

**H B**

**1 3 7**

**SFIN**

**FILE**

# SENATE FINANCE COMMITTEE REPORT

RETURNED TO FINANCE FROM FLOOR WITH AMENDMENT PENDING  
*ON RECON*

DATE: 3/16/94

FURTHER:

DATE TURNED INTO OFFICE: \_\_\_\_\_

The Finance Committee considered CS FOR HOUSE BILL NO. 137(JUD)

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

**Reported Out 2-8-94**  
**Returned & died in SFC 1994.**

- replace with \_\_\_\_\_ CS \_\_\_\_\_ (FINANCE)  
or  adopt previous \_\_\_\_\_ CS \_\_\_\_\_  
 attaches amendment(s)

- same title  
 new title  
 technical title change (HB only)

adopts \_\_\_\_\_ Letter of Intent

further referral to the \_\_\_\_\_

- do pass  
 do not pass  
 no recommendation  
 individual recommendations

### NEW FISCAL NOTES

Department	Date	Zero	Fiscal

### PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

DO PASS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OTHER RECOMMENDATIONS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

1. \_\_\_\_\_  
Co-Chair: Signature/Recommendation

2. \_\_\_\_\_  
Co-Chair: Signature/Recommendation

# SENATE RULES COMMITTEE REPORT

DATE: 2/9/94

DATE TURNED INTO OFFICE: 3-11-94

The Rules Committee considered CS FOR HOUSE BILL NO. 137(JUD)

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

and recommends it be placed on the calendar:

replace with \_\_\_\_\_ CS \_\_\_\_\_ (RULES)

attaches amendment(s)

adopts \_\_\_\_\_ Letter of Intent

same title  
 new title  
 technical title change  
 (HB only)

**NEW FISCAL NOTES**

Department	Date	Zero	Fiscal

**PREVIOUS FISCAL NOTES**

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

**MEMBERS SIGNING FOR PLACEMENT ON THE CALENDAR**

*Steve King*  
 \_\_\_\_\_  
*Carl Pfeiffer*  
 \_\_\_\_\_  
 \_\_\_\_\_  
*Rick Halberd*  
 \_\_\_\_\_

Chair: Signature and Recommendation

*nothing*

**OTHER RECOMMENDATIONS:**

*Suzanne Little more*  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Calendar on: 3-14-94

Approved by: *DK*

# SENATE FINANCE COMMITTEE REPORT

*from* DATE: 5/7/93

FURTHER:

*no further R*  
*2-8-94*

DATE TURNED INTO OFFICE: \_\_\_\_\_

The Finance Committee considered CS FOR HOUSE BILL NO. 137(JUD)

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

and a majority of the committee recommends do pass

and recommends:

- replace with \_\_\_\_\_ CS \_\_\_\_\_ (FINANCE)
- or  adopt previous \_\_\_\_\_ CS \_\_\_\_\_
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

- adopts \_\_\_\_\_ Letter of Intent
- further referral to the \_\_\_\_\_

- do pass
- do not pass
- no recommendation
- individual recommendations

*3 of 4*

**NEW FISCAL NOTES**

Department	Date	Zero	Fiscal
<i>Corrections</i>	<i>2-4-94</i>	<i>0</i>	
<i>Admin. #1631</i>	<i>1-19-94</i>	<i>0</i>	
<i>Admin # 43</i>	<i>1-19-94</i>	<i>0</i>	

*updated*

**PREVIOUS FISCAL NOTES**

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

**DO PASS:**

*Steve Thayer* *Dejeu*  
*Robert* *Keck*  
*Bob* *Sharp*

**OTHER RECOMMENDATIONS:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

1. *Steve Thayer* *Do pass*  
Co-Chair: Signature/Recommendation

2. *Steve Thayer* *Do pass*  
Co-Chair: Signature/Recommendation

# SENATE COMMITTEE REPORT

DATE: 4/21/93

FURTHER: FINANCE

DATE TURNED INTO OFFICE: 5/6/93

JUDICIARY Committee considered CS FOR HOUSE BILL NO. 137(JUD)

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

*1 rph bk on file*

and recommends:

replace with \_\_\_\_\_ CS \_\_\_\_\_ ( )

or  adopt previous \_\_\_\_\_ CS \_\_\_\_\_ ( )

attaches amendment(s)

same title  
 new title  
 technical title change (HB only)

adopts \_\_\_\_\_ Letter of Intent

further referral to the \_\_\_\_\_

do pass

do not pass

no recommendation

individual recommendations

*3 p H & K*

**NEW FISCAL NOTES**

Department	Date	Zero	Fiscal

**PREVIOUS FISCAL NOTES**

Department	Date	Zero	Fiscal
Corrections	2-22-93	✓	
DOA (OPA)	3-30-93	✓	
DOA (pub def)	3-30-93	✓	

Appropriation No Fiscal Note

**DO PASS:**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**OTHER RECOMMENDATIONS:**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

① *George Jackson*

*Suzanne Little No Rec*

*D. Adkins* *Taylor* *Robert*  
 Chair: Signature and Recommendation

# SENATE COMMITTEE REPORT

*JMR*

DATE: 4/8/93

FURTHER: JUDICIARY  
FINANCE

DATE TURNED INTO OFFICE: 4/21/93

HES Committee considered CS FOR HOUSE BILL NO. 137(JUD)

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

*+ rpt it back as floor*

and recommends:

- replace with \_\_\_\_\_ CS \_\_\_\_\_ ( )
- or  adopt previous \_\_\_\_\_ CS \_\_\_\_\_ ( )
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

adopts \_\_\_\_\_ Letter of Intent

further referral to the \_\_\_\_\_

- do pass
- do not pass
- no recommendation
- individual recommendations

*3 p H & 15015*

**NEW FISCAL NOTES**

Department	Date	Zero	Fiscal

**PREVIOUS FISCAL NOTES**

Department	Date	Zero	Fiscal
Admin. Pub Def.	4/1/93	✓	
Admin. OPA	6/30/93	✓	
Corrections	7/22/93	✓	

Appropriation No Fiscal Note

**DO PASS:**

*Nike Miller*  
\_\_\_\_\_  
*Ben Sharp*  
\_\_\_\_\_  
~~\_\_\_\_\_~~  
\_\_\_\_\_  
\_\_\_\_\_

**OTHER RECOMMENDATIONS:**

*Duncan - No Rec.*  
\_\_\_\_\_  
*Salon - No Rec.*  
\_\_\_\_\_  
*Rowland - NR*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Steve Ruiz Do Pass*  
\_\_\_\_\_  
Chair: Signature and Recommendation

# SENATE FINANCE COMMITTEE REPORT

DATE: 5/7/93

FURTHER:

DATE TURNED INTO OFFICE: 2-8-94

The Finance Committee considered CS FOR HOUSE BILL NO. 137(JUD)

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

and recommends:

- replace with \_\_\_\_\_ CS \_\_\_\_\_ (FINANCE)
- or  adopt previous \_\_\_\_\_ CS \_\_\_\_\_
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

adopts \_\_\_\_\_ Letter of Intent

further referral to the \_\_\_\_\_

do pass

do not pass

no recommendation

individual recommendations

**NEW FISCAL NOTES**

Department	Date	Zero	Fiscal
Corrections	2-4-94	0	
Admin. #1631	1-19-94	0	
Admin #43	1-19-94	0	

**PREVIOUS FISCAL NOTES**

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

DO PASS:

*Steve Thayer*  
*[Signature]*  
*[Signature]*  
*[Signature]*

OTHER RECOMMENDATIONS:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

1. *[Signature]* Do pass  
 Co-Chair: Signature/Recommendation

2. *[Signature]*  
 Co-Chair: Signature/Recommendation

# FISCAL NOTE

No. 4

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

Bill Version: CSHB 137 (Jud)

(S) Publish Date: 2-9-94

Revision Date: 2/3/94  
Title: An Act authorizing special medical parole for terminally ill...  
Sponsor: Representative Mulder  
Requestor: Senate Finance

Dept. Affected: Corrections  
BRU: All  
Component: Parole Board, Inmate Health Care  
COMPONENT SERIAL NO. 695, 705

**Expenditures/Revenues**

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL EXPENDITURES	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

CHANGE IN REVENUES ( )	0	0	0	0	0	0
------------------------	---	---	---	---	---	---

**FUND SOURCE**

(Thousands of Dollars)

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

Estimate of any current year (FY94) cost: \$ 0

**POSITIONS**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary)

Please see the attached analysis.

Prepared by: Diane Schenker, Special Assistant  
Division: Office of the Commissioner  
Approved by Commissioner: J. Frank Prewitt, Jr.  
Agency: Department of Corrections

Phone: 786-2147/465-4643  
Date: 2/3/94  
Date: 2/4/94

The bill would authorize special medical parole consideration for certain terminally ill prisoners. Although page 1 of the fiscal note reflects zero fiscal impact, an unpredictable amount of cost aversion in the inmate health care component would be expected under this proposed legislation.

Assumptions

1. The number of terminally ill prisoners in the department varies and would be difficult to predict. At the time of this writing the department's medical director is aware of three terminally ill prisoners.

2. Medical and security costs for terminally ill prisoners vary and would be difficult to predict. Department medical staff provided the following case as a recent example of costs involved in a terminally ill prisoner's medical care:

The prisoner was terminally ill with cancer. The costs of recent surgery, chemotherapy, and associated hospital and doctor bills totalled approximately \$75,000. (According to medical staff, these costs for similar cases typically range from \$75,000 to \$200,000 depending upon specific aspects of the cancer.) Contract guard hire during hospitalization costs an additional \$600 per day, for a single 24-hour per day guard. (Depending upon the prisoner's custody, zero to two guards are required; costs could rise to \$1200/day.) In this case, the prisoner required one guard for approximately ten days of hospitalization for a total cost of \$6,000. Following hospitalization, the prisoner required full-time contract nursing 24 hours per day in the correctional institution. This cost \$600 per day for approximately three weeks, totalling \$12,600. The total costs in this example would be \$93,600.

The prisoner in this case might have been eligible for medical parole under this bill, according to medical staff. It is their opinion that this prisoner might have been considered not to pose a risk to the public due to the severity of the illness and its physical effects.

3. The department cannot predict how many cases involving terminally ill prisoners might result in parole. However, any case which results in parole due to this bill will result in some cost aversion for the department. Using the example above, if even ten similar cases result in parole over a period of time, the department could eventually avoid spending almost one million dollars for inmate health care.

# FISCAL NOTE

6

**STATE OF ALASKA**  
**1994 LEGISLATIVE SESSION**

Bill Version: CSHB 137 (Sud.)

(S) Publ'sh Date: 2-9-94

Revision Date: \_\_\_\_\_ Dept. Affected: Administration  
 Title: "An act authorizing special medical parole for terminally ill..." BRU: Public Defender  
 Component: Public Defender  
 Sponsor: Representative Mulder  
 Requestor: Senate Finance COMPONENT SERIAL NO. 1631

**Expenditures/Revenues: (Thousands of Dollars)**

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
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
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

**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
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**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 (FY94) impact: \$ -0-

**ANALYSIS:** (attach a separate page if necessary.)

Prepared By: John Salemi, Public Defender Phone: 264-4400  
 Division: Public Defender Agency Date: \_\_\_\_\_

Approved by Commissioner: Nancy Bear Usura Date: 1/17/94  
 Agency: Department of Administration

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# FISCAL NOTE

5

**STATE OF ALASKA**  
**1994 LEGISLATIVE SESSION**

Bill Version: CSHB 137 (Jud)

(S) Publish Date: 2-9-94

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: Senate Finance COMPONENT SERIAL NO. 43

**Expenditures & Revenues: (Thousands of Dollars)**

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
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
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE FUND SOURCE:	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

**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
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**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 (FY94) impact: \$ -0-

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 Usura Date: 1/19/94  
 Agency: Department of Administration

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ALASKA STATE LEGISLATURE  
HOUSE BILL NO. 137

HISTORY IN THE HOUSE

1993

2/5 Read first time and referred to:  
HFS Jud Fin

---

3/1 HFS RPT CS( ) New Title  
6 DP  DNP 1 NR  AM  
FN 1 OFN Previous FN

3/22 Jud RPT CS(Jud) New Title  
6 DP  DNP 0 NR  AM  
FN OFN 10 Previous FN

4/1 Fin RPT CS(Jud) New Title  
6 DP  DNP 4 NR  AM  
2 FN OFN 10 Previous FN

4/7 Read second time  
CS(Jud) Adopted

Amended

4/7 Advanced

4/7 Read third time

Return to second for specific amendment

PASSED	EFD Same ___ or
Yeas 37	Yeas
Nays 0	Nays
Excused 1	Excused
Absent 2	Absent

\_\_\_ Intent adopted

Reconsideration  
Reconsideration not taken up

PASSED ON RECON.	EFD Same ___ or
Yeas	Yeas
Nays	Nays
Excused	Excused
Absent	Absent

\_\_\_ Intent adopted

4/7 Reported correctly engrossed  
Signed by Speaker, to the Senate

*[Signature]*  
Chief Clerk of the House

HISTORY IN THE SENATE

1993

4/8 Read first time and referred to:  
HFS, JUD, FIN

3/16/94 RETURNED TO FINANCE FROM FLOOR

---

4/21 HFS RPT( ) CS 3 DP 3 NR DNP AM  
New Title Same Title PTA Previous FN  
FN OFN To [Signature]

5/7 Jud RPT( ) CS 2 DP 1 NR DNP AM  
New Title Same Title [Signature] Previous FN  
FN OFN To [Signature]

1994  
3/16 RETURNED TO FINANCE FROM FLOOR w/ AM

\_\_\_ RPT( ) CS \_\_\_ DP \_\_\_ NR \_\_\_ DNP \_\_\_ AM  
New Title \_\_\_ Same Title \_\_\_ Previous FN  
\_\_\_ FN \_\_\_ OFN To \_\_\_

\_\_\_ Rules Calendar( ) CS \_\_\_ AM \_\_\_ Other  
New Title \_\_\_ Same Title \_\_\_ Previous FN  
\_\_\_ FN \_\_\_ OFN

Read second time

\_\_\_ CS Adopted ( ) \_\_\_ New Title  
\_\_\_ Amended \_\_\_ Advanced

Read third time

\_\_\_ Letter of Intent adopted  
\_\_\_ Return to second for specific amendment

PASSED	EFD Same ___ or
Yeas	Yeas
Nays	Nays
Excused	Excused
Absent	Absent

Reconsideration  
Reconsideration not taken up

PASSED	EFD Same ___ or
Yeas	Yeas
Nays	Nays
Excused	Excused
Absent	Absent

Reported correctly engrossed  
Signed by President, to the House

\_\_\_ Secretary of the Senate

Taylor

AMENDMENT #1

OFFERED IN THE SENATE

TO: CSHB 137(JUD)

Page 2, line 25, following "days":

Insert "and has served at least one-half of the prisoner's term less any good time earned under AS 33.20.010"

Page 2, line 28, following "illness":

Insert ", is physically incapacitated, and is expected to remain physically incapacitated throughout the entire period of special medical parole"

Page 3, following line 11:

Insert a new subsection to read:

"(d) Notwithstanding AS 33.16.150, a person released on special medical parole is only entitled to remain on parole while the person is suffering from a terminal illness and is physically incapacitated. If the condition of a person released on special medical parole improves so that the person is no longer suffering from a terminal illness or is no longer physically incapacitated, the board shall revoke the person's parole and require the person to serve the remainder of the person's sentence. If a person's parole is revoked only under this subsection, the board shall credit the person's term with the time served on special medical parole."

Taylor moved  
Duncan - Adams  
( ) accepted ( ) unanimous consent  
or Y \_\_\_ N \_\_\_  
( ) failed Y \_\_\_ N \_\_\_

ALASKA STATE LEGISLATURE  
HOUSE BILL NO. 137

HISTORY IN THE HOUSE

1993	Read first time and referred to:
2/5	HES Jud Fin
3/1	HES RPT CS( ) New Title 6 DP <input checked="" type="checkbox"/> DNP 1 NR <input checked="" type="checkbox"/> AM FN 1 OFN Previous FN
3/22	Jud RPT CS(Jud) New Title 6 DP <input checked="" type="checkbox"/> DNP <input checked="" type="checkbox"/> NR <input checked="" type="checkbox"/> AM FN OFN 1 Previous FN
4/1	Fin RPT CS(Jud) New Title 6 DP <input checked="" type="checkbox"/> DNP 4 NR <input checked="" type="checkbox"/> AM 2 FN OFN 1 Previous FN
4/7	Read second time CS(JUD) Adopted
	Amended
4/7	Advanced
4/7	Read third time
	Return to second for specific amendment
	PASSED EFD Same ___ or Yeas 37 Yeas Nays 0 Nays Excused 1 Excused Absent 2 Absent
	Intent adopted
	Reconsideration Reconsideration not taken up
	PASSED ON RECON. EFD Same ___ or Yeas Yeas Nays Nays Excused Excused Absent Absent
	Intent adopted
4/7	Reported correctly engrossed Signed by Speaker, to the Senate
	<i>R. Slime</i> Chief Clerk of the House

HISTORY IN THE SENATE

1993	Read first time and referred to:
4/8, 3/16/94	HES, JUD, FIN RETURNED TO FINANCE FROM FLOOR
4/21	HES RPT( ) CS 3 DP 3 NR DNP AM New Title Same Title p11/12 Previous FN FN OFN To Jud
5/7	Jud RPT( ) CS 2 DP 1 NR DNP AM New Title Same Title Previous FN FN OFN To Finance
1994 3/16	RETURN TO FINANCE FROM FLOOR w/ AM
	RPT( ) CS DP NR DNP AM New Title Same Title Previous FN FN OFN To
	Rules Calendar( ) CS AM Other New Title Same Title Previous FN FN OFN
	Read second time
	CS Adopted ( ) New Title Amended Advanced
	Read third time
	Letter of Intent adopted Return to second for specific amendment
	PASSED EFD Same ___ or Yeas Yeas Nays Nays Excused Excused Absent Absent
	Reconsideration Reconsideration not taken up
	PASSED EFD Same ___ or Yeas Yeas Nays Nays Excused Excused Absent Absent
	Reported correctly engrossed Signed by President, to the House
	Secretary of the Senate

HOUSE-SENATE HISTORY Continued

19

Received from the Senate \_\_\_\_\_

Concur in Senate amendment  
Y \_\_\_ N \_\_\_ E \_\_\_ A \_\_\_  
\_\_\_\_\_ Efd same or Y \_\_\_ N \_\_\_ E \_\_\_ A \_\_\_

Failed to concur Senate amendment, ask Senate recede  
Y \_\_\_ N \_\_\_ E \_\_\_ A \_\_\_

Senate failed to \ receded from amendment  
Y \_\_\_ N \_\_\_ E \_\_\_ A \_\_\_

CC appointed by House \_\_\_\_\_ Chair

\_\_\_\_\_

CC appointed by Senate \_\_\_\_\_ Chair

\_\_\_\_\_

(H) Granted Limited Powers of Free Conference

(S) Granted Limited Powers of Free Conference

19

(H) Adopted CC Rpt \_\_\_\_\_  
Y \_\_\_ N \_\_\_ E \_\_\_ A \_\_\_  
\_\_\_\_\_ Efd same or Y \_\_\_ N \_\_\_ E \_\_\_ A \_\_\_

(S) Adopted CC Rpt \_\_\_\_\_  
Y \_\_\_ N \_\_\_ E \_\_\_ A \_\_\_  
\_\_\_\_\_ Efd same or Y \_\_\_ N \_\_\_ E \_\_\_ A \_\_\_

To enrolling  
Reported enrolled and sent to Governor

\_\_\_\_\_ By Governor

Legislative Resolve Number \_\_\_\_\_

Filed with Lieutenant Governor

TAYLOR  
#1

A M E N D M E N T

OFFERED IN THE SENATE  
TO: CSHB 137(JUD)

Page 2, line 25, following "days":

Insert "and has served at least one-half of the prisoner's term less any good time earned under AS 33.20.010"

Page 2, line 28, following "illness":

Insert ", is physically incapacitated, and is expected to remain physically incapacitated throughout the entire period of special medical parole"

Page 3, following line 11:

Insert a new subsection to read:

"(d) Notwithstanding AS 33.16.150, a person released on special medical parole is only entitled to remain on parole while the person is suffering from a terminal illness and is physically incapacitated. If the condition of a person released on special medical parole improves so that the person is no longer suffering from a terminal illness or is no longer physically incapacitated, the board shall revoke the person's parole and require the person to serve the remainder of the person's sentence. If a person's parole is revoked only under this subsection, the board shall credit the person's term with the time served on special medical parole."

Taylor moved  
Danman - Adams  
( ) accepted ( ) unanimous consent  
or Y \_\_\_ N \_\_\_  
( ) failed Y \_\_\_ N \_\_\_

# FISCAL NOTE

3  
 Bill Version: CSHB 137 (JUD)  
 (H) Publish Date: 4/1/93

STATE OF ALASKA  
 1993 LEGISLATIVE SESSION

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
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
---------	---	---	---	---	---	---

REVENUE FUND SOURCE:	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

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/MHTA	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 Usher Date: 3/30/93  
 Agency: Department of Administration

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*updated  
 fiscal notes  
 attached*

FISCAL NOTE

No. 2

Version: CSHB 137 (JUD)  
 (H) Publish Date: 4/1/93

STATE OF ALASKA  
 1993 LEGISLATIVE SESSION

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
---------	---	---	---	---	---	---

REVENUE FUND SOURCE:	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

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 Usher Date: 3/20/93  
 Agency: Department of Administration

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# FISCAL NOTE

No. 1

Bill Version: HB 137

(H) Publish Date: 3/1/93

STATE OF ALASKA  
1993 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_ Dept. Affected: Corrections  
 Title: "An Act authorizing special BRU: Statewide Programs  
medical parole for terminally ill prisoners " Component: Inmate Health Care  
 Sponsor: Rep. Mulder  
 Requestor: Rep. Mulder COMPONENT SERIAL NO. 705

**Expenditures/Revenues:**

(Thousands of Dollars)

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

<b>REVENUE FUND SOURCE:</b>						
-----------------------------	--	--	--	--	--	--

**FUNDING:**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>						

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

**ANALYSIS:** (Attach a separate page if necessary)

See attached fiscal analysis

Prepared by: Dana LaTour, Special Assistant *[Signature]* Phone: 465-3376  
 Division: Office of the Commissioner Date: 2-22-93  
 Approved by Commissioner: Lloyd G. Ruoff *[Signature]* Date: 2-22-93  
 Agency: Department of Corrections

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HB 137  
add. 1  
pg. 2 of 2

Fiscal Note Analysis

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

Page 2

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.



# ALASKA STATE LEGISLATURE HOUSE OF REPRESENTATIVES

**REPRESENTATIVE ELDON MULDER**  
DISTRICT 23 MULDOON-FT. RICHARDSON

- CHAIR -  
LEGISLATIVE COUNCIL

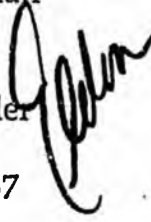
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HOUSE SPECIAL COMMITTEE ON  
MILITARY AND VETERANS AFFAIRS

- CO-CHAIR -  
MILITARY AFFAIRS FOR  
ANCHORAGE CAUCUS

## MEMORANDUM

DATE: January 18, 1994

TO: Senator Drue Pearce, Co-Chair  
Senator Steve Frank, Co-Chair  
Senate Finance Committee

FROM: Representative Eldon Mulder 

SUBJECT: Scheduling of House Bill 137

This memorandum is to respectfully request that House Bill 137 be scheduled for a hearing by the Senate Finance Committee.

House Bill 137 relates to special medical parole for terminally ill prisoners. It would allow the Parole Board, in appropriate cases, to grant special medical parole to prisoners who are in the last stages of life with a terminal illness and who are no longer a threat to society.

Passage of this bill would help relieve the Department of Corrections, and hence the state, from some of the huge medical costs associated with the terminally ill. These costs could be picked up by Medicare or Medicaid once a prisoner is released from DOC custody.

This bill has the support of the Department of Corrections, and the Alaska Sentencing Commission.



# ALASKA STATE LEGISLATURE HOUSE OF REPRESENTATIVES

REPRESENTATIVE ELDON MULDER  
DISTRICT 23 MULDOON-FT. RICHARDSON

- CHAIR -  
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MILITARY AND VETERANS AFFAIRS

- CO-CHAIR -  
MILITARY AFFAIRS FOR  
ANCHORAGE CAUCUS

## SPONSOR STATEMENT

### CS HB137(TUD)

House Bill 137 is a product of one of the Alaska Sentencing Commission's recommendations to the Legislature. It is also a cooperative effort between the Department of Corrections, the Parole Board, and myself. The bill is a cost avoidance measure intended to save the Department of Corrections, and hence the State, a considerable amount of money in the future.

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. Once paroled, these medical costs could be picked up by Medicare or Medicaid, thus easing the financial burden on the Department of Corrections, and hence the State.

This bill would allow the parole board, when appropriate, to grant special medical parole for terminally ill patients. The bill contains certain criteria that the Board must follow before parole can be granted. It must determine that:

- the prisoner is suffering from a terminal illness
- a reasonable probability exists that the prisoner will not violate any laws or conditions imposed by the Board
- the prisoner will not pose a threat to society, and that release of the prisoner would not diminish the seriousness of the crime.

Passage of this bill should save the State of Alaska a substantial amount of money in the future. I urge the Committee to support House Bill 137.

## 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 not 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), relating to the conditions of parole. 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

James V. Gould, Chair  
Philip R. Volland, Vice Chair

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Charles E. Cole  
Hon. Beverly W. Cutler

Sen. Steve Frank  
Lloyd G. Rupp

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Gigi Pilcher  
John Salemi

Duane S. Udland  
Rep. Fran Ulmer

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.

Representative Eldon Mulder

February 9, 1993

Page 2

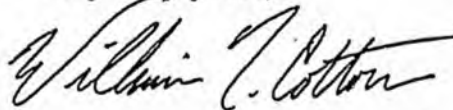
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Your legislation appears to be a measured response to the fiscal problem the Commission addressed. First, it creates a special medical parole for terminally ill prisoners. Second, it allows the parole board to limit use of the provision to offenders 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

# *Position Paper*


## *Department of Corrections*

2200 E. 42nd Avenue  
Anchorage, AK 99508  
(907) 561-4426

Bill : CSHB 137(JUD)

Date: February 3, 1994

Title: An Act authorizing special medical parole  
for terminally ill prisoners

 (for)  
J. Frank Prewitt, Jr.  
Commissioner

---

The department strongly supports the passage of this bill. The Alaska Sentencing Commission recommended that parole statutes be amended to allow special medical parole for terminally ill prisoners. The Commission's report found that many prisoners have serious medical problems that cost the department significant amounts of money each year. As the inmate population ages the department will face escalating health care expenses.

The department's medical staff and the Parole Board will use sound, professional judgment to assess the medical conditions and public safety issues involved in these types of cases. The department believes the bill can result in fair, cost-effective decisions which are in the best interests of the State, any victim(s) involved, the community, and the prisoner.

The department's fiscal note outlines the potential cost avoidance which might be realized if the bill is passed. Although specific predictions cannot be made, it is clear that this legislation provides an opportunity to reduce the department's future medical expenses.