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HOUSE COMMITTEE REPORT

(7)

Date Referred: March 1, 1993

FURTHER REFERRALS:

Finance

Date of Committee Action: 6 April 94

The JUDICIARY Committee considered:

HB 153

HOUSE BILL NO. 153

REDUCTION OF PRESUMPTIVE SENTENCES

"An Act related to sentencing."

RECOMMENDATIONS:

[] the same title
 be replaced with CS HB 153 (Am) [] 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)

[] fiscal impact _____

[] zero fiscal note AK Court System

APPROVES PREVIOUS: (Dept/Date)

[] fiscal note(s) _____

[] zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
<i>Shannelle James</i>	✓				
<i>Brian Horste</i>	✓				
<i>Gail Phillips</i>	✓				
<i>[Signature]</i>	✓				
		<i>Cliff Davidson</i>			

Brian Horste
 CHAIRMAN'S SIGNATURE

8-LS0619J ✓
Luckhaupt
4/5/94

CS FOR HOUSE BILL NO. 153()
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): HOUSE JUDICIARY COMMITTEE BY -REQUEST

A BILL

FOR AN ACT ENTITLED

1 "An Act related to the awarding of special good time deductions for prisoners
2 participating in the Point McKenzie Rehabilitation Project; and providing for an
3 effective date."

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

5 * Section 1. AS 33.20 is amended by adding a new section to read:

6 Sec. 33.20.021. SPECIAL GOOD TIME. (a) Notwithstanding
7 AS 12.55.125(f)(3) and 12.55.125(g)(3), the commissioner shall, upon the
8 recommendation of the project manager of the Point McKenzie Rehabilitation Project,
9 award a prisoner serving a sentence of at least 60 days and voluntarily participating
10 in the Point McKenzie Rehabilitation Project three days special good time deduction
11 from the prisoner's sentence for each complete month the prisoner successfully
12 completes as a participant in the project. A prisoner may not be awarded a special
13 good time deduction for any partial month the prisoner participates in the project. A
14 prisoner is not entitled to a special good time deduction under this section until it is

1 actually awarded. If it is awarded, special good time shall be awarded during the
2 month following the month for which the special good time is earned.

3 (b) Upon a review of the prisoner's behavior by the project manager of the
4 Point McKenzie Rehabilitation Project, the recommendation of the project manager to
5 the commissioner may be withheld in whole or in part.

6 (c) Special good time awarded under (a) of this section shall be forfeited in
7 whole or in part if the prisoner is involuntarily removed from the Point McKenzie
8 Rehabilitation Project because of inappropriate behavior. The project manager of the
9 Point McKenzie Rehabilitation Project shall post for or distribute to the inmates
10 participating in the project a description of appropriate or inappropriate behavior.

11 * Sec. 2. AS 33.20.030 is amended to read:

12 Sec. 33.20.030. DISCHARGE. A prisoner shall be released at the expiration
13 of the term of sentence less the time deducted for good time and special good time
14 [CONDUCT]. A certificate of deduction shall be entered on the commitment by the
15 warden, keeper, or the commissioner.

16 * Sec. 3. TRANSITIONAL PROVISION. Notwithstanding sec. 5 of this Act, the
17 commissioner of corrections may proceed to adopt regulations necessary to implement secs. 1
18 and 2 of this Act. The regulations may not take effect before July 1, 1994.

19 * Sec. 4. Section 3 of this Act takes effect immediately under AS 01.10.070(c).

20 * Sec. 5. Sections 1 - 2 of this Act take effect July 1, 1994.

Alaska State Legislature



House of Representatives
House Judiciary Committee

State Capitol, Room 120
Juneau, Alaska 99801-1182
(907) 465-4990

SPONSOR STATEMENT

CSEB 153 (JUD)

"An Act related to the awarding of special good time deductions for prisoners participating in the Point MacKenzie Rehabilitation Project; and providing for an effective date."

The Department of Corrections is currently experiencing a problem with overcrowding in our institutions. Committee Substitute for House Bill 153 (Judiciary) is introduced to address two issues. First, it will help alleviate the overcrowding problem and second, it will help attract volunteers for the Point MacKenzie Rehabilitation Project. Presently, inmates appear concerned that the "benefits" at Point MacKenzie are fewer than those in the conventional institutions, consequently, they are hesitant to volunteer. This proposed legislation will provide an incentive for inmates to participate in the program. By implementing a Special Good Time statute, we believe inmates will volunteer to serve their time at the Point MacKenzie Rehabilitation Project instead of in one of the conventional institutions.

At Point MacKenzie there are no fences, other than for the reindeer; there are no lock down facilities; and, all inmates must be minimum custody level or lower. Presently there are over 550 inmates in our system that are classified appropriately for placement at Point MacKenzie but some form of incentive is needed to entice volunteers.

Under this legislation, each inmate who participates in the Point MacKenzie Rehabilitation Project will be entitled to 3 days of Special Good Time for each full month served at Point MacKenzie. This good time will be irrevocable once credited against the inmates sentence unless the inmate is involuntarily removed from the project for inappropriate behavior. The inmate's record will be reviewed by the Project Manager to determine if a recommendation is forwarded to the Commissioner for crediting of the Good Time against the inmate's sentence.

Not all inmates who volunteer will be selected. Each inmate will be thoroughly screened by the Chief of Security at Point MacKenzie or his/her designee. If the Chief of Security feels that an inmate would not be a suitable candidate, the inmate will not be selected for placement at Point MacKenzie.

MEMORANDUM

State of Alaska

TO: Robert Spinde
Chief of Classification
Division of Institutions

DATE: February 25, 1994

THRU:

FILE NO:

PHONE NO:

FROM: Ken Brown *KEB*
Superintendent
Wildwood Correctional Center

SUBJ: Inmate Transfer to Pt.
MacKenzie

I am responding to your recent request that we attempt to identify reasons that inmates are giving for declining the opportunity to volunteer for transfer to the Pt. MacKenzie farm rehabilitation program. Listed below are the various reasons that the probation officers have heard. By far the most frequent reason given, when any is given, is that they are more interested in furlough to a CRC. Many are awaiting bed space and others foresee being eligible in the relatively near future:

1. More interested in furlough, either now or later.
2. Too far away from friends and family. wouldn't get visits.
3. No substance abuse treatment.
4. More interested in educational programs.
5. Learning more in industries.
6. No programming activities such as library, gym, and hobbycraft.

If the Department would like to provide any additional information about the farm rehabilitation program, we would be happy to pass it along to the inmates for their consideration. We have made them aware of the criteria for acceptance as identified in your memo of February 10, 1994. If I may be of further help in this matter please contact me.

Article 1. Remission of Sentences.

Section

10. Computation generally
20. Good time
30. Discharge

Section

40. Released prisoner as parolee
50. Forfeiture for offense
60. Restoration of lost good time

Sec. 33.20.010. Computation generally. (a) Each prisoner convicted of an offense against the state and confined in a penal or correctional institution for a definite term other than for life, whose record of conduct shows that he has faithfully observed all the rules and has not been subject to punishment, is entitled to a deduction from the term of his sentence beginning with the day on which the sentence starts to run, as follows:

- (1) five days for each month, if the sentence is not less than six months and not more than one year;
- (2) six days for each month, if the sentence is more than one year and less than three years;
- (3) seven days for each month, if the sentence is not less than three years and less than five years;
- (4) eight days for each month, if the sentence is not less than five years and less than ten years;
- (5) ten days for each month, if the sentence is ten years or more.

(b) When two or more consecutive sentences are served, the basis upon which the deduction is computed is the aggregate of the several sentences. (§ 1 ch 107 SLA 1960)

Cited in *Bear v. State*, Sup. Ct. Op. No. 470 (File No. 813), 439 P.2d 432 (1969).

Am. Jur., ALR and C.J.S. references.
— 15 Am. Jur., Criminal Law, §§ 443, 459, 520; 39 Am. Jur., Pardon, Reprieve and Amnesty, §§ 81 to 95.

Parole as suspending running of sentence, 27 ALR 947.

Withdrawal, modification or denial of good time allowance to prisoner, 127 ALR 1203.

24 C.J.S. Criminal Law § 1582.

Sec. 33.20.020. Good time. (a) A prisoner may, in the discretion of the commissioner of health and social services or his designee, be allowed a deduction from his sentence of not to exceed three days for each month of actual employment in a prison or camp project or activity for the first year or any part of it, and not to exceed five days for each month of any succeeding year or part of it.

(b) In the discretion of the commissioner the same allowance may also be made to a prisoner performing exceptionally meritorious service or performing duties of outstanding importance in connection with institutional operations.

(c) The allowance is in addition to commutation of time for good conduct, and under the same terms and conditions and without regard to length of sentence. (§ 2 ch 107 SLA 1960; am § 6 ch 104 SLA 1971)

Effect of amendment. — The 1971 amendment substituted "commissioner of health and social services" for "commissioner of health and welfare" in subsection (a).

Use of prisoners on public works

projects. — A program authorizing the use of state prisoners on a voluntary basis on governmental public works projects is proper under the statutes. 1960 Op. Att'y Gen., No. 22.

**ACTIVE INMATE
PROFILES**

DEPARTMENT OF CORRECTIONS
MARCH 28, 1994

ALL INSTITUTIONS
 ACTIVE INMATES BY OFFENSE CODE

OFFENSE CODE AND DESCRIPTION	#INMATES	PERCENTAGE	
A-01	OMVI - ALCOHOL	135	4.814
A-02	OMVI - DRUGS	1	0.035
A-04	ILLEGAL LIQ - MAKE,POSS,SELL	2	0.071
A-07	FURNISHING	1	0.035
A-09	MINOR CONSUMING	3	0.106
A-12	REFUSE CHEMICAL TEST	2	0.071
A-13	IMPORTATION OF ALCOHOL	3	0.106
A-99	ALCOHOL - OTHER	1	0.035
COC	CONTEMPT OF COURT	17	0.606
CUSTOM	INTERSTATE CUSTODY COMPACT	1	0.035
ERASEL	COURT-ORDERED ERASURE	1	0.035
FED	FEDERAL OFFENSE	41	1.462
FSJ	FAILURE SATISFY JUDGEMENT	23	0.820
FTA	FAILURE TO APPEAR	51	1.818
FTC	FAILURE TO COMPLY	8	0.285
FUGITIVE	FUGITIVE FROM JUSTICE	11	0.392
NONCRIM	NON CRIMINAL BOOKING	2	0.071
OTHER	NOT CT-FED-MIL-COMP BUT OTHERS	1	0.035
PAROLE	PAROLE VIOLATION	206	7.346
PROB	PROBATION VIOLATION	264	9.415
T-01	HIT AND RUN	2	0.071
T-02	RECKLESS DRIVING	3	0.106
T-04	DRIVING WHILE SUSP/REVKD	29	1.034
T-99	TRAFFIC-OTHER	4	0.142
T70-15.010	MURDER - 1ST DEGREE	17	0.606
T70-15.030	MURDER - 2ND DEGREE	8	0.285
T70-15.120	RAPE	1	0.035
T70-15.150	SHOOT,STAB OR CUT WITH INTENT	1	0.035
T70-15.260	KIDNAPPING	2	0.071
T70-30.090	ESCAPE	1	0.035
T92-61.200	MISCOND W WEAPNS - 1ST	1	0.035
12.30.060	VIOLATION OF CONDITIONS	2	0.071
28.35.060	FAILURE TO STOP & RENDER AID	1	0.035
31.100	ATTMPT TO COMMIT MISD	4	0.142
31.105	ATTMPT TO COMMIT FELONY	56	1.997
31.110	SOLICIT TO COMMIT CRIME	4	0.142
41.100	MURDER - 1ST	173	6.169
41.110	MURDER - 2ND	101	3.601
41.120	MANSLAUGHTER	33	1.176
41.130	CRIM NEGLIGENT HOMICIDE	5	0.178
41.135	MULTIPLE DEATHS	1	0.035
41.200	ASSAULT - 1ST	50	1.783
41.210	ASSAULT - 2ND	44	1.569
41.220	ASSAULT - 3RD	87	3.102
41.230	ASSAULT - 4TH	111	3.958
41.250	RECKLESS ENDANGERMENT	3	0.106
41.260	STALKING 1ST DEGREE	2	0.071
41.270	STALKING 2ND DEGREE	1	0.035
41.300	KIDNAPPING	30	1.069
41.320	CUSTODIAL INTERFER -1ST	1	0.035
41.410	SEXUAL ASSAULT - 1ST	161	5.741
41.420	SEXUAL ASSAULT - 2ND	50	1.783

ALL INSTITUTIONS
 ACTIVE INMATES BY OFFENSE CODE

OFFENSE CODE AND DESCRIPTION	#INMATES	PERCENTAGE
41.425 SEXUAL ASSAULT - 3RD	4	0.142
41.434 SEX ABUSE MINOR-1ST	136	4.850
41.436 SEX ABUSE MINOR-2ND	142	5.064
41.438 SEX ABUSE MINOR-3RD	12	0.427
41.440 SEX ABUSE MINOR-4TH	3	0.106
41.450 INCEST	2	0.071
41.460 INDECENT EXPOSURE	4	0.142
41.500 ROBBERY - 1ST	101	3.601
41.510 ROBBERY - 2ND	29	1.034
41.530 COERCION	3	0.106
46.120 THEFT - 1ST	6	0.213
46.130 THEFT - 2ND	65	2.318
46.140 THEFT - 3RD	19	0.677
46.150 THEFT - 4TH	7	0.249
46.190 THEFT BY RECEIVING	1	0.035
46.210 FAILURE TO MAKE DISPO OF FUNDS	1	0.035
46.220 CONCEALMENT OF MERCHANDISE	17	0.606
46.280 ISSUING BAD CHECK	3	0.106
46.380 FRAUDULENT USE OF CREDIT CARD	3	0.106
46.390 BURGLARY - 1ST	63	2.246
46.310 BURGLARY - 2ND	56	1.997
46.320 TRESPASS - 1ST	15	0.534
46.330 TRESPASS - 2ND	12	0.427
46.400 ARSON - 1ST	5	0.178
46.410 ARSON - 2ND	4	0.142
46.430 NEGLIGENT BURNING	1	0.035
46.482 CRIMINAL MISCHIEF - 2ND	22	0.784
46.484 CRIMINAL MISCHIEF - 3RD	8	0.285
46.486 CRIMINAL MISCHIEF - 4TH	6	0.213
46.500 FORGERY - 1ST	3	0.106
46.505 FORGERY - 2ND	33	1.176
46.510 FORGERY - 3RD	2	0.071
46.600 SCHEME TO DEFRAUD	3	0.106
46.730 DEFRAUDING CREDITORS	1	0.035
56.200 PERJURY	1	0.035
56.300 ESCAPE 1ST DEGREE	1	0.035
56.310 ESCAPE - 2ND DEGREE	10	0.356
56.330 ESCAPE - 4TH DEGREE	3	0.106
56.340 UNLAWFUL EVASION - 1ST	6	0.213
56.375 PROMOTE CONTRABAND - 1ST	2	0.071
56.380 PROMOTE CONTRABAND - 2ND	2	0.071
56.510 INTERFER OFFICIAL PROCEEDINGS	2	0.071
56.540 TAMPERING WITH WITNESS-1ST	1	0.035
56.700 RESISTING/INTERFERING WITH ARR	4	0.142
56.740 VIOLATE DOM.VIO. RESTRAIN ORDR	4	0.142
56.800 MAKING FALSE REPORT	2	0.071
61.110 DISORDERLY CONDUCT	6	0.213
61.120 HARRASSMENT	1	0.035
61.190 MISCOND W WEAPNS - 1ST	14	0.499
61.195 MISCOND W WEAPNS - 2ND	3	0.106
61.200 MISCOND W WEAPNS - 3RD	19	0.677
61.210 MISCOND W WEAPNS - 4TH	2	0.071

ALL INSTITUTIONS
ACTIVE INMATES BY OFFENSE CODE

OFFENSE CODE AND DESCRIPTION	#INMATES	PERCENTAGE
61.220 MISCOND W WEAPNS - 5TH	2	0.071
66.100 PROSTITUTION	3	0.106
71.010 CNTRLD SUBSTNCES- 1ST	6	0.213
71.020 CNTRLD SUBSTNCES- 2ND	19	0.677
71.030 CNTRLD SUBSTNCES- 3RD	89	3.174
71.040 CNTRLD SUBSTNCES- 4TH	43	1.533
71.050 CNTRLD SUBSTNCES- 5TH	1	0.035
71.060 CNTRLD SUBSTNCES- 6TH	2	0.071
?????????? UNKNOWN OFFENSE CODE	1	0.035
TOTAL INMATES / PERCENTAGES :	2,804	99.933

AVE SENTENCE LENGTH-SENTENCED FELONS: 24.2 YEARS

***AVERAGE LENGTH OF SENTENCE CALCULATED FROM DATA ENTERED ON THE OBSCIS SYSTEM

VIOLATIONS/MISDEMEANORS/FELONS

CODE AND DESCRIPTION	#INMATES	PERCENTAGE
V VIOLATIONS	2	0.071
M MISDEMEANORS	514	18.330
F FELONIES	2,287	81.562
UNKNOWN OFFENSE CATEGORIES	1	81.562
TOTAL INMATES / PERCENTAGES :	2,804	181.526

SENTENCED AND UNSENTENCED

CODE AND DESCRIPTION	#INMATES	PERCENTAGE
S SENTENCED	2,048	73.038
U UNSENTENCED	755	26.925
UNKNOWNNS	1	0.035
TOTAL INMATES / PERCENTAGES :	2,804	99.999

MALES AND FEMALES

CODE AND DESCRIPTION	#INMATES	PERCENTAGE
M MALE	2,643	94.258
F FEMALE	161	5.741
UNKNOWNNS	0	0.000
TOTAL INMATES / PERCENTAGES :	2,804	99.999

CITY, STATE, OR FEDERAL CHARGE

CODE AND DESCRIPTION	#INMATES	PERCENTAGE
C CITY	174	6.205
S STATE	2,582	92.082
F FEDERAL	47	1.676
UNKNOWNNS	1	0.035
TOTAL INMATES / PERCENTAGES :	2,804	99.999

ADMIN SERVICES
465-3376

ALL INSTITUTIONS

CUSTODY LEVEL

CODE AND DESCRIPTION	#INMATES	PERCENTAGE
MA MAXIMUM	44	1.569
CL CLOSE	765	27.282
ME MEDIUM	934	33.309
MI MINIMUM	481	17.154
CM COMMUNITY	96	3.423
UN UNCLASSIFIED	484	17.261
UNKNOWN	0	0.000
TOTAL INMATES / PERCENTAGES :	2,804	99.999

AGES

CODE AND DESCRIPTION	#INMATES	PERCENTAGE
18 - 20	132	4.707
21 - 25	489	17.439
26 - 30	521	18.580
31 - 35	619	22.075
36 - 40	420	14.978
41 - 50	430	15.335
51 - 60	135	4.814
61 - 70	50	1.783
GREATER THAN 70	0	0.000
AGE OTHER THAN ABOVE	8	0.285
TOTAL INMATES / PERCENTAGES :	2,804	99.999
AVERAGE AGE - ALL INMATES :	33.8	
AVERAGE AGE - SENT FELONS :	34.9	

ETHNIC BACKGROUND

CODE AND DESCRIPTION	#INMATES	PERCENTAGE
A ASIAN/PACIFIC ISLANDER	33	1.176
B BLACK/NON-HISPANIC	357	12.731
H HISPANIC	69	2.460
I INDIAN	89	3.174
N ALASKAN NATIVE	823	29.350
W WHITE/NON-HISPANIC	1,433	51.105
OTHERS	0	0.000
UNKNOWN	0	0.000
TOTAL INMATES / PERCENTAGES :	2,804	99.999

ALL INSTITUTIONS

MARITAL STATUS

CODE AND DESCRIPTION	#INMATES	PERCENTAGE
C COHABITATING	9	0.320
D DIVORCED	239	8.523
L SEPARATED/LIVING APART	31	1.105
M MARRIED	503	17.938
S SINGLE	1,718	61.269
W WIDOW/WIDOWER	27	0.962
UNKNOWN	277	9.878
TOTAL INMATES / PERCENTAGES :	2,804	99.999

LAST GRADE COMPLETED

CODE AND DESCRIPTION	#INMATES	PERCENTAGE
21 G.E.D.	47	1.676
COMPLETED HIGH SCHOOL	1,073	38.266
LESS THAN HIGH SCHOOL	1,262	45.007
FOUR YEAR COLLEGE DEGREE	8	0.285
LESS THAN 4 YR COLLEGE DEGREE	266	9.486
MORE THAN 4 YR COLLEGE DEGREE	13	0.463
UNKNOWN	135	4.814
TOTAL INMATES / PERCENTAGES :	2,804	99.999

AVERAGE EDUCATIONAL LEVEL - ALL INMATES : 8.8

AVERAGE EDUCATIONAL LEVEL - SENT FELONS : 9.5

CRIME CATEGORY

CODE AND DESCRIPTION	#INMATES	PERCENTAGE
V CRIMES OF VIOLENCE	1,414	50.427
P CRIMES AGAINST PROPERTY	283	10.092
S CRIMES OF SUBSTANCE ABUSE	314	11.198
O CRIMES OF OTHER CATEGORIES	793	28.281
TOTAL INMATES / PERCENTAGES :	2,804	99.999

CRIME CLASS

CODE AND DESCRIPTION	#INMATES	PERCENTAGE
UNCLASSIFIED FELONY	627	22.360
A CLASS A FELONY	224	7.988
B CLASS B FELONY	482	17.189
C CLASS C FELONY	325	11.590
1 CLASS A MISDEMEANOR	319	11.376
2 CLASS B MISDEMEANOR	39	1.390
V VIOLATION	2	0.071
U UNKNOWN CRIME CLASS	786	28.031
TOTAL INMATES / PERCENTAGES :	2,804	99.999

*** AVERAGES CALCULATED FROM DATA ENTERED ON THE OBSCIS SYSTEM ***