

**SB**

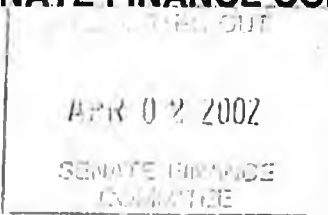
**223**

SFIN

FILE

# SENATE FINANCE COMMITTEE REPORT

DATE: 2/13/02



FURTHER:

DATE TURNED IN TO OFFICE: 04/03/02

Finance Committee considered

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 223

*SB 223 PRISONERS: PAROLE/GOOD TIME*

"An Act referencing the award of good time and restricting release on mandatory parole for prisoners serving certain sentences who fail to attain certain minimum educational standards; and providing for an effective date."

and recommends:

- be replaced with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous \_\_\_\_\_ CS SB 223 (JUD)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to \_\_\_\_\_ Committee

**Senate Bill:**

- same title
- new title

**House Bill:**

- same title
- technical title
- new: SCR # \_\_\_\_\_

**NEW FISCAL NOTE(S):**

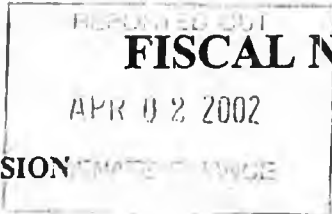
Department	Date	Fiscal	Zero	FN#
Law, Corr, Court				
DPS, Admin	3/22/02	600.3		

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>[Signature]</i>	✓			
<i>[Signature]</i>			✓	
<i>[Signature]</i>		X		
<i>[Signature]</i>			✓	
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
COCHAIR: <i>[Signature]</i>	✓			
COCHAIR: <i>[Signature]</i>	✓			



STATE OF ALASKA  
2002 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: CSSSSB 223 (JUD)  
(S) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: LAW, CORR, COURT, DPS, ADMN  
Title: "An act limiting the award of good time and restricting release on mandatory parole..." BRU: All Under Departments  
Sponsor: Senator Donley Component: \_\_\_\_\_  
Requester: Senate Finance Committee Component Number: \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual	60.3	60.3	60.3	60.3	60.3	60.3
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous*				36.0	45.5	45.5
<b>TOTAL OPERATING</b>	<b>60.3</b>	<b>60.3</b>	<b>60.3</b>	<b>96.3</b>	<b>105.8</b>	<b>105.8</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
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**FUND SOURCE** (Thousands of Dollars)

FUND SOURCE	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
1002 Federal Receipts						
1003 GF Match						
1004 GF	60.3	60.3	60.3	96.3	105.8	105.8
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>60.3</b>	<b>60.3</b>	<b>60.3</b>	<b>96.3</b>	<b>105.8</b>	<b>105.8</b>

Estimate of any current year (FY2002) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

See attached for full explanation.

\* Projected extra incarceration costs of 16 inmates per year that fail/refuse to obtain their diploma/GED \$341,300 less projected savings of \$305,300 equals \$36,000 cost in the first year and a cost of \$45,500 for subsequent years.

Prepared by: SENATE FINANCE COMMITTEE Phone 465-3892

Senator: /s/ SENATOR DONLEY Date 3/22/2002  
Committee Cochair

Explanation of Senate Finance Committee Fiscal Note for CSSSSB 223 (JUD)

STATE OF ALASKA  
2002 Legislative Session  
Senate Finance Committee

Bill NO. CSSSSB 223 (JUD)  
Page 2 of 2  
Date 3/22/02  
Fiscal Note Number: \_\_\_\_\_

Calculations of Savings Facts/Assumptions From Reduced Recidivism

1. 246 is the number of inmates released in 2000  
(From the Dept. of Corrections)
2. 45% - Rate of recidivism (Juvenile Corrections)
3. 111 Inmates will be subject to SB 223's GED requirement
4. 8% - Reduction of total recidivism based on GED impact on population (Florida and Alabama's Programs 6% to 10%).
5. \$40 - \$50K cost per felony conviction each year. Based on corrections \$35 - \$40k per year and \$5,943 cost per case to the courts, corrections, law, public safety, administration, and public defenders. (An estimated average of 1<sup>st</sup> year cost to the state of Alaska for new felony cases from 1995's HB 159)

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CALCULATION OF SAVINGS

246 - Number of Inmates Released Per Year  
x .45 - Recidivism Rate  
111 - Total GED Inmates

111 - Inmates Subject to GED Requirements  
x .08 - Reduction of Total  
9 - Inmates Saved Per Year

\$42,943 - Average cost to state for felony convictions Per Year  
x 9 - Inmates Saved Per Year  
\$386,487 - Dollars Saved each year by the state for implementing GED program.

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COST VS SAVINGS CALCULATION

\$341,300 - Cost of 16 inmates for the 1<sup>st</sup> year that fail to obtain their GED.  
- 305,300 - First Year Projected Savings  
\$36,000 - Cost for the first year of GED program  
+ 60,300 - Contractual Costs  
\$96,300 - Total Cost for the first year of GED program

\$432,000 - Cost of 16 inmates that fail to obtain their GED.  
- 386,500 - Projected Savings Per Year  
\$45,500 - Cost for GED program  
+ 60,300 - Contractual Costs  
\$105,800 - Total Cost for the remaining years of GED program

SENATE FINANCE COMMITTEE  
 / / 2002 COMMITTEE ACTION

Bill Number	SB 223		
Amendment			
Motion			
<u>Motion by</u>	Donley		
<u>Objection by</u>	Hoffman		
<u>Removed</u>			
<u>Second Objection by</u>			
<u>Committee Member</u>	<u>Y</u>	<u>Vote</u>	<u>N</u>
Senator Green	✓		
Senator Hoffman			✓
Senator Leman	✓		
Senator Olson	✓		
Senator Ward	✓		
Senator Wilken	✓		
Senator Austerman	✓		
Co-Chair Donley	✓		
Co-Chair Kelly	✓		
<u>Tally</u>			
Yea	8		
Nay	1		
Absent			
<u>MOTION</u>	PASSED		



# SENATOR DAVE DONLEY

ALASKA STATE LEGISLATURE

**Sponsor Statement  
for CSSSSB 223 (JUD)  
"Requiring Literacy as an Eligibility for  
Parole or Good Time Credit"  
02/25/02**

Senate Bill 223 would require convicted prisoners serving a term of two years or more to obtain a high school diploma or a general education development (G.E.D) diploma before receiving the current statutory one-third (about 33%) maximum amount of good time sentence reduction or mandatory parole. If a person fails to qualify for the current one-third good time reduction due to failure to obtain a G.E.D., they will still be eligible for one-sixth (about 17%) reduction in sentence for good behavior. The 1/6<sup>th</sup> minimum reduction is still more generous than the national standard 15% maximum reduction (which requires that at least 85% of a sentence be served).

National studies indicate that roughly two-thirds of today's prison inmates are functionally illiterate. These studies further point out a strong correlation between illiteracy and criminal behavior and show recidivism rates to be much higher for low-level literacy criminals.

In 1983, Alabama conducted an investigation on recidivism on 129 inmates who had taken post-secondary education courses while incarcerated. The recidivism rate was 3.9% for those 129 individuals compared to a 25% rate for all others released by Alabama that same year.

SB 223 seeks to reduce the recidivism rate for Alaska's correctional facilities by encouraging prisoners to obtain their G.E.D., thereby increasing their chances of successfully re-integrating back into society when they are released. Those who choose not to obtain their G.E.D. would forfeit a portion of their "good time" credit.

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. Alaska has one of the most liberal "good time" provisions in the nation. Alaska's one-third sentence reduction for "good time" equates to requiring offenders to serve only 67% of their sentences. This is quite low compared to federal statutes that 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.

**Co-Chair: Senate Finance Committee**

**Vice-Chair: Senate Judiciary Committee**

**Member: Legislative Budget and Audit Committee • Legislative Council**

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June-December: 716 West Fourth Avenue • Suite 400 • ANCHORAGE, AK • 99501 • (907) 269-0234 • FAX: (907) 269-0238

CSSSSB 223 (JUD)

Sponsor Statement

Page 2

Over ten states have adopted various policies that offer sentence reductions for participation in educational programs. These incentives link prison privileges and parole considerations to participation in educational programs.

Under SB 223 prisoners would not be subject to a reduction in good time if the inmate:

- has already received a high school diploma or its equivalent;
- is incapable of obtaining a G.E.D.;
- does not speak English as their primary language; and
- due to their age and social background cannot reasonably obtain the educational requirement.

The Department of Corrections' fiscal note estimates that SB 223 would increase overall inmate sentences. I doubt the impact would be anywhere near as much as the Department guesses. Instead I think a greater number of inmates will seek to obtain a G.E.D.

SB 223 is pro-active legislation designed to reduce crime and the recidivism rate in Alaska through encouraging literacy among imprisoned criminal offenders. Lower recidivism means safer Alaskan communities.

DD/jg



# SENATOR DAVE DONLEY

ALASKA STATE LEGISLATURE

## SECTIONAL ANALYSIS CSSSSB 223 (JUD)

"An Act referencing the award of good time and restricting release on mandatory parole for prisoners serving certain sentences who fail to attain certain minimum educational standards; and providing for an effective date"

Section 1: Amends **AS 33.16.010(c)** to simplify the subsection.

Section 2: Amends **AS 33.20.010(a)** by requiring prisoners serving sentences of two years or more to reach basic education standards (unless they are certified unable to meet those standards for certain reasons such as age, social background, English not being their primary language, and the commissioner determines that they cannot be expected to meet the educational requirements) to receive the one-third reduction. Prisoners who do not obtain those standards will receive the one-sixth reduction for good behavior, and the current one-third reduction for prisoners serving sentences less than two years is retained.

**Rationale:** Obtaining a High School Diploma or equivalent is a basic requirement for a person to succeed. If inmates choose not to better themselves by obtaining a GED in prison, they will not be eligible for the one-sixth credit to their "good time"; but if a prisoner does receive their GED, they will have earned an additional one-sixth credit to their "good time." Inmates who are educated while in prison are more likely to stay out of prison, thereby cutting down on the rate of recidivism.

Section 3: Adds new subsection **AS 33.20.010(c)** to state that prisoners sentenced to a mandatory ninety-nine year term or a definite term under **AS 12.55.125(1)** are not eligible for a good time reduction.

**Rationale:** This section (added by legislative legal) clarifies that prisoners serving time for certain life sentences and as habitual criminals are not eligible for good time reductions.

Section 4: Provides an applicability section.

Section 5: Provides an immediate effective date.

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States with 85 percent of term of imprisonment

Arizona  
California  
Connecticut  
Delaware  
Florida  
Georgia  
Illinois  
Iowa  
Kansas  
Kentucky  
Louisiana  
Maine  
Michigan  
Minnesota  
Mississippi  
Missouri  
New Jersey  
New York  
North Carolina  
North Dakota  
Ohio  
Oklahoma  
Oregon  
Pennsylvania  
South Dakota  
South Carolina  
Tennessee  
Utah  
Virginia  
Washington

Distributed by Senator Donley CSSSSB 223

Distributed by Senator Donley CSSSSB223 (74)

**Chapter 33.16. PAROLE ADMINISTRATION**

**\*\*\*ADMINISTRATIVE CODE.**

For Alaska board of parole, see 22 AAC 20.

**Collateral Refs -**

59 Am. Jur. 2d, Pardon and Parole, Sec. 1 et seq.

67A C.J.S., Pardon and Parole, Sec. 1 et seq.

**Decisions -**

Cited in *Wilson v. State*, 944 P.2d 1191 (Alaska Ct. App. 1997).

**Sec. 33.16.010. Parole.**

(a) A prisoner who is serving a term or terms of two years or more is eligible for mandatory parole.

(b) A prisoner who is eligible under AS 33.16.090 may be granted discretionary parole by the board of parole.

(c) A prisoner who is not eligible for discretionary parole, or who is not released on discretionary parole, shall be released on mandatory parole for the term of good time deductions credited under AS 33.20, if the term or terms of imprisonment are two years or more.

(d) A prisoner released on special medical, discretionary, or mandatory parole is subject to the conditions of parole imposed under AS 33.16.150. Parole may be revoked under AS 33.16.220.

(e) A prisoner eligible under AS 33.16.085 may be released on special medical parole by the Parole Board.

**History -**

(Sec. 2 ch 88 SLA 1985; am Sec. 1, 2 ch 77 SLA 1987; am Sec. 2, 3 ch 70 SLA 1995)

**Amendment Notes -**

The 1995 amendment, effective September 3, 1995, inserted "special medical," in subsection (d) and added subsection (e).

**Editors Notes -**

Sections 1 and 2, ch. 47, SLA 1988, provide that the provisions of subsections (a) and (c) of this section, as amended by ch. 77, SLA 1987, apply retroactively to prisoners incarcerated on or after September 13, 1987, irrespective of the law in effect at the time the prisoner committed the offense for which the prisoner was incarcerated.

**History Reports -**

For House letter of intent related to the enactment of this section, see 1985 House Journal, p. 821.

**Decisions -**

Mandatory parole, as its name suggests, is required by statute, and a parolee has no right to refuse mandatory release from prison. *State v. Stael*, 807 P.2d 513 (Alaska Ct. App. 1991).

Parolee was not entitled to an in-person hearing before standard conditions of parole could be imposed, and his parole was properly revoked after he violated standard conditions of parole by leaving the state and failing to report. *State v. Stael*, 807 P.2d 513 (Alaska Ct. App. 1991).

Distributed by Senator Donley CSSSSB223 (jvd)

**Jurisdiction of board over parolee. - Where defendant was charged with a violation while he was still on mandatory parole under this section and notice of the violation was served and resolved at a parole revocation hearing while the board of parole retained jurisdiction over defendant under AS 33.16.200, the validity of the board's action did not hinge on whether defendant was deemed to have been technically on parole at the time of the hearing. Gyles v. State, 901 P.2d 1143 (Alaska Ct. App. 1995).**

**Quoted in Wilson v. State, 944 P.2d 1191 (Alaska Ct. App. 1997).**

**Cited in State v. Stores, 816 P.2d 205 (Alaska Ct. App. 1991); Morrison v. State, 7 P.3d 955 (Alaska Ct. App. 2000).**







SB 223-PRISONERS:PAROLE/GOOD TIME  
SENATE FINANCE COMMITTEE

SIGN-IN

NAME: Candace Brower Subject/Bill No: SB-223  
Co./Dept./Title: Corrections - Leg. Liaison Phone: 465-4652  
Address: 431 N. Franklin Zip: 99801

Do you wish to testify?  Yes  No  Respond To Questions

NAME: JOSEPH REZUS Subject/Bill No: SB 97  
Co./Dept./Title: CORRECTIONS - SUC MGR <sup>Administrative</sup> Phone: 465-3315  
Address: 802 THIRD ST. - Douglas Zip: 99824

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

*CHADWICK*

SITE: ANCHORAGE LIO

COMMITTEE: Senate Finance

DATE: 04-02-02

SUBJECT OF MEETING:

SB 223, SB 97

UPDATE #: 1



P R I N T YOUR NAME

ADDRESS (MAILING & ZIP)

REPRESENTING

DO YOU WANT  
TO TESTIFY?  
Y or N

<u>P R I N T</u> YOUR NAME	ADDRESS (MAILING & ZIP)	REPRESENTING	DO YOU WANT TO TESTIFY? Y or N
✓ <b>Bruce Richards</b>		Corrections	Ans ?'s: SB 223, SB 97
Email address:			
<b>Lynda Raugg</b>		Corrections	Ans ?'s: SB 223, SB 97
Email address:			
Email address:			
Email address:			
Email address:			
Email address:			
Email address:			

to answer quest.

SB 223-PRISONERS: PAROLE/GOOD TIME  
SENATE FINANCE COMMITTEE

SIGN-IN

NAME: Candace Brower Subject/Bill No: SB223  
Co./Dept./Title: Legislative Liaison for Dept. of Cor. Phone: 465-4652  
Address: 431 N. Franklin Zip: \_\_\_\_\_  
Do you wish to testify?  Yes  No  Respond To Questions

NAME: [Signature] Subject/Bill No: SB97  
Co./Dept./Title: Corrections Phone: 465-3315  
Address: 802 3rd Street Douglas Zip: 99824  
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