

SB

242

HFIN

FILE



Alaska State Legislature

Senate

JERRY WARD

State Capital
Juneau, AK 99801-1182
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Fax (907) 465-3764

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Sponsor Statement

SB 242 – FORFEITURE OF “GOOD TIME” SENTENCE CREDITS

The Department of Corrections provides for the deduction of one-third of the term of imprisonment if the prisoner follows the rules of the correctional facility in which the prisoner is confined. Currently, the Department of Corrections allows accumulation of “good time” credits even though an individual has not completed the court ordered treatment program. Typically, the Department of Corrections does not begin treatment programs until late in the term of a prisoners’ incarceration, thereby making it possible for the prisoner to be released prior to completion of the court ordered treatment program.

This legislation provides for the forfeiture of “good time” sentence credits of sex offenders who fail to successfully complete a rehabilitation or sex offender treatment program ordered by the sentencing court.

The sex offender treatment program, like any other rehabilitation program, is imposed to help prisoners learn to manage their emotions and urges so that when they are released back into society, they will not re-offend. Certainly, there is no guarantee that if the program is completed by the offender that said offender will not re-offend. However, if the prisoner does not complete the court ordered treatment, he or she should not be rewarded with “good time” credits.

Recent headlines have been awash with stories of convicted sex offenders who have not completed court ordered treatment while incarcerated, and once released, go on to re-offend. Many of these offenders were released early because of an accumulation of “good time” credits.

STATE OFFICE
ALASKA PEACE OFFICERS ASSOCIATION

P.O. Box 240106 Anchorage, Alaska 99524-0106 Phone (907) 277-0515 Fax (907) 272-5355



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Anchorage

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February 11, 1998

Senator Jerry Ward
Alaska State Legislature
State Capital
Juneau, Alaska 99801-1182

Dear Senator Ward,

On behalf of the Alaska Peace Officers Association (APOA), I would like to thank you for introducing SB 242 providing for the forfeiture of good time sentence credits of sex offenders who fail to successfully complete sex offender treatment programs.

At a recent meeting of the APOA Board of Directors, we unanimously agreed to endorse the spirit of SB 242. We feel that this legislation will provide some additional guarantees that an incarcerated sex offender will complete court-ordered treatment programs and if not completed, that there are sanctions and consequences for failing to do so.

We suggest that you consider expanding the language of this bill to include ALL incarcerated offenders who fail to complete court-ordered treatment programs or other programs set out as a condition of their sentencing.

Please contact us if there is anything we can do to assist you with this bill as it proceeds through the legislative process. You may contact us at the APOA office in Anchorage at 277-0515.

Once again, thank you for sponsoring this legislation.

Sincerely,

John Charbonneau
State President
Alaska Peace Officers Association

SB 242

cc:Mail for: Senator Jerry Ward

Subject: SB 242

From: ruawaic@aonline.com (Administration) at CC2MHS1 2/12/98 12:25 PM

To: Senator Jerry Ward at LAA_TRANS

cc: Senator Drue Pearce at LAA_SPEA

cc: Senator Dave Donley at LAA_SDON

cc: Senator Bert Sharp at LAA_SSHA

cc: Senator Sean Parnell at LAA_TRANS

cc: Senator Randy Phillips at LAA_TRANS

cc: Senator John Torgerson at LAA_STOR

cc: Senator_Al_Adams@legis.state.ak.us at CC2MHS1

To: Senator Ward

From: Jan MacClarence, Executive Director, AWAIC

RE: SB 242

I am writing to you in support of SB 242. We encourage policy that protects victims of sexual assault by holding offenders accountable. We appreciate your pro-active measure to have sex offenders successfully complete sex offender treatment programs. We would very much like to see SB 242 proceed through the legislative process. Thank you for your commitment.

CC: Senate F.N Committee



Advocates for Victims of Violence, Inc.

24 Hour Crisis Line: (907) 835-2999 • 1-800-835-4044 (Statewide)

Office: (907) 835-2980 • Fax: (907) 835-2981

P.O. Box 524 • Valdez, Alaska 99686

February 12, 1998

Senator Jerry Ward
Alaska State Legislature
State Capitol (MS 3100)
Juneau, AK 99801-1182

Dear Senator Ward:

I am writing to offer my full support for Senate Bill 242, pertaining to the forfeiture of good time sentence credits of sex offenders who fail to successfully complete sex offender treatment programs. Also, I thank you for sponsoring such legislation. As you know, Alaska has historically held the unfortunate distinction for having one of the highest sexual assault rates in the country. However, through legislation such as SB242, Alaska continues to strengthen its efforts in preventing sexual assault, as well as holding perpetrators accountable for their crimes. A strong message is sent to all of Alaska: sexual assault is a serious and devastating crime which will not be tolerated. Again, thank you for your support.

Sincerely,

Debra Pexa
Executive Director



FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

No. 1
Bill Version: JB242
(S) Publish Date: 1-27-98

Revision Date (Note if correction) _____	Dept. Affected <u>Corrections</u>
Title <u>An Act providing for the forfeiture of good time</u>	BRU <u>Administration and Operations</u>
<u>sentence credits of sex offenders who fail to complete...</u>	Component <u>Institution Director's Office</u>
Sponsor <u>Senator Ward</u>	
Requester <u>Senator Judiciary</u>	Component Serial No. <u>#1781</u>

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous	73.0	107.0	107.0	107.0	107.0	107.0
TOTAL OPERATING	73.0	107.0	107.0	107.0	107.0	107.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
1002 Federal Receipts						
1003 GF Match						
1004 GF	73.0	107.0	107.0	107.0	107.0	107.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	73.0	107.0	107.0	107.0	107.0	107.0

Estimate of any current year (FY98) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This proposed legislation would require the Commissioner to forfeit all of a prisoners good time credits if the offense is a sex offense, and the prisoner failed to successfully complete court ordered treatment. Current AS 33.16.220(a)(2) allows the Board of Parole to revoke parole if the the prisoner has violated an order of the court to participate in or comply with a treatment plan.

In calendar year 1997, thirty-three prisoners failed to complete or participate in the sex offender treatment plan as ordered by the court. The Board of Parole revoked parole in all but two cases. The average amount of time revoked was 450 days. This fiscal note is based on the assumption that two individuals a year would have their good time forfeited and would serve and additional 450 days.

Two prisoners X average cost of care of \$100.07 a day X 450 days= 90.0 thousand dollars. (73.0 in FY99 and 17.0 in FY00)
FY00 =17.0 from previous fiscal year forfeitures in addition to 90.0 in new forfeitures. This fiscal note does not include inflation.

Prepared by <u>Bruce Richards</u>	Phone <u>465-3307</u>
Division <u>Commissioner's Office</u>	Date <u>1/21/98</u>
Approved by Commissioner <u>Margaret M. Pugh</u> <i>Margaret M. Pugh</i>	Date <u>1-24-98</u>
Agency <u>Department of Corrections</u>	

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FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

No. 2
Bill Version: SB 242
(S) Publish Date: 1-27-98

Revision Date: (Note if correction)
Title: "An Act providing for the forfeiture of good time sentence credits of sex offenders who fail to successfully complete ..."
Sponsor: Sen. Ward
Requestor: (S) JUD

Department Affected: Administration
BRU: Office of Public Advocacy
Component: Office of Public Advocacy

COMPONENT SERIAL NO. 43

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
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 EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (F, '98) cost: \$ none

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

There is no fiscal impact to the Department of Administration.

Prepared by: Brant McGee, Director
Division: Office of Public Advocacy

Phone: 269-3501
Date: _____

Approved by Commissioner: Mark Boyer
Agency: Department of Administration

Date: 1/23/98

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FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

No. 3
 Bill Version: SB 242
 (S) Publish Date: 1-27-98

Revision Date: (Note if correction)
 Title: "An Act providing for the forfeiture of good time sentence credits of sex offenders who fail to successfully complete..."
 Sponsor: Sen Ward
 Requestor: (S) JUD

Department Affected: Administration
 BRU: Public Defender Agency
 Component: Public Defender Agency

COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
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 EXPENDITURES						
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CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 98) cost: \$ none

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

This bill would allow forfeiture of prisoners' good time credits for failing to successfully complete sex offender treatment. The bill would set up a procedure much the same as a current one in AS 33.16.220. Under AS 33.16.220 the parole board can take away all of a prisoner's good time for failing to participate in sex offender treatment or any other treatment program ordered by the court. The Public Defender Agency is not appointed to represent prisoners in prison disciplinary proceedings. However, we are appointed in Criminal Rule 35.1 applications. If this bill passes, I would anticipate that prisoners would file Rule 35.1 applications, claiming that their due process or equal protection rights are being violated and they are unlawfully held in custody under this law.

Prepared by: Barbara Brink, Director
 Division: Public Defender Agency

Phone: 264-4400
 Date: _____

Approved by Commissioner: Mark Boyer
 Agency: Department of Administration

Date: 1/26/98

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FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

No. 4
 Bill Version: CSSB 242 (FIN)
 (S) Publish Date: 4/6/98

Revision Date (Note if correction) 4/2/98 Dept. Affected Corrections
 Title An Act providing for the forfeiture of good time BRU Administration and Operations
sentence credits of sex offenders who fail to complete... Component Institution Director's Office
 Sponsor Senator Ward
 Requester Senate Finance Component Senal No. #1781

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
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 EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

No Fiscal Impact

Prepared by Bruce Richards Phone 465-3307
 Division Commissioner's Office Date 4.2.98
 Approved by Commissioner Margaret M. Pugh Margaret M. Pugh Date 4.2.98
 Agency Department of Corrections

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HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: April 29, 1998

FURTHER REFERRALS:

Date of Committee Action: 5/4/98

The FINANCE Committee considered:

CSSB 242(FIN)

CS FOR SENATE BILL NO. 242(FIN)

FORFEIT GOOD TIME OF SOME SEX OFFENDERS

"An Act providing for the forfeiture of good time sentence credits of sex offenders who fail to successfully complete sex offender treatment programs."

recommends it be replaced the same title
 with the following committee substitute _____ a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____ APPROVES PREVIOUS: (Dept/Date)

fiscal note(s) _____ fiscal note(s) _____

zero fiscal note(s) _____ zero fiscal note(s) DOC. 4/16/98
(2) DOA, 1/27/98

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Gene Therriault</i> Therriault	X			
<i>Don Mulder</i> Mulder	X			
<i>Terry Martin</i> Martin	X			
<i>Vicki Kobering</i> Kobering	X			
<i>Carl Davies</i> DAVIES	X			
<i>Ben Grossendorf</i> Grossendorf	X			
<i>Frank Davis</i> DAVIS	X			
<i>John Kelly</i> Kelly	X			

CHAIR'S SIGNATURE *Gene Therriault*