

**SB**

**242**

# FISCAL NOTE

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

No. 4  
Bill Version: CSSB242(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 Serial 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						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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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)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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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**FISCAL NOTE**

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

No. 3  
Bill Version: SP 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						
<b>TOTAL OPERATING</b>	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						
<b>TOTAL</b>	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. 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						
<b>TOTAL OPERATING</b>	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						
<b>TOTAL</b>	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.)

There is no fiscal impact to the Department of Administration.

Prepared by: Brant McGee, Director Phone: 269-3501  
Division: Office of Public Advocacy Date: \_\_\_\_\_

Approved by Commissioner: Mark Bover Date: 1/23/98  
Agency: Department of Administration

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# FISCAL NOTICE

No. 1

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

Bill Version: SB242

(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
<b>TOTAL OPERATING</b>	<b>73.0</b>	<b>107.0</b>	<b>107.0</b>	<b>107.0</b>	<b>107.0</b>	<b>107.0</b>

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)						
<b>TOTAL</b>	<b>73.0</b>	<b>107.0</b>	<b>107.0</b>	<b>107.0</b>	<b>107.0</b>	<b>107.0</b>

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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# Alaska State Legislature

## Senate



**JERRY WARD**

State Capital  
Juneau, AK 99801-1182  
Phone (907) 465-4911  
Fax (907) 465-3766

716 W. 4th Ave., Ste. 430  
Anchorage, AK 99501-2133  
Phone (907) 258-8183  
Fax (907) 258-0820

145 Main Street Loop  
Kenai, AK 99611  
Phone (907) 283-7996  
Fax (907) 283-3075

### 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.

# ALASKA PEACE OFFICERS ASSOCIATION

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



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

February 11, 1998

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

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**cc:Mail for: Senator Jerry Ward**

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**Subject:** SB 242

**From:** ruawalc@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\_AI\_Adams@legis.state.ak.us at CC2MHS1

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**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 FIN 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



United Way