

HB

137

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred: March 22, 1993

FURTHER REFERRALS:

Date of Committee Action: 4/1/93

The FINANCE Committee considered:

HB 137

HOUSE BILL NO. 137

PAROLE OF TERMINALLY ILL PRISONERS

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

RECOMMENDATIONS:

be replaced with CS HB 137 (JUD) the same title a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact _____

fiscal note(s) _____

zero fiscal note Admin

zero fiscal note(s) Corrections 3/1/93

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Ronald J. Larson</i> LARSON	X	<i>John Hanley</i> Hanley	<i>John Hanley</i>	<input checked="" type="checkbox"/>	
<i>Larry Martin</i> Martin	<input checked="" type="checkbox"/>	<i>Mark Hanley</i> Hanley		<input checked="" type="checkbox"/>	
<i>Barbara Gussindorf</i> Gussindorf	<input checked="" type="checkbox"/>	<i>Sean Parnell</i> Parnell		<input checked="" type="checkbox"/>	
<i>Tom Brown</i> Brown	<input checked="" type="checkbox"/>	<i>Gene Theriault</i> Theriault		<input checked="" type="checkbox"/>	
<i>Richard Foster</i> FOSTER	X				
<i>Glenn Maclean</i> Maclean	<input checked="" type="checkbox"/>				

EPmache *Ronald J. Larson*
 CO - CHAIRMAN'S SIGNATURE
 Maclean Larson

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. CSHB 137 (Jud)

Revision Date: _____ Dept. Affected: Administration
 Title: "An Act authorizing special medical parole for terminally ill" BRU: Office of Public Advocacy
 Component: Office of Public Advocacy
 Sponsor: Representative Mulder
 Requestor: House Finance COMPONENT SERIAL NO. 43

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
Other	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS

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

Estimate of current year (FY93) impact: \$ None

ANALYSIS: (attach a separate page if necessary.)

Prepared By: Brant McGee, Public Advocate Phone: 274-1684
 Division: Office of Public Advocacy Date: _____

Approved by Commissioner: Nancy Bear Usery Date: 3/20/93
 Agency: Department of Administration

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. CSHB 137 (IUD)

Revision Date: _____ Dept. Affected: Administration
 Title: "An Act authorizing special medical parole for terminally ill prisoners . . ." BRU: Public Defender
 Component: Public Defender
 Sponsor: Representative Mulder
 Requestor: (H) Fin COMPONENT SERIAL NO. 1631

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMNT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
Other	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS

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

Estimate of current year (FY93) impact: \$ none

ANALYSIS: (attach a separate page if necessary.)

Prepared By: John Salemi, Public Defender Phone: 274-1684
 Division: Public Defender Agency Date: _____

Approved by Commissioner: Nancy Bear Usera Date: 3/30/93
 Agency: Department of Administration

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. CSHB 137 (JUD)

Revision Date: 3-30-93 Dept. Affected: Corrections
 Title: "An Act authorizing special medical &U: Institutions; Stwd Programs
parole for terminally ill prisoners Component: _____
 Sponsor: Rep. Mulder
 Requestor: House Finance COMPONENT SERIAL NO. _____

Expenditures/Revenue (Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	-0-	-0-	-0-	-0-	-0-	-0-
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ -0-

ANALYSIS: (Attach a separate page if necessary)

The Judiciary Committee substitute for HB 137 does not change the Department of Corrections fiscal note. Please see the attached page for further analysis.

Prepared by: Dana LaTour *Dana LaTour* Phone: 465-3376
 Division: Commissioner's Office Date: 3-30-93
 Approved by Commissioner: Lloyd G. Rupp Date: 3-30-93
 Agency: Department of Corrections

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CSHB 137 (JUD)

Fiscal Note Analysis

HB 137 "An Act authorizing special medical parole for terminally ill prisoners."

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It is assumed that passage of this legislation may result in the parole of some terminally ill inmates who otherwise would not be paroled. There are currently 8 - 10 inmates who could be considered terminally ill. However, there is no assurance that any or all of these inmates would be granted parole since that decision remains at the discretion of the Parole Board.

Department of Corrections medical staff have estimated that a terminally ill inmate in the final stages of life can cost up to \$500,000 per year for outside care. At this time, there is one inmate whose cost of care during the last 18 months has exceeded \$500,000.

While this bill could create considerable savings over the long run, most of these savings will come as cost aversion. Therefore, the Department cannot reflect an actual budgetary reduction from current budget levels in this fiscal note. As the inmate population ages, the impact of this legislation could be significant.

SPONSOR STATEMENT
Representative Eldon Mulder

House Bill 137

House Bill 137 relates to special medical parole for terminally ill prisoners. The Department of Corrections is responsible for inmates' medical costs as long as they remain in custody. Covering health costs is a serious financial burden, particularly when a terminal illness is involved.

This bill would give the parole board the discretion to grant special medical parole for terminally ill patients that it determines are not a threat to society. Once paroled, their medical costs are picked up by Medicare or Medicaid, thus easing the financial burden on the Department of Corrections.

Passage of this bill would save the State of Alaska a substantial amount of money. I urge you to support House Bill 137.

Sponsor Statement

STATE OF ALASKA
POSITION PAPER

DEPARTMENT OF CORRECTIONS

PHONE 465-3376 - FAX 465-2006

HB 137 "An Act authorizing special medical parole for terminally ill prisoners."

The Alaska Sentencing Commission has recommended that parole statutes be amended to allow special medical parole for terminally ill offenders. The Commission's report found that many offenders have serious medical problems that cost the Department a significant amount of money each year. The Commission expressed concern that as the inmate population ages and as the number HIV infected inmates increase the Department will face even higher inmate health care costs.

Currently, the Department can furlough a terminally ill person, but it will still be responsible for medical expenses. Medicare or Medicaid will step in only after the person has been released from DOC custody.

This legislation tries to establish a class of inmates who would be eligible for discretionary parole at an earlier date. The intention of this action is to reduce inmate medical costs.

Initially, there appears to be 8-10 offenders who might qualify for parole under the provisions of this bill. It should be noted that all inmates paroled under these provisions may not be eligible for government sponsored health care depending on their categorical qualification conditions for Medicaid or their age and their resulting qualification for Medicare.

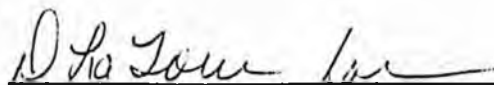
It is assumed that passage of this legislation may result in the parole of some terminally ill inmates who otherwise would not be paroled. However, there is no assurance that any or all of these inmates would be granted parole since that decision remains at the discretion of the Parole Board.

Department of Corrections medical staff have estimated that a terminally ill inmate in the final stages of life can cost up to \$500,000 per year for outside care. At this time there is one inmate whose cost of care during the last 18 months has exceeded \$500,000.

While this bill could create considerable savings over the long run, most of these savings will come as cost avoidance. The Department cannot reflect an actual budgetary reduction from current budget levels, since its budget is not currently being heavily impacted by terminally ill offenders. However, as the inmate population ages, the impact of this legislation could be significant.

Revised 3-18-93

- YES
 NO



Lloyd G. Rupp, Commissioner

Walter J. Hickel, Governor

Sectional Analysis for CS HB 137(JUD)

Section 1.

Adds the language "special medical" to AS 33.16.010(d). This is a conforming amendment to the addition of "special medical parole" as a type of parole under section 4 of the bill.

Section 2.

Adds a new subsection to AS 33.16.010 to allow someone who is eligible to be released on special medical parole by the Parole Board under new AS 33.16.085. This is also a conforming amendment to section 4 of the bill.

Section 3.

Amends AS 33.16.060, relating to the duties of the parole board, to include considering the suitability of a prisoner who is eligible for special medical parole and, relating to the board adopting regulations under the Administrative Procedures Act, to establish standards for the suitability of a prisoner for special medical parole. This is also a conforming amendment to section 4 of the bill.

Section 4.

Adds a new section to AS 33.16 pertaining to special medical parole. Allows the Board to grant, upon application by the prisoner or the commissioner, special medical parole to a prisoner who is serving a term of at least 181 days if the board determines: that the prisoner is suffering from a terminal illness and a reasonable probability exists that the prisoner will now violate laws or conditions imposed by the board; the prisoner will not pose a threat of harm to the public; and if the release of the prisoner on parole would not diminish the seriousness of the crime.

This section also allows the board to rescind or revise a previously granted parole release date if it discovers new information or a change in circumstances concerning a prisoner who had already been granted a special medical parole release date.

This section also instructs the board to issue its decision in writing and to provide a basis for its decision.

Finally, Section 4 of the bill also adds new section 33.16.87 pertaining to the rights of victims in connection with special medical parole. If a victim of a crime requests notice of a scheduled hearing to review special medical parole for a prisoner, the board must send notice of the hearing with the application for parole.

Section 5.

Adds the language "special medical" to AS 33.16.140, pertaining to the order for parole. This is also a conforming amendment to section 4 of the bill.

Section 6.

Adds the language "special medical" to AS 33.16.150(a). This is also a conforming amendment to section 4 of the bill.

Section 7.

Adds the language "special medical" to AS 33.16.150(b), relating to the board's conditions of parole. This is also a conforming amendment to section 4 of the bill.

Section 8.

Adds the language "special medical" to AS 33.16.200, relating to custody of a parolee. This is a conforming amendment to section 4 of the bill.

Section 9.

Amends AS 33.16.900 by adding a new paragraph defining "special medical parole."



Alaska Sentencing Commission

1029 W. Third Avenue, Suite 201, Anchorage, Alaska 99501 (907) 279-2526 FAX (907) 276-5046

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February 9, 1993

FEB 15 1993

Representative Eldon Mulder
Alaska State Legislature
State Capitol
Juneau AK 99801-1182

FEB 15 1993

RE: HB 137; Special Medical Parole

Dear Representative Mulder:

I am writing about your proposed legislation on special medical parole. This legislation would implement the Sentencing Commission's recommendation that a special medical parole for terminally ill offenders be allowed in appropriate cases, in order to shift the huge medical costs in these cases from the state to the federal government. The Commission recommended:

Parole statutes should be amended to allow special medical parole for terminally ill offenders. Many offenders have serious medical problems that cost the Department of Corrections an extraordinary amount of money. The AIDS epidemic has not yet had a serious impact on Alaska prisons, but prison populations in some East Coast states are reported to be 40% HIV positive. In addition, there are a number of inmates serving long sentences who can be expected to grow old in prison.

DOC currently can furlough a terminally ill person, but it still will be responsible for medical expenses. Medicare or Medicaid will pick up the person's medical costs only upon release from DOC custody. The parole board should be allowed to grant parole to terminally ill offenders. DOC should study the offender population and devise a system to achieve this objective. This recommendation passed unanimously.

Alaska Sentencing Commission

Representative Eldon Mulder

February 9, 1993

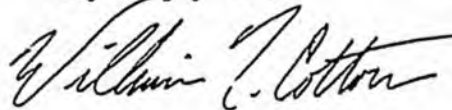
Page 2

Your legislation appears to be a measured response to the fiscal problem the Commission addressed. First, it creates a special medical parole for terminally ill prisoners. Second, it allows the parole board to limit use of the provision to offenders who will not pose a danger to society. Clearly, not all terminally ill prisoners would be appropriate candidates.

The need for legislation such as HB 137 is substantial now, and will increase as time goes by. My understanding is that the state has paid well over a half a million dollars for health care for two terminally ill prisoners in the last two years. We can expect these numbers to dramatically increase over the next few years, because of an aging prison population generally and because of AIDS.

On behalf of the Alaska Sentencing Commission, I would urge the Legislature to adopt legislation like HB 137 which allows special medical parole for appropriate terminally ill prisoners. Please feel free to call me if I can be of assistance.

Very truly yours,



William T. Cotton
Executive Director

WTC:erm