

HB

153

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FILE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

FISCAL NOTE

No. 2
Bill Version: CSHB 153(JUD)
(H) Publish Date: 4/8/94

Revision Date: _____ Dept. Affected: Corrections
Title: Special good time reductions for prisoners BRU: Statewide Operations
Sponsor: House Judiciary Committee Component: Pt. MacKenzie
Requestor: Representative Barnes Component Serial #: 1884

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXP.	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXP	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGES IN REVENUES	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY94) cost \$ 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

ANALYSIS: Please see the attached explanation.

Prepared by: Diane Schenker, Special Assistant **COMMITTEE COPY** Phone: 465-4643/786-2147
Division: Office of the Commissioner Date: 4/7/94
Approved by: J. Frank Prewitt, Jr., Commissioner Date: 4/7/94
Agency: Department of Corrections Page 1 of 4

5. Award of good time, on a monthly basis after the fact, would require an individual entry on the time accounting sheet in each prisoner record at the Project every month, followed by an individual computer entry into the OBSCIS system revising each prisoner's release date each month. It is estimated that the time accounting function for 100-150 prisoners will require approximately two full days of staff time, which will have to be absorbed by existing staff at Pt. MacKenzie. If staffing or training in time accounting is inadequate, the following issues will become further complicated:

Good time earned during the final month would not be awarded until after the prisoner is released, so it would only benefit a prisoner whose probation or parole is revoked, who would receive a credit towards the next period of incarceration. Equal protection issues may be raised by prisoners who satisfactorily complete 30 days or more in the program, but whose time straddles two calendar months, and who do not receive the special good time credit awarded to prisoners who complete a calendar month. Since the release dates of Pt. MacKenzie participants will change every month, notification of victims, police, furlough review, and other pre-release requirements which hinge on the final release date will become more complex.

6. A list of prisoners serving time at the Project on April 6, 1994 (Attachment A) reveals 52 prisoners with a total of 428 full calendar months remaining between July 1, 1994 and their release dates. If each prisoner earned the full "special good time" credit of three days per full month, a total of 1,248 inmate days (or 3.5 inmate-years) would be saved between July 1, 1994 and May 1998 when the latest release date for this population occurs, or slightly less than 1 inmate-year (1 bed) per year. Since the population at Pt. MacKenzie is expected to double this year, it is assumed that a savings of 2 inmate-years or 2 beds would result.

7. It is assumed that some prisoners would eventually move from Pt. MacKenzie to a CRC on furlough status, so that not all of the remaining sentence length would result in the full reduction of special good time. However, because untreated sex offenders are ineligible for prerelease furloughs at this time, and comprise over a third of the Pt. MacKenzie population, a substantial number would be likely to remain at the Project for the duration of sentence, earning the maximum award of special good time. (However, a prisoner who fails to participate in a court-ordered rehabilitation program which was made available to the prisoner is subject to losing all earned good time through a parole revocation hearing, under AS 33.15.220. The number of prisoners at Pt. MacKenzie to whom this provision applies cannot be determined without individual file reviews.)

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Sponsor:	House Judiciary Committee	Component:	Pt. MacKenzie
Requestor:	Representative Barnes	Component Serial #:	1884

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXP.	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXP	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGES IN REVENUES	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE

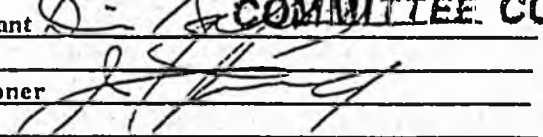
1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1006 GF/MHTLA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY94) cost \$ 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

ANALYSIS: Please see the attached explanation.

Prepared by:	Diane Schenker, Special Assistant		Phone:	465-4643/786-2147
Division:	Office of the Commissioner		Date:	4/7/94
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The bill would allow prisoners who voluntarily serve time at the Pt. MacKenzie Rehabilitation Project to receive three days of "special good time" for each month of satisfactory participation. The good time would be awarded during the month after it was earned, and would be awarded only for a full month of participation. The good time would be forfeited in whole or in part if the prisoner is involuntarily removed from the Project due to inappropriate behavior. The Department would be required to describe and post or distribute a description of appropriate and inappropriate behavior. The Commissioner would be authorized to proceed with adoption of regulations to implement the bill immediately, and the provisions of the bill and the regulations would go into effect July 1, 1994.

Assumptions

1. It is assumed that the award of special good time will serve as an incentive for more prisoners to volunteer to go to Pt. MacKenzie, enabling the Department to make better utilization of the Project, and thus helping to relieve emergency overcrowding in correctional institutions.
2. Availability of a special privilege (reduction in sentence) may necessitate offering this opportunity to female prisoners to avoid discrimination litigation. Staffing patterns will have to be reviewed to determine if adequate staff exist on site to properly supervise a mixed gender population. If inadequate staffing exists, the probability of security problems increases, such as sexual contact between male and female inmates, and may lead to medical expenses (pregnancies, sexually transmitted diseases, etc.)
3. Removal of a prisoner from a rehabilitative program requires due process, i.e., notice, a hearing, and opportunity for the prisoner to comment, etc., Ferguson v. State, 1816 P. 2d 134, (Alaska 1991). The demand for due process hearings is expected to increase when loss of a privilege, such as reduction in sentence, is tied to program removal. It is assumed that the staff time required for hearings can be absorbed by existing staff at Pt. MacKenzie and other institutions. If not, and hearings are not accomplished due to lack of staff time, increased litigation will result.
4. Policies and procedures governing time accounting would be revised. Policies will need to clarify the bill's reference to acceptable and unacceptable behavior; program removal procedures, etc. Regulations could not be completed prior to the effective date of the bill, but would be developed after policies and procedures are in place. The department plans to contract for policy and procedure and regulation coordination in FY95; if funding for these functions is cut these duties will have to be absorbed by Pt. MacKenzie staff. If adequate policies and procedures and regulations are not developed in a timely manner, errors in implementing the bill are likelier to occur, resulting in a higher probability of litigation.

5. Award of good time, on a monthly basis after the fact, would require an individual entry on the time accounting sheet in each prisoner record at the Project every month, followed by an individual computer entry into the OBSCIS system revising each prisoner's release date each month. It is estimated that the time accounting function for 100-150 prisoners will require approximately two full days of staff time, which will have to be absorbed by existing staff at Pt. MacKenzie. If staffing or training in time accounting is inadequate, the following issues will become further complicated:

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6. A list of prisoners serving time at the Project on April 6, 1994 (Attachment A) reveals 52 prisoners with a total of 428 full calendar months remaining between July 1, 1994 and their release dates. If each prisoner earned the full "special good time" credit of three days per full month, a total of 1,248 inmate days (or 3.5 inmate-years) would be saved between July 1, 1994 and May 1998 when the latest release date for this population occurs, or slightly less than 1 inmate-year (1 bed) per year. Since the population at Pt. MacKenzie is expected to double this year, it is assumed that a savings of 2 inmate-years or 2 beds would result.

7. It is assumed that some prisoners would eventually move from Pt. MacKenzie to a CRC on furlough status, so that not all of the remaining sentence length would result in the full reduction of special good time. However, because untreated sex offenders are ineligible for prerelease furloughs at this time, and comprise over a third of the Pt. MacKenzie population, a substantial number would be likely to remain at the Project for the duration of sentence, earning the maximum award of special good time. (However, a prisoner who fails to participate in a court-ordered rehabilitation program which was made available to the prisoner is subject to losing all earned good time through a parole revocation hearing, under AS 33.16.220. The number of prisoners at Pt. MacKenzie to whom this provision applies cannot be determined without individual file reviews.)

Attachment A
(page 4 of 4)

IDENTIFICATION	OFFENSE	RELEASE-DATE	MONTHS
06100	CEFCIS MS-OFFENSE		
06200	00000459 PROBATION VIOLATION	19950417	9 mo.
06300	00000621 PAROLE VIOLATION	19960226	13 mo.
06400	00003966 PAROLE VIOLATION	19970425	33
06500	00003679 DMVI - ALCOHOL	00000000	0
06600	00003616 DMVI - ALCOHOL	19940704	0
06700	00007059 CRIMINAL MISCHIEF - 4TH	19940914	2
06800	00012159 BURGLARY - 1ST	19970922	33
06900	00012201 DMVI - ALCOHOL	19941017	3
07000	00026580 ROBBERY - 2ND	19960911	26
07100	00022740 SEX ABUSE MINOR-3RD	19940909	1
07200	00030681 SEX ABUSE MINOR-2ND	19940627	0
07300	00030239 DMVI - ALCOHOL	19950325	8
07400	00030374 SEX ABUSE MINOR-2ND	19950514	10
07500	00040873 SEXUAL ASSAULT - 2ND	19940717	0
07600	00055677 UNTRD SUBSTANCES- 3RD		0
07700	00061983 PROBATION VIOLATION	19941004	3
07800	00063455 PAROLE VIOLATION	19950814	1
07900	00065799 SEX ABUSE MINOR-2ND	19950622	11
08000	00072582 DMVI - ALCOHOL	19940714	0
08100	00074716 ATTEMPT TO COMMIT FELONY	19940904	2
08200	00081726 KIDNAPPING	19950126	18
08300	00082479 SEX ABUSE MINOR-2ND	19950319	9
08400	00097317 ASSAULT - 4TH	19941001	3
08500	00112061 SEX ABUSE MINOR-3RD	19941027	5
08600	00121489 PROBATION VIOLATION	00000000	0
08700	00134574 PROBATION VIOLATION	19950407	9
08800	00140000 PAROLE VIOLATION	19940920	2
08900	00142512 PROBATION VIOLATION	19960726	24
09000	00146287 SEX ABUSE MINOR-1ST	19960625	23
09100	00170652 SEXUAL ASSAULT - 1ST	19940731	0
09200	00176691 PROBATION VIOLATION	19931207	0
09300	00184989 CRIMINAL MISCHIEF - 3RD	19940526	0
09400	00187002 SEX ABUSE MINOR-1ST	19961215	29
09500	00206736 TRESPASS - 1ST	19940822	1
09600	00227016 SEX ABUSE MINOR-1ST	19960113	18
09700	00227562 SEXUAL ASSAULT - 1ST	19961202	29
09800	00232144 PROBATION VIOLATION	19940710	0
09900	00232411 SEXUAL ASSAULT - 2ND	19941200	5
010000	00257505 PAROLE VIOLATION	19941220	5
010100	00258715 SEX ABUSE MINOR-1ST	19980510	46
010200	00252955 ROBBERY - 1ST	19940925	1
010300	00253226 SEX ABUSE MINOR-2ND	19940924	2
010400	00267596 PROBATION VIOLATION	19950320	7
010500	00271776 ASSAULT - 3RD	19940821	1
010600	00271653 DMVI - ALCOHOL	19940627	0
010700	00281037 SEX ABUSE MINOR-2ND	19940522	0
010800	00283949 SEX ABUSE MINOR-2ND	19940922	2
010900	00287916 PROBATION VIOLATION	19940711	0
011000	00293751 COERCION	19941119	4
011100	00294249 ASSAULT - 3RD	19950414	9
011200	00294573 SEX ABUSE MINOR-2ND	19950521	10
011300	00295243 ATTEMPT TO COMMIT FELONY	19940809	1
011400	00304143 BURGLARY - 2ND	19950112	6
011500	4/06/94 16.50.06	EASYTRIEVE PLUS	- 6.00

428 months