

SB

242

SENATE COMMITTEE REPORT

First Committee of Referral

DATE: 1/16/98

FURTHER: Finance

Date of 5-Day Notice: 1-22-98
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 1-26-98

Judiciary Committee considered SENATE BILL NO. 242

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

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill:**
- same title
 - new title
- House Bill:**
- same title
 - technical title
 - new: SCR# _____

SIGNING <u>DO PASS</u>	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
Mike Miller	✓	Reduce	✓		
CHAIR: <i>John T. ...</i>	✓	CHAIR:			

NEW FISCAL NOTE(S):

#	Department	Date	Zero	Fiscal
#1	DOC	1/24/98		73.0
#2	DOA - OPA	1/23/98	0	
#3	DOA - PDO	1/26/98	0	

PREVIOUS FISCAL NOTE(S):*

#	Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

No. 1
 Bill Version: SB242
 (S) Publish Date: 1-27-98

STATE OF ALASKA
 1998 LEGISLATIVE SESSION

Revision Date (Note if correction) _____ 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 Senator Judiciary 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	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

POSITIONS	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
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 Bruce Richards Phone 465-3307
 Division Commissioner's Office Date 1/21/98
 Approved by Commissioner Margaret M. Pugh Margaret M. Pugh Date 1-24-98
 Agency Department of Corrections

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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) Department Affected: Administration
Title: "An Act providing for the forfeiture of good time sentence credits of sex offenders who fail to successfully complete..." BRU: Office of Public Advocacy
Sponsor: Sen. Ward Component: Office of Public Advocacy
Requestor: (S) JUD 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 ()						
------------------------	--	--	--	--	--	--

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.)

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 Boyer Date: 1/23/98
Agency: Department of Administration

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

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

BILL NO. SB 242

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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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.)

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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

BILL NO. SB 242

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						
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Miscellaneous	73.0	107.0	107.0	107.0	107.0	107.0
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CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

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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 <u>Commissioner 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

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Revision Date: (Note if correction)
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 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)

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1003 GF Match						
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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.)

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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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.