

SB

11

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 2/23/99

FURTHER: 4/7/99

DATE TURNED IN TO OFFICE: 4/8/99

Finance Committee considered

SENATE BILL NO. 11

"An Act relating to good time credits for prisoners serving sentences of imprisonment for certain murders, attempted murders, or conspiracies to commit murder."

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS SB 11 (JUD)
- 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 DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>[Signature]</i>	✓	<i>[Signature]</i>	✓		
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓	<i>[Signature]</i>		X	
<i>[Signature]</i>	✓				
		<i>[Signature]</i>	✓		
Co-Chair: <i>[Signature]</i>	✓	Co-Chair:			
Co-Chair: <i>[Signature]</i>	✓	Co-Chair:			

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

Admin	2/16/99		*
Corrections	2/16/99	0	

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE No. 1

4/7/99

STATE OF ALASKA
1999 LEGISLATIVE SESSION

Bill Version: CSB 11 (Jud)

(S) Publish Date: 2-23-99

Revision Date/Time (Note if correction) _____ Dept. Affected Department of Corrections
 Title An Act relating to good time credits for prisoners BRU Administration and Operations
 serving sentences of imprisonment for certain murders, or Component All
 Sponsor Senator Donley
 Requester Senate Judiciary Committee Component Serial No. #0694

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
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 (FY99) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Senate Bill 11 will reduce the amount of good time credits currently awarded to those offenders who are convicted of murder 1, attempted murder 1, murder 2, or conspiracy to commit murder 1. This legislation will reduce the amount of good time credits from the current one-third of the sentence to one-sixth.

The Dept. of Corrections has submitted a zero fiscal note because the impact will not be realized until approximately 2010. This will have a definite impact in the out years. An example would be if SB 11 had passed on 1-1-98, offenders sentenced in that year on the above crimes would serve a combined total of 33 additional years. At today's average daily cost of care, that would amount to a \$1.2 million dollar impact for those sentenced in 1998.

Prepared by Bruce Richards Phone 465-3307
 Division Commissioner's Office Date/Time 2/16/99 4:58 PM
 Approved by Commissioner Margaret M. Pugh Date 2-16-99
 Agency Department of Corrections

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FISCAL NOTE

4/7/99

STATE OF ALASKA
1999 LEGISLATIVE SESSION

BILL NO. CSSB 11(JUD)

Revision Date: 2/24/99
 Title: "An Act relating to good time credits for prisoners serving sentences for certain murders..."
 Sponsor: Senator Donley
 Requestor: (S) FIN

Department Affected: Administration
 BRU: Legal and Advocacy Services
 Component: Public Defender Agency
 COMPONENT SERIAL NO. 1631

Expenditures/Revenues: (Thousands of Dollars)
 Note: Amounts do not include inflation unless otherwise noted below

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
PERSONAL SERVICES	**	**	**	**	**	**
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	**	**	**	**	**	**

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	**	**	**	**	**	**

Estimate of any current year (FY 99) cost: \$ _____

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.) This bill reduces good time credits available for defendants convicted of murder in the first or second degree. The bill provides that prisoners convicted of these offenses are only entitled to one-half the good time credits "provided to other prisoners."

This bill may have a fiscal impact on the Alaska Public Defender Agency. There may be litigation on whether this bill violates equal protection of the laws under the Alaska or United States Constitution. In the past, Alaska courts have found that law singling out particular offenses (rather than classes of offenses) for disparate treatment violate equal protection. Also, it may be that more cases will be contested because of the increased penalties. However, the impact is not quantifiable. Therefore, the Public Defender Agency is submitting an indeterminate fiscal note.

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

Phone: (907) 264-4414
 Date: _____

Approved by Commissioner: Robert Poe 
 Agency: Department of Administration

Date: 2/24/99

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SENATE FINANCE COMMITTEE
1999 COMMITTEE ACTION

Bill Number SB 11	
Amendment —	
Motion Move from Committee	
Motion by Donley	
Objection J	
Objection by Adams	
Removed	
Second Objection by	
<u>Committee Member</u>	<u>Vote</u>
Senator Lyda Green	Y
Senator Randy Phillips	Y
Senator Dave Donley	Y
Senator Loren Leman	Y
Senator Al Adams	N
Senator Gary Wilken	Y
Senator Pete Kelly	Y
Co-Chair Sean Parnell	Y
Co-Chair John Torgerson	Y
<u>Tally</u>	
Yea	0 8
Nay	0 1
Absent	0
<u>MOTION</u> Passed	

FISCAL NOTE No. 1

STATE OF ALASKA
1999 LEGISLATIVE SESSION

Bill Version: CSSB 11 (JUD)
(S) Publish Date: 2-23-99

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CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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The Dept. of Corrections has submitted a zero fiscal note because the impact will not be realized until approximately 2010. This will have a definite impact in the out years. An example would be if SB 11 had passed on 1-1-98, offenders sentenced in that year on the above crimes would serve a combined total of 33 additional years. At today's average daily cost of care, that would amount to a \$1.2 million dollar impact for those sentenced in 1998.

Prepared by Bruce Richards Phone 465-3307
 Division Commissioner's Office Date/Time 2/16/99 4:58 PM
 Approved by Commissioner Margaret M. Pugh Date 2-16-99
 Agency Department of Corrections

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SENATOR DAVE DONLEY

ALASKA STATE LEGISLATURE

**Sponsor Statement
for
CS for Senate Bill 11 (JUD)
Reducing Good Time Credit for First and Second Degree Murder**

Senate Bill 11 would reduce good time sentence reduction by one-half for individuals convicted of first and second degree murders.

Under Alaska statute 33.20.10, a prisoner is entitled to a deduction of one-third of the term of imprisonment if the prisoner follows the rules of that correctional facility. This is known as a "good time" credit and applies to prisoners convicted of an offense against the state or a political subdivision of the state.

Alaska has one of the most liberal "good time" provisions in the nation. Alaska's one-third sentence reduction for "good time" is extremely liberal compared to federal statutes, which require federal offenders to serve at least 85% of the sentence imposed. Additionally thirty states also require at least 85% of the sentence be served. The federal government has asked all states to adopt this 85% standard.

SB 11 would reduce the "good time" sentence reduction by one-half for individuals convicted of murder in the first or second degree.

Affording convicted murderers the same "good time" privileges as those who commit less serious crimes is poor public policy. Senate Bill 11 addresses this injustice by preventing excessive sentence reductions on those individuals who maliciously take human life.

DD/jja

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June-December: 716 W. 4TH AVE. • STE. 430 • ANCHORAGE, AK • 99501 • (907) 269-0234 • FAX: (907) 269-0238

Vice-Chair, Senate Finance Committee • Chair, Capital Budget Subcommittee •
MEMBER: Senate Judiciary Committee • Senate Labor & Commerce Committee • Legislative Council

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ALASKA PEACE OFFICERS ASSOCIATION

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Senator Donley
Alaska State Legislature
State Capital
Juneau, Alaska 99801-1182

February 12, 1999

Dear Senator Donley,

At a recent meeting of the APOA Board of Directors, we unanimously agreed to endorse SB 11.

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.

Thank you for sponsoring this legislation.

Sincerely,

John Charbonneau
State President
Alaska Peace Officers Association

ALASKA PUBLIC DEFENDER AGENCY

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Anchorage, Alaska 99501

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FAX

TO: Senator Dave Donley
Alaska State Senate
Fax No.: 6595

Senator Robin Taylor
Alaska State Senate
Chairman, Senate Judiciary Committee
Fax No.: 3922

Senator Johnny Ellis
Alaska State Senate
Fax No.: 2529

FROM: Blair McCune, Deputy Public Defender 

RE: SB 11 - Prison Time Credits for Murderers
Senate Judiciary Hearing - Wed. Feb. 17th.

DATE: February 15, 1999

=====

The Public Defender has several comments on this bill.

There May Be an Equal Protection Challenge to the Bill

The bill singles out certain offenses such as murder, attempted murder, and conspiracy to commit murder for disparate treatment. Defendants convicted of these offenses will receive only half the good time credits other defendants get.

These are certainly all very serious offenses. Of course, the legislature has the authority to reduce good time awards for more serious offenses if it wants to do so. However, in the past, Alaska courts have found equal protection violations when the legislature has singled out certain offenses rather than classes of offenses.

Good Time Credits Enforce Prison Discipline

Part of the reason for good time credits is to enforce prison discipline and participation in rehabilitative programs. If the current one-third time off for good behavior is reduced, there is less of an incentive for good behavior and participation in rehabilitative programs. Although prison sentences for these defendants are usually very high, the added incentive will be lost.

Prisoners Released Because of Good Time Credits Are Not Released Free and Clear. They Are Released on Conditions To the Jurisdiction of The Parole Board.

The committee should be aware that prisoners who receive more than two years good time credits are not simply released free and clear. They are released on Mandatory Parole to the jurisdiction of the Parole Board and the supervision of a probation officer. The Parole Board can and does place restrictive conditions on these prisoners. Mandatory Parole can be revoked for violations of law, but also for technical violations such as using alcohol or drugs or not participating in rehabilitative programs ordered by the Board.

The Mandatory Parole system is a good way of transitioning prisoner who have spent a long time in jail. Prisoners who don't make it often end up serving all their time.

If this bill is enacted, there would be less time for transitioning prisoners who are doing well. Prisoners who are dangerous to public safety, usually end up in jail anyway.

There Will Be a Considerable Fiscal Impact If This Bill Is Passed

Obviously, this bill will result in more time to serve for some of the defendants who already have lengthy sentences. Most sentences for first and second degree murder generally are now running about 60 years to serve. 99 year sentences are being imposed more frequently.

Under current law, a defendant receiving 60 years would receive 20 years of good time credits. Under the bill, the prisoner would receive 10 years resulting in 10 more years jail time.

Obviously, it costs a lot of money to keep someone in jail for 10 years.

Table 1. Truth-in-sentencing requirements, by State

<u>Meet Federal 85% requirement</u>	<u>50% requirement</u>	<u>100% of minimum requirement</u>	<u>Other requirements</u>
Arizona	Missouri	Indiana	Alaska ^a
California	New Jersey	Maryland	Arkansas ^a
Connecticut	New York	Nebraska	Colorado ^a
Delaware	North Carolina	Texas	Kentucky ^a
District of Col.	North Dakota		Massachusetts ^a
Florida	Ohio		Wisconsin ^b
Georgia	Oklahoma ^b		
Illinois ^a	Oregon		
Iowa	Pennsylvania		
Kansas	South Carolina		
Louisiana	Tennessee		
Maine	Utah		
Michigan	Virginia		
Minnesota	Washington		
Mississippi			

^aQualified for Federal funding in 1996 only.

^bEffective July 1, 1999, offenders will be required to serve 85% of the sentence.

^cTwo-part sentence structure (2/3 in prison; 1/3 on parole); 100% of prison term required.

^dMandatory 70% of sentence for certain violent offenses and manufacture of methamphetamine.

^eViolent offenders with 2 prior violent

convictions serve 75%; 1 prior violent conviction, 50.25%.

^fEffective July 15, 1990, offenders are required to serve 85% of the sentence.

^gRequires 75% of a minimum prison sentence.

^hEffective December 31, 1999, two-part sentence: offenders serve 100% of the prison term and a sentence of extended supervision at 25% of the prison sentence.

Source: BJS, "Truth in Sentencing in State Prisons," USDOJ, Jan. 1999.



NATIONAL CONFERENCE OF STATE LEGISLATURES

1560 Broadway Suite 700, Denver, CO 80202-5140 (303) 830-2200

1993 – 1998 State Laws related to “Truth in Sentencing”

Florida S 1522 (1998) Prohibits shortening of a sentence if a defendant would serve less than 85 percent of term of imprisonment. Clarifies circumstances for departure from lowest permissible sentence. Requires department of corrections to report on trends in sentencing scores and practices; and that the Criminal Justice Estimating Conference project impact of proposed changes to the punishment code on future prison populations.

Illinois H 3500 (1998) Eliminates good conduct credits and requires entire sentence imposed to be served by prisoners sentenced for first degree murder and to natural life terms. Reduces good conduct credits to require 85 percent of sentence served for many other serious and violent felonies. Sets policy for revoking, suspending and reducing good conduct credits, including loss of credits for frivolous lawsuits. Establishes Truth-in-Sentencing Commission to study and suggest sentencing policy. Also requires judicial statement in sentencing as to the approximate time a defendant will serve.

Iowa H 2002 (1998) Adds attempted murder to crimes for which persons convicted must serve at least 85 percent of the sentence imposed.

Kansas S 262 (1998) Requires the court to state the sentence a defendant will serve, including maximum potential sentence reduction as a result of good time and the period of post-release supervision. Under sentencing grid, allows courts the option of sentencing specified offenders to non-prison treatment programs.

Kentucky H 455 (1998) Eliminates parole for violent, persistent felony offenders; and requires that all violent offenders serve 85 percent of the sentence imposed.

New York S 7820 (1998) Eliminates parole, requiring a determinate sentence for all violent felony offenders (including first such offense). Establishes periods of post-release supervision as part of the sentence and allows imprisonment of up to five years for violating conditions of supervision.

Oklahoma H 1002 (1998 1st Extraordinary Session) Delays implementation of truth in sentencing legislation of 1997.

Wisconsin A 351 (1998) Creates new sentencing structure for felony offenses, increasing the maximum imprisonment time imposed. Abolishes parole, requiring 100 percent of sentence for all felony offenders plus a term post-prison extended supervision equal to at least 25 percent prison term. Creates a Criminal Penalties Study Committee to review, make recommendations on classification of criminal offenses, penalties for felonies and class A misdemeanors. Also creates a sentencing commission to develop advisory sentencing guidelines for judges.

Alaska S 67 (1997) Truth in Sentencing Act requires the court to state and include in the sentencing report information on the minimum term that the defendant is expected to actually serve prior to release or parole.

Delaware S 131 (1997) Authorizes sentencing courts to require that a specified portion of a prison term be served without any form of early release, good time, furlough, work release, supervised custody or any other reduction of sentence.

Florida H 1371 (1997) The Prison Release Reoffender Punishment Act requires mandatory minimum sentences and that 100 percent of the court-imposed sentence be served for offenders who commit a qualifying offense within five years of release from prison. Offenses include weapon use in a criminal offense and various crimes against children.

Louisiana H 1915 (1997) Changes computation of good time for prisoners. Sets rate of 30 days for every 30 days good behavior and self improvement for some prisoners; for others convicted of a crime of violence the rate is three days for every 17 days good behavior.

New Jersey S 855 (1997) Requires a fixed, minimum term of 85 percent of sentence for first and second-degree violent crimes, plus a three to five year period of parole supervision. Violent crimes include those causing death, serious bodily injury, or use or threatened immediate use of a deadly weapon. Also includes any aggravated sexual assault or such assault using or threatening physical force.

North Dakota H 1089 (1997) Requires that violent offenders sentenced to life imprisonment with possibility of parole will serve a term computed as life expectancy based on a recognized mortality table, without parole eligibility until that requirement is met.

Oklahoma H 1213 (1997) Truth in Sentencing act requires that 85 percent of the sentence be served by serious, violent offenders. Non-violent offenders are required to serve 75 percent of sentence, some in community corrections, which is expanded locally under the act. Establishes sentencing commission to review impact of legislation, and so establishes planning process for future prison bed needs, including selection process for private prisons.

Alaska H 38 (1996) Eliminates good time for offenders serving mandatory 99-year sentences and requires that those offenders may apply just once for modification or reduction of sentence, after serving one-half of the mandatory or 30 years. Also adds, for purposes of considering prior convictions in imposing "three strikes" sentences, convictions in another jurisdiction for offenses having similar elements to applicable serious felonies.

Delaware H 507 (1996) Applies minimum sentence to habitual criminals convicted of a fourth felony, when the fourth conviction is for any one of more than 50 designated "violent felonies."

Florida S 156 (1996) Establishes eight-year revision cycle for crime and other public safety statutes and guiding principles for justice information technology. Redefines habitual and violent felony offenders to include felonies committed while serving prison sentence and limits gain time for such offenders to ensure 85 percent of sentence served. Also limits gain time for felonies involving weapon or firearm; and includes drug, sex offender, juvenile provisions.

Iowa H 2316 (1996) Requires persons to serve twice the maximum term for a "sexually predatory" serious or aggravated misdemeanor offense when they have one prior such conviction, and a mandatory ten year sentence and serve at least 85 percent of the sentence if they have two or more prior such convictions. Requires twice the maximum term of 25 years, whichever is greater, with sentence reductions limited so that no less than 85 percent of the sentence is served, for conviction of a "sexually predatory" felony. Also requires up to two years of community supervision (parole or work release) for sexually predatory offenders, as defined in the act to broadly include sexually violent or abusive crimes.

Iowa S 2114 (1996) Requires that persons imprisoned for forcible felonies serve 100 percent of the maximum sentence term, without eligibility for parole or work release. Also directs legislative council to establish sentencing task force.

South Dakota S 273 (1996) Eliminates good time and establishes minimum sentence that must be served before parole eligibility for each felony class. Number of felony convictions is a factor in sentence length. Less serious offenses and offenders may serve 25% of sentence before parole eligibility; more serious and frequent offenders will serve 75 and 100% of sentence. Requires DOC to keep conduct record of each inmate which can be used in considering parole release, but without sentence credits related to conduct.

Arkansas S 820 (1995) Offenders convicted of first-degree murder, kidnapping, aggravated robbery, rape and causing a catastrophe must serve 70% of sentence.

Connecticut S 927 (1995) Requires certain offenders serve at least 85% of the sentence imposed and directs the parole board to adopt guidelines and procedures for classifying people as violent offenders not limited to the elements of the offense or offenses for which they are convicted. Applies to offenders eligible for parole who used, attempted or threatened use of force against another person. (Previous law makes a capital felony, murder, or any offense committed with a firearm at or near school ineligible for parole.)

Florida H 687 (1995) "Stop Turning Out Prisoners Act" requires offenders to serve a minimum of 85% of the sentence imposed, with gain time limited accordingly. State prisoners sentenced to life imprisonment, including for capital felonies, will be incarcerated for the rest of their natural lives. All prison sentence offenses are affected.

Florida S 168 (1995) "Officer Evelyn Gort and All Fallen Officers Career Criminal Act" establishes three strikes-type penalties and includes 85% requirement for some. "Habitual felony offenders" have had 2 or more felonies and get terms from life to not exceeding 10 years; "habitual violent felony offenders" have had 1 or more previous violent crime convictions and get from life, with no release eligibility for 10 years, to 10-year sentences with no release eligibility for 5 years; "violent career criminals" have been convicted as an adult 3 or more times for violent crimes and get from life, with no release eligibility, to mandatory minimum of 10 years. "Violent career criminal," established in a separate proceeding, "gain time" limited to require 85% of sentence served. Courts must give written reasons for not imposing statutory sentences, addressing protection of the public.

Illinois S 187 (1995) Limits good conduct credits to require offenders serve at least 85% of sentence imposed. Also creates Illinois Truth-in-Sentencing Commission, charged with facilitating and monitoring implementation of 85% of sentence measure. 85% applies broadly to serious, violent crimes. Offenders imprisoned for first-degree murder receive no good conduct credit and will serve 100% of sentence.

Louisiana H 146 (1995) Requires certain offenders serve at least 85% of the sentence imposed before being eligible for parole. Life sentences must be commuted to fixed term of years to be eligible for parole consideration.

Louisiana S 1418 (1995) Requires established sentences must be served, without benefit of probation, parole or suspension of sentence and with good conduct limitations. Rape, 25 years; sexual battery, 10 years; aggravated sexual battery, 15 years.

Maine S 201 (1995) Reduces statutory meritorious good time to ensure that the term of imprisonment imposed closely approximates that which will be served. Applies to all crimes and prisoners.

Mississippi S 2175 (1995) Earned-time credits are limited to require that inmates serve at least 85% of prison term. Having served 85% and once released, inmates are placed under earned-release supervision until expiration of the full term. Inmates serving life sentences, except those imprisoned for life for capital murder, may petition for conditional release after age 65 and at least 15 years served. The law also establishes a reconstituted state parole board, and on July 1, 2000, transfers those duties, responsibilities to the Department of Corrections, eliminating the parole board, as such. All prison inmates affected.

Montana H 356 (1995) Simplifies and calls for phasing out all good time by 1997, pending recommendations of a sentencing commission, established in the legislation. Meanwhile, actual time served not substantially affected. Applies to all prison inmates.

New York S 5281 (1995) Sentencing Reform Act includes truth, 85%-type provisions and habitual offender measures. Also changes previous law for second felony offenders. Establishes determinate sentences under which offenders are not eligible for discretionary release and may not be paroled prior to serving six-sevenths of the set term. Determinate sentences are imposed on violent felony offenders with a prior felony conviction. Also creates commission to study the effects of the Sentencing Reform Act. The six-sevenths of sentence determinate sentences apply to Class B violent felony offenders who must serve 8 to 25 years; Class C violent felony offenders who are to serve 5 to 15 years; Class D violent felony offenders who must serve 3 to 7 years; and Class E violent felony offenses, which carry set sentences of 2 to 4 years. The parole sentence provisions for second nonviolent felony offenders applies to specified offenses including, but not limited to, criminal mischief, grand larceny, forgery, some controlled substance felony offenses.

North Dakota H 1218 (1995) Requires imprisoned, violent offenders must serve 85% of sentence. Violent offenders include those convicted of murder, manslaughter, aggravated assault, kidnapping, gross sexual imposition, robbery, burglary or attempts to commit the offenses.

Ohio S 2 (1995) Establishes new framework for felony sentencing, sets principles to guide courts in imposing sentences and specifies presumptions for imposing prison terms for certain felonies. Some mandatory minimum sentences required under law, including for repeat violent offenders on whom the court must impose a prison term from the range authorized for the offense, which cannot be reduced by judicial release, earned credit or any other provision for release. Reclassifies drug trafficking and possession offenses. Specifies financial sanctions, residential and nonresidential prison alternatives. Sets sentencing procedure and sentence appeals. Establishes sentence of life imprisonment without parole as additional alternative to the death penalty in applicable cases.

Oregon H 3439 (1995) Creates mandatory minimum sentences for some crimes. Extends to 25 years the period of time that a person sentenced to life imprisonment for aggravated murder must serve before parole board considers rehabilitation, release. Includes many violent crimes, including murder, attempt or conspiracy to commit murder, manslaughter, assault, kidnapping, rape, sodomy, unlawful sexual penetration, others.

South Carolina H 3096 (1995) Creates "no parole offenses." Requires that 80% of sentence must be served before eligibility for work release and 85% for early release, discharge or community supervision. "No parole offenders," must serve up to 2 years community supervision following prison term. "No parole offenses" are Class A, B or C felonies including many serious, violent crimes punishable by 20 years or more in prison. Life without parole sentence applies to "most serious offenses," including many serious violent felonies, drug trafficking, some bribery, embezzlement, certain accessory and attempt offenses.

Tennessee H 1762 (1995) Eliminates release eligibility for persons convicted of certain crimes and limits sentence credits to require at least 85% of sentence is served. Applies to 11 violent, often aggravated, crimes including murder, rape, rape of a child, kidnapping, robbery, sexual battery, arson, child abuse.

California (1994) Requires offenders in prison for violent felonies to serve 85 percent of the sentence imposed. Limits worktime credits to 15 percent of the sentence.

Missouri (1994) Requires certain categories of repeat or dangerous felony offenders to serve 50 percent, 80 percent, or 85 percent of a sentence. Retains parole release after those minimum sentences are served.

Virginia (1994 special session) Abolished parole and good conduct allowance for anyone convicted of a felony. Permits the court to add a post-release supervision term to the imposed prison sentence.

Arizona (1993) Requires inmates to serve 85 percent of their sentence, with 15 percent reduction possible through good behavior credits. Despite the lack of discretionary parole-release decision, offenders sentenced to prison are supervised upon release for a period of 15 percent of the sentence imposed.

Please call Donna Lyons at NCSL for more information.

p:\fax\truth90s

03/18/99
09:04:48

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PARTICIPANT LIST (TESTIFIERS ONLY)
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SB 24

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BOB

MCCUNE
LOEFFLER

PUBLIC DEFENDER TESTIFY
DIV MINES TESTIFY

SENATE FINANCE COMMITTEE

SIGN-IN

SB 11-PRISON TIME CREDITS FOR MURDERERS

NAME: Margot Knuth Subject/Bill No: SB 11
Co./Dept./Title: Asst Atty Gen Phone: 4338
Address: Dept of Corrections Zip: _____
Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____
Co./Dept./Title: _____ Phone: _____
Address: _____ Zip: _____
Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____
Co./Dept./Title: _____ Phone: _____
Address: _____ Zip: _____
Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____
Co./Dept./Title: _____ Phone: _____
Address: _____ Zip: _____
Do you wish to testify? Yes No Respond To Questions