau  
Pouch V  
Juneau, AK 99811  
465-3709

## House of Representatives

April 12, 1983

TO: House Finance Committee

FROM: Representative John Lind *JL*

RE: House Bill #58: "An Act requiring certain prisoners to serve full sentence."

The purpose of this Act is to motivate convicts to accept counseling or other rehabilitation programs required or recommended by the sentencing judge.

Presently, convicts may refuse to accept counseling or rehabilitation and then may be released early by the Commissioner on the premise that the convict will not be rehabilitated if he or she stays in jail.

STATE OF ALASKA  
FISCAL NOTE

Revision Date , 1983

I. REQUEST

Bill/Resolution No.: CSSSHB 58 (Judiciary)  
 Title: "Probation revoked"  
 Sponsor: Repr. Lindauer  
 Requestor: House Finance Committee

II. FISCAL DETAIL

Agency Affected: Department of Law  
 Program Category Affected: Admin. of Justice  
 BRU, Program of Subprogram(s) Affected: Prosecution

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

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

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

N/A

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Richard I. Pegues, Director

Division: Administrative Services Division

Phone: 465-3672

Date: April 12, 1983

Approved by Commissioner: Norman C. Gorsuch, Attorney General

Department: Department of Law

Date: April 12, 1983

Distribution:

- Original to Legislative Finance
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- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

CSSSHB 58 (Judiciary)  
Fiscal Note  
Analysis

Violation of conditions for release on probation is already grounds for revocation of probation. Likewise, prisoners released on parole are not considered for parole until they have completed those rehabilitative and counseling programs deemed appropriate and made available by Corrections. Prisoners on work release furloughs also must participate in such rehabilitative programs, when appropriate, as a condition of work release. Consequently, this bill will not have a fiscal impact on the Department of Law.

POSITION PAPER

CS for SS for House Bill No. 58 (Finance)

"An Act relating to a prisoner serving a sentence in full or having probation revoked for refusing to participate in counseling or treatment required by the court."

Section I

Sec. 12.55.080 Suspension of sentence and probation is amended by giving the court the authority to require available alcohol, drug, sex offender or other mental health treatment as a condition of probation.

Section II

AS 12.55.085 Suspending imposition of sentence (b) is amended by giving probation officers and the court the authority to re-arrest a person on probation status in instances of where the probationer refuses to participate in treatment required by the sentencing judge.

Section III

AS 12.55.100 Conditions of probation (a) is amended by adding "(5) to participate in available alcohol, drug, sex offender or other mental health treatment" as a condition of probation which may be required.

Section IV

AS 12.55.110 Notice and grounds for revocation suspension is amended to include refusal by a defendant to participate in available alcohol, drug, sex offender or other mental health treatment required by the court as a condition of probation as good cause for revocation of a suspended sentence.

Section V

AS 33.15.080 Granting of parole is amended by including the provision that parole may not be granted to a prisoner who has refused available alcohol, drug, sex offender or other mental health treatment recommended by the sentencing judge.

Section VI

AS 33.30.250 Work Furlough (g) as amended would prohibit prisoners who refuse to participate in available alcohol, drug, sex offender or other mental health treatment required by the Division of Adult Corrections from being granted work furlough.

Summary

It is understood that the intent of this legislation is to help assure that offenders participate in treatment programs as determined by the court and professional correctional staff.

The Department supports the concept of the CS for SS for House Bill No. 58.

Recommended by: *for Roger V. Endell*  
Roger V. Endell, Director  
Division of Adult Corrections

Date: 4-25-83

Approved by: *Robert London Smith*  
Robert London Smith, Ph.D.  
Commissioner

Date: 4/28/83

STATE OF ALASKA  
FISCAL NOTE

Revision Date \_\_\_\_\_, 1983

I. REQUEST  
Bill/Resolution No.: CS for SS for HB 58  
Title: "...prisoner..refusing..treatment"  
Sponsor: House Finance  
Requestor: House Rules

II. FISCAL DETAIL  
Agency Affected: Health & Social Services  
Program Category Affected: Justice  
BRU, Program of Subprogram(s) Affected: Adult Confinement

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Not applicable.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Roger C. Lange *Roger C. Lange* Phone: 465-3376  
 Division: Adult Corrections Date: April 13, 1983  
 Approved by Commissioner: Robert Gordon Smith, M.D. Date: 4/28/83  
 Department: Health & Social Services

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FISCAL NOTE

CS for SS for House Bill No. 58 (Judiciary)

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IV. ANALYSIS

The earlier fiscal note prepared on House Bill No. 58 assumed a loss of good time by inmates refusing to participate in counseling or treatment. Subsequent testimony at the House Judiciary Committee indicated that it was not the intent of the legislation to take away good time. This is also the opinion of the Office of the Attorney General. Therefore, enactment of this bill would have no fiscal impact on the Division of Adult Corrections.



Alaska Court System  
State of Alaska

KARLA L. FORSYTHE  
General Counsel

OFFICE OF ADMINISTRATIVE DIRECTOR

303 K Street  
Anchorage, AK 99501

M E M O R A N D U M

March 2, 1983

To: Representative Charlie Bussell  
Chairman, House Judiciary Committee

Representative John Liska  
Vice-Chairman, House Judiciary Committee

Representative Joe Hayes  
Representative Ramona Barnes  
Representative Hugh Malone  
Representative Don Clocksin  
Representative Ron Wendte

From: Karla L. Forsythe *Karla L. Forsythe*  
General Counsel  
Alaska Court System

Subject: SSHB 58

Thank you for this opportunity to comment on SSHB 58.

This bill amends existing law to preclude the release, parole or furlough of any prisoner who refuses to participate in programs recommended or required by the court, unless the prisoner at a court hearing shows good cause for failure to participate. The prisoner is entitled to be represented by counsel.

Since the length of prisoners' sentences will be at stake, and since prisoners can be expected to raise the issue of lack of available programs, the bill will result in increased contested hearings. Any new hearings add to the already considerable workload of the courts. Although this bill taken by itself does not require additional manpower, continued caseload increases will require additional judicial resources.

In Anchorage alone, the police force has increased 169% since 1976, from 174 officers covering 31 square miles to 294 officers covering 110 square miles in 1983. DWI arrests have increased by 276% from 1977, from 651 to 1797. Small claims in Anchorage are

up 172% from 1977. Search warrant requests have also increased, up 538% from 1975 (99 search warrants in 1975; 532 in 1982). In-court deputies for the Anchorage district court accrued a total of 787 hours of overtime last year. Alcohol screening statistics point to a 34% increase in new cases since 1977. These cases are a continuing responsibility for the court, because non-compliance affidavits are filed in about 25% of the cases, requiring court hearings and bench warrants.

In general, as legislative action continues to increase penalties, attorneys litigate longer and harder to protect their clients' interest.

The effectiveness of legislation which involves the justice system is directly related to the ability of the courts to process cases efficiently. As with other bills which provide for additional court hearings, the benefits of SSHB 58 should be analyzed in this context.

KLF:smh



June 20, 1983

Via, Rick, Paul

CS SS HB-58 - Participation in Counseling  
and treatment in  
Corrections

Mike Stahl - Dept of Law

worked out problems in earlier  
versions of the bill. Put more teeth  
in current law.

limits parole, work release etc.