

SB

159

**SENATE COMMITTEE REPORT
First Committee of Referral**

DATE: 3/28/03

FURTHER: Finance

Date of 5-Day Notice: 4/2/03
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 4/11/03

State Affairs Committee considered SENATE BILL NO. 159

SB 159 PAROLE FOR MEDICAL / COGNITIVE DISABILITY

"An Act relating to special medical parole and to prisoners who are severely medically or cognitively disabled."

and recommends:

- be replaced with _____ CS SB 159 (STA)
- adopt previous _____ CS _____ (_____)
- 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 # _____

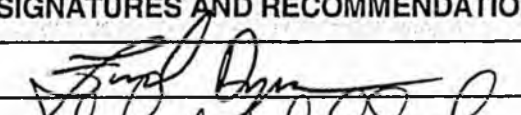

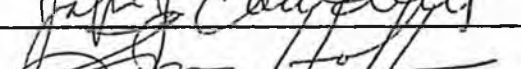
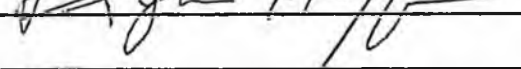

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#
DOC	4/9/03		✓	1
DHSS	4/4/03	✓		2
DHSS	4/4/03	✓		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
	✓			
			✓	
	✓			
			✓	
CHAIR: 	✓			

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB 159
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Department of Corrections
 Title Parole for Medical/Cognitive Disability BRU Administration & Operations
 Component Inmate Health Care
 Sponsor _____
 Requester _____ Component No. 705

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2003) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

The annual average savings from passage of this legislation is calculated to be approximately \$500,000. The numbers of inmates who qualify for medical parole and their cost of care may vary greatly from year to year. The Governor's FY 04 budget contains a \$500,000 decrement to Inmate medical care which assumes passage of this legislation.

Prepared by: Jerry D. Burnett, Director
 Division: Administrative Services
 Approved by: Portia C.K. Parker, Deputy Commissioner
 Agency: Department of Corrections

Phone 465-3339
 Date/Time 4/9/03 11:05 AM
 Date 4/9/2003

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB 159
 () Publish Date: _____
 Dept. Affected: Health & Social Services
 BRU Medical Assistance
 Component Medicaid Services

Revision Date/Time (Note if correction): _____
 Title SPECIAL MEDICAL PAROLE

Sponsor SENATE (FIN)
 Requester SENATE (STA)

Component No. 2077

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims	280.8	617.7	1,019.2	1,495.0	2,055.7	2,713.6
Miscellaneous						
TOTAL OPERATING	280.8	617.7	1,019.2	1,495.0	2,055.7	2,713.6
CAPITAL EXPENDITURES						
CHANGE IN REVENUES (0)						

FUND SOURCE (Thousands of Dollars)

	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
1002 Federal Receipts	168.5	370.6	611.5	897.0	1,233.4	1,628.1
1003 GF Match	112.3	247.1	407.7	598.0	822.3	1,085.5
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other(Specify Type-do not abbreviate)						
TOTAL	280.8	617.7	1,019.2	1,495.0	2,055.7	2,713.6

Estimate of any current year (FY2003) cost: _____
 Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 This bill gives the Department of Corrections greater discretion to grant special medical parole to "severely medically disabled" prisoners whose medical or cognitive condition, including irreversible dementia, substantially reduces, rather than substantially eliminates, the prisoner's ability to re-offend. This bill is seen as one way to reduce Department of Correction costs by paroling prisoners so that they can receive health care services in a more cost-effective and appropriate manner.

Prepared by: Kevin Henderson
 Division: Medical Assistance
 Approved by: Joel S. Gilbertson, Cc.mmissioner
 Agency: Department of Health and Social Services

Phone 465-5821
 Date/Time 04/02/2003
 Date 04/04/2003

FISCAL NOTE
FN #

STATE OF ALASKA
2003 LEGISLATIVE SESSION

BILL NO. SB 159

ANALYSIS CONTINUATION
ASSUMPTIONS

Our assumptions are based upon the list of 13 current inmates who the Department of Corrections identified as potential medical parolees under this bill. We reviewed the age and medical condition of each and estimated that 9 of the 13 are likely to be categorically eligible for Medicaid, four would not. We do not have income or resource information for these inmates, but we are assuming that because of their lengthy incarceration they would have very little income or resources available to them upon release. We assumed all 9 would be financially eligible for Medicaid. The other four inmates are not likely eligible for Medicaid because the medical condition described (e.g., cancer) is not likely to meet the federal standard for disability.

The anticipated cost for each parolee is based upon the following Medicaid categories and the average annual cost of Medicaid recipients in those categories:

Parolees	Category	FY02 average annual cost
4	Disabled	\$11,408
2	Disabled/HCB	\$50,381
2	Old Age	\$10,869
1	Nursing Home	\$63,954

Medicaid expenditures are estimated to grow at a rate of 10% per year.

We believe the number and medical condition of the potential parolees is representative of what would happen each year, therefore, we assume a linear growth of 9 new Medicaid recipients each year (i.e., a total of 9 in '04, 18 in '05, 27 in '06, etc.).

Federal Medicaid match rate is 60%.

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB 159
 () Publish Date: _____
 Dept. Affected: Health & Social Services
 BRU Public Assistance
 Component Adult Public Assistance

Revision Date/Time (Note if correction): _____
 Title SPECIAL MEDICAL PAROLE

Sponsor SENATE (FIN)
 Requester SENATE (STA)

Component No. 222

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims	39.1	78.2	117.3	156.4	195.5	234.6
Miscellaneous						
TOTAL OPERATING	39.1	78.2	117.3	156.4	195.5	234.6

CAPITAL EXPENDITURES						
CHANGE IN REVENUES (0)						

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	39.1	78.2	117.3	156.4	195.5	234.6
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other(Specify Type-do not abbreviate)						
TOTAL	39.1	78.2	117.3	156.4	195.5	234.6

Estimate of any current year (FY2003) cost: _____
 Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill gives the Department of Corrections greater discretion to grant special medical parole to severely medically disabled prisoners.

Of the 13 severely medically disabled prisoners identified by the Department of Corrections as potential medical parolees, nine appear to be eligible for Adult Public Assistance (APA) upon their release.

Continued on page 2.

Prepared by: Anthony Lombardo
 Division: Public Assistance
 Approved by: Joel S. Gilbertson, Commissioner
 Agency: Department of Health and Social Services

Phone 465-5835
 Date/Time 04/01/2003
 Date 04/04/2003

ANALYSIS CONTINUATION
Assumptions

Because of their lengthy incarceration, the potential medical parolees identified would have very limited income or resources and would be eligible for the maximum APA benefit of \$362/mo.

The number of medical parolees will increase by nine each year:

9 parolees will be eligible for APA in FY 04

18 parolees will be eligible for APA in FY 05

27 parolees will be eligible for APA in FY 06

36 parolees will be eligible for APA in FY 07

45 parolees will be eligible for APA in FY 08

54 parolees will be eligible for APA in FY 09

Calculations

FY 04: 9 persons x \$362/mo x 12 months = \$39.1

FY 05: 18 persons x \$362/mo x 12 months = \$78.2

FY 06: 27 persons x \$362/mo x 12 months = \$117.3

FY 07: 36 persons x \$362/mo x 12 months = \$156.4

FY 08: 45 persons x \$362/mo x 12 months = \$195.5

FY 09: 54 persons x \$362/mo x 12 months = \$234.6

REQUEST FOR MEDICAL PAROLE:

Updated 4/6/03

Inmate Name	OBSIS#	DOB	Release Date	Site	Costs FY'01	Costs FY'02	Costs FY'03	Costs to Date	Diagnosis
Robert Abel	9633	9/7/1928	12/3/2010	AJ	\$ -	\$ 5,671.00	\$ 107,632.00	\$ 113,303.00	Heart condition
Greg Beaudoin	385494	6/20/1978	9/14/2038	SCCC	\$ -	\$ -	\$ 85,372.93	\$ 85,372.93	
Tina Boucher	20373	4/15/1956	8/2007	HMCC	\$ 183,591.00	\$ 2,500.00	\$ 89,103.00	\$ 275,194.00	Liver failure; hepatitis C; alcoholic cirrhosis
Caryn Craig	302571	6/4/1956	9/9/2002	Released	\$ 88,026.42	\$ 2,308.00	\$ -	\$ 90,334.42	Hodgkins
Larry Curl	3807	1/30/1941	3/13/2011	SCCC	\$ 133,636.25	\$ 47,513.67	\$ 554.00	\$ 181,703.92	Advanced cardiac stroke
Sheldon Demke	1938	8/19/1962	1/11/2004	AJ	\$ -	\$ 10,443.38	\$ 59,204.00	\$ 69,647.38	
Corey Dodge	321681	6/7/1976	10/2/2004	AJ	\$ -	\$ 23,734.27	\$ 50,459.64	\$ 74,193.91	Heart condition
Bruce Gregory	118236	10/10/1964	9/10/2000	Deceased	\$ 46,202.99	\$ -	\$ -	\$ 46,202.99	Nasal Pharynx CA
Leroy Jackson	12174	5/27/1961	7/28/2003	AJ	\$ -	\$ 212,589.00	\$ 335,351.59	\$ 547,940.59	Chronic abdominal blockages
Ralph Komakhuk	229101	5/22/1946		CIPT	\$ 150,631.22	\$ -	\$ 14,178.09	\$ 164,809.31	Advanced cardiac
Michael Lasko	85377	6/4/1943	10/16/2008	PCC	\$ 53,874.90	\$ 84,148.70	Not Available	\$ 138,023.60	CAD-CABG x 5
Luis Martinez	201636	6/16/1953		Probation	\$ 123,067.20	\$ 2,477.80	\$ -	\$ 125,545.00	Nasal Pharynx CA
Tracy McCracken	65040	2/26/1940	10/0/03	SCCC	\$ 193,700.00	\$ 500.00	\$ 26,293.20	\$ 220,493.20	Paraplegia - requires full-time aid
Roy Okakok	100032	11/30/1928	2/10/2001	Deceased	\$ 269,456.36	\$ -	\$ -	\$ 269,456.36	Advanced cardiac
Charles Pavila	11511	4/16/1961		CIPT	\$ 13,387.49	\$ 24,698.61	\$ 59,011.04	\$ 103,097.14	
Bernard Pete	28164	4/3/1962		Probation	\$ -	\$ -	\$ 22,169.70	\$ 22,169.70	Terminal metastatic cancer
James Price	39729	3/29/1960	11/17/2002	Deceased	\$ -	\$ 469.00	\$ 85,389.85	\$ 85,858.85	
Millard Primmer	435174	6/1/1936	11/22/2005	HMCC	\$ 70.00	\$ 29,625.60	\$ 110.00	\$ 29,805.60	Chronic anemia/splenectomy/lymphoma
Charles Smith	84729	6/24/1951	3/29/2005	CIPT	\$ 300.00	\$ -	\$ 46,887.08	\$ 47,187.08	
Alan Stanton	463482	7/7/1948	8/17/2005	HMCC	\$ -	\$ -	\$ 70,030.59	\$ 70,030.59	Renal cell carcinoma
Everett Turner	111261	11/14/1925		CIPT	\$ 5,000.00	\$ 5,253.00	\$ 617.50	\$ 10,870.50	Alzheimers
David Williams	12081	3/1/1960	4/22/2004	SCCC	\$ -	\$ -	\$ 5,558.83	\$ 5,558.83	Kidney mass
					\$ 1,266,943.83	\$ 451,932.03	\$ 1,057,923.04	\$ 2,776,798.90	\$5,553,598

REQUEST FOR MEDICAL PAROLE:									Updated 4/6/03
Inmate Name	OBSIS#	DOB	Release Date	Site	Costs FY'01	Costs FY'02	Costs FY'03	Costs to Date	Diagnosis
Out-of-State									
Bernie Alexie	112878	7/12/1946	1/10/1963	AZ	\$ -	\$ 235.00	\$ 1,362.85	\$ 1,597.85	Renal failure
Ramon Cruz	347628	1/28/1947	4/8/2003	AZ	\$ 6,540.24	\$ 53,644.05	\$ 88,133.38	\$ 148,317.67	Stroke w/L hemiplegia & ataxia
Mario Dyer	29478	10/13/1965	8/20/2004	AZ	\$ 196.00	\$ 360.76	\$ 208.29	\$ 765.05	Blind
Mark Hayes	385302	9/8/1968	9/19/2007	AZ	\$ -	\$ -	\$ -	\$ -	Abdominal mass
Robert Machado	33408	10/29/1953	5/15/2020	AZ	\$ -	\$ -	\$ 48,532.02	\$ 48,532.02	
James Morman	275484	12/20/1928	6/8/2003	AZ	\$ -	\$ -	\$ 6,966.37	\$ 6,966.37	CAD, HTN
George Olson	282084	11/21/1947	10/2029	WA	\$ 259,752.00	\$ 85,618.00	\$ 38,543.40	\$ 383,913.40	Renal kidney failure - on dialysis
John Powell	201816	6/26/1962	2011	WA	\$ -	\$ -	\$ 221,823.15	\$ 221,823.15	Paraplegia from DOC car accident
James Ridgely	2991	3/25/1966	2/11/2003	Deceased	\$ 6,346.31	\$ 18,632.60	\$ 54,625.42	\$ 79,604.33	
Elmer Riley	26505	11/20/1962	5/4/2004	AZ	\$ -	\$ -	\$ 4,395.17	\$ 4,395.17	Cancer w/2 reoccurences
Roy Shangin	29070	11/2/1948	9/24/2008	WA	\$ -	\$ 80,315.04	\$ 20,570.00	\$ 100,885.04	Stroke w/residual disability
Steven Stotesbury	439167	9/13/1956	9/7/2003	AZ	\$ -	\$ 881.43	\$ 3,821.46	\$ 4,702.89	Lung lesion
William Wilson	95850	9/9/1940	7/2025	AZ	\$ 8,565.76	\$ 2,321.55	\$ 20,588.67	\$ 31,475.98	Multiple aortic aneurysms; kidney disease
					\$ 281,400.31	\$ 242,008.43	\$ 509,570.18	\$ 1,032,978.92	\$2,065,958

AMENDMENT TO COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 159
(Version D)

AMENDMENT NO. 1

OFFERED BY: _____

- 1 At page 3, line 2, delete "and"
- 2 At page 3, line 6, after "noticeably" add:
- 3 "; and (7) an appropriate discharge plan has been formulated that addresses basic life
- 4 domains for the prisoner, including care coordination, housing, eligibility for public
- 5 benefits, and health care (including necessary medication)."

Not offered

AMENDMENT TO COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 159
(Version D)

AMENDMENT NO. 2

OFFERED BY: _____

- 1 At page 3, line 17, delete "due to irreversible dementia"

Not offered

23-LS0883VD
Luckhaupt
4/9/03

CS FOR SENATE BILL NO. 159()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATE FINANCE COMMITTEE

A BILL
FOR AN ACT ENTITLED

1 "An Act relating to special medical parole and to prisoners who are severely medically
2 or cognitively disabled."

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 * Section 1. AS 33.16.085(a) is amended to read:

5 (a) Notwithstanding a presumptive, mandatory, or mandatory minimum term a
6 prisoner may be serving or any restriction on parole eligibility under AS 12.55, a
7 prisoner who is serving a term of at least 181 days, may, upon application by the
8 prisoner or the commissioner, be released by the board on special medical parole if the
9 board determines that

10 (1) [FOR A PRISONER CONVICTED OF

11 (A) AN OFFENSE OTHER THAN A VIOLATION OF
12 AS 11.41.434 - 11.41.438, THAT] the prisoner is severely medically or
13 cognitively disabled [OR A QUADRIPLÉGIC] as certified in writing by a
14 physician licensed under AS 08.64 [, WAS NOT SEVERELY MEDICALLY

1 DISABLED OR A QUADRIPLAGIC AT THE TIME THE PRISONER
2 COMMITTED THE OFFENSE OR PAROLE OR PROBATION
3 VIOLATION FOR WHICH THE PRISONER IS PRESENTLY
4 INCARCERATED; OR

5 (B) A VIOLATION OF AS 11.41.434 - 11.41.438, THAT
6 THE PRISONER IS A QUADRIPLAGIC AS CERTIFIED BY A
7 PHYSICIAN LICENSED UNDER AS 08.64 AND WAS NOT A
8 QUADRIPLAGIC AT THE TIME THE PRISONER COMMITTED THE
9 OFFENSE OR PAROLE OR PROBATION VIOLATION FOR WHICH THE
10 PRISONER IS PRESENTLY INCARCERATED]; [AND]

11 (2) [THAT] a reasonable probability exists that

12 (A) the prisoner will live and remain at liberty without
13 violating any laws or conditions imposed by the board;

14 (B) because of the prisoner's medical or cognitive disability
15 [BEING SEVERELY MEDICALLY DISABLED OR A QUADRIPLAGIC],
16 the prisoner will not pose a threat of harm to the public if released on parole;
17 and

18 (C) release of the prisoner on parole would not diminish the
19 seriousness of the crime;

20 (3) the prisoner

21 (A) was not suffering from the medical or cognitive
22 disability at the time the prisoner committed the offense or parole or
23 probation violation for which the prisoner is presently incarcerated; or

24 (B) was suffering from the medical or cognitive disability at
25 the time the prisoner committed the offense or parole or probation
26 violation for which the prisoner is presently incarcerated and the medical
27 or cognitive disability has progressed so that the likelihood of the
28 prisoner's committing the same or a similar offense is low;

29 (4) the care and supervision that the prisoner requires can be
30 provided in a more medically appropriate or cost-effective manner than by the
31 department;

1 (5) the prisoner is incapacitated to an extent that incarceration
2 does not impose significant additional restrictions on the prisoner; and

3 (6) the prisoner is likely to remain subject to the medical or
4 cognitive disability throughout the entire period of parole or to die and there is
5 no reasonable expectation that the prisoner's medical or cognitive disability will
6 improve noticeably.

7 * Sec. 2. AS 33.16.087(a) is amended to read:

8 (a) If the victim of a crime [AGAINST A PERSON OR ARSON IN THE
9 FIRST DEGREE] requests notice of a scheduled hearing to review or consider special
10 medical parole for a prisoner convicted of that crime, the board shall send notice of the
11 hearing to the victim at least 30 days before the hearing. The notice must be
12 accompanied by a copy of the prisoner's or commissioner's application for parole
13 submitted under AS 33.16.085. However, the copy of the application sent to the victim
14 may not include the prisoner's proposed residence and employment addresses.

15 * Sec. 3. AS 33.16.900(11) is amended to read:

16 (11) "severely medically or cognitively disabled" means that a person
17 has a medical condition, or a cognitive condition due to irreversible dementia, that
18 substantially reduces [ELIMINATES] the [PHYSICAL] ability to commit an offense
19 similar to the offense for which the person was convicted or to commit an offense in
20 violation of AS 11.41 that is punishable as a felony, and the person is likely to

21 (A) remain subject to the medical or cognitive condition
22 throughout the entire period of parole; or

23 (B) die from the medical or cognitive condition;

24 * Sec. 4. AS 33.16.900(12) is amended to read:

25 (12) "special medical parole" means the release by the board before the
26 expiration of a term, subject to conditions imposed by the board and subject to its
27 custody and jurisdiction, of a prisoner who is severely medically or cognitively
28 disabled [OR A QUADRIPLÉGIC].

29 * Sec. 5. AS 33.30.017(c) is amended to read:

30 (c) The provisions of (b) of this section do not apply to prisoners

31 (1) who are

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(A) developmentally disabled; or

(B) severely medically or cognitively disabled, as that term is defined in AS 33.16.900;

(2) who are housed in a mental health unit or psychiatric unit of a state correctional facility; or

(3) while placed in a state correctional facility awaiting classification under classification procedures for the purpose of making the appropriate assignment of the prisoner.

ALASKA STATE LEGISLATURE



(907) 376-3157 Fax

SENATOR LYDA GREEN SENATE DISTRICT G

Sponsor Statement for SB 159

Senate Bill 159 gives the Alaska Board of Parole flexibility to grant or deny medical parole to applicants. Thus the board will be better able to meet the needs of the prisoners, the department and communities.

The Alaska Parole Board has a proven track record in their decision-making abilities. Over the past seven years, the Alaska Board of Parole has granted parole to approximately 45% of all the *discretionary* parole applicants. Less than 8% of these parolees have violated their conditions (i.e. missed a meeting with a parole officer) and approximately 1% have committed a new offense. This number is particularly compelling when compared to the 77% return rate of *mandatory* parole violators.

This bill will allow the Alaska Board of Parole and the Department of Corrections to work together to determine an appropriate and cost effective release plan. The cost of health care to the Department of Corrections has significantly increased over the last few years. Some of the factors causing these increases are:

- The increased population of terminally ill inmates
- The recent Seward Highway accident on November 19, 2002
- Hospitalization of prisoners for long-term assisted care

When making a determination for Medical Parole the following are considered:

1. Department of Correction medical report
2. The seriousness of the criminal offense
3. Release plan
4. Parole Officer/DOC recommendation

Passage of this proposed legislation will allow the Alaska Board of Parole to use its endowed power and authority to make responsible decisions regarding all the factors mentioned above, while still considering the safety of the community.

ALASKA STATE LEGISLATURE



Interim:
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Wasilla, Alaska 99654
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(907) 376-3157 Fax

Session:
State Capitol
Juneau, Alaska 99801-1182
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SENATOR LYDA GREEN SENATE DISTRICT G

SECTIONAL ANALYSIS COMMITTEE SUBSTITUTE for Senate Bill 159

“An Act relating to special medical parole and to prisoners who are severely medically and cognitively disabled.”

Section 1: Amends AS 33.16.085(a). Special medical parole. Removes the language stating that a prisoner who may be considered for medical parole may not be convicted of an offense in violation of AS 11.41.434 through AS 11.41.438 (Sexual abuse of a minor^{1,2,3}) and was not severely medically disabled or a quadriplegic at the time of the offense.

Adds language that the prisoner must be either severely medically disabled or have a cognitive disability. In addition to the above, other provisions allowing for special medical parole are:

- The prisoner was not suffering from the medical or cognitive disability at the time of the offense was committed or the medical or cognitive disability the prisoner had at the time of offense has progressed so that the likelihood of the prisoner committing the same or similar offense is low;
- The care and supervision required of the prisoner can be provided in a more medically appropriate or cost effective manner than can be provided by the Department of Corrections;
- The prisoner is incapacitated to the extent that institutional confinement does not offer additional restrictions; and
- The prisoner is likely to die or remain subject to the condition throughout the entire period of parole and there is no reasonable expectation that the prisoner's disability will improve noticeably.

Section 2: Amends AS 33.16.087(a). Rights of certain victims in connection with special medical parole. Removes the words “against a person or arson in the first degree”. This allows victims of any crime to request notice of a scheduled hearing to review or consider special medical parole. The parole board is required to send notice 30 days before the hearing.

Section 3: Amends AS 33.16.900(11). Definitions. Adds or cognitively disabled to the definition of severely medically disabled. Also adds “or a cognitive condition due to irreversible dementia” to the definition. The words “eliminates” and “physical” are removed. Eliminates is replaced by reduces. Removal of the word “physical” allows for any disability to be considered for medical parole.

Section 4: Amends AS 33.16.900(12). Definitions. Amends the definition of special medical parole to include “or cognitively”.

Section 5: Amends AS 33.30.017(c). Adds cognitively to this section of statute.

STATISTICAL REPORT

1996-2002

(Calendar Years)

ALASKA BOARD OF PAROLE PAROLE HEARING

	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>
Total Full Board Hearing Held	536	562	655	590	595	570	543
Total Full Board Medical Parole Hearing	1	2	2	3	0	4	2
<i>With Grant decision # of all medical hearings</i>	1	2	2	3	0	2	0
<i>With Deny decision # of all medical hearings</i>	0	0	0	0	0	2	2

Total # of special medical parole hearings from 1996-2002= 14

STATISTICAL REPORT

1996 - 2002

(Calendar Years)

ALASKA BOARD OF PAROLE

[NOTE: All percentages are rounded to the nearest whole percentage point.]

[NOTE: Statistics are calculated on calendar year basis.]

	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>
Total Full Board Hearings Held	536	562	655	590	595	570	543
Specials Hearings (see Specials section)	156	195	274	274	320	293	304
MR Conditions Set		425	648	633	540	598	722
Preliminary Hearings Held		298	367	430	513	489	541
		[72% increase from 1997 to 2000]					
Parole Arrest Warrants Issued Statewide (represents # warrants issued only - does not reflect actual arrests)		491	515	551	669	633	616

Year 2001 by Region: Southeast-45; Northern-154; Southcentral-434
Year 2002 by Region: Southeast-63; Northern-132; Southcentral-421

<u>Full Board Hearings Held by Quarter</u>	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>
Winter	129	135	160	170	142	138	173
Spring	141	141	158	124	147	153	108
Summer	132	139	188	152	186	120	91
Fall	<u>134</u>	<u>147</u>	<u>149</u>	<u>144</u>	<u>120</u>	<u>159</u>	<u>171</u>
	536	562	655	590	595	570	543

<u>Total Full Board Hearings Held Each Year</u>	<u>536</u>	<u>562</u>	<u>655</u>	<u>590</u>	<u>595</u>	<u>570</u>	<u>543</u>
% of Full Board Hearings that are Initial Discretionary	37%	41%	36%	32%	27%	27%	28%
% of Full Board Hearings that are Revocations	51%	43%	49%	56%	63%	66%	65%
% of Full Board Hearings that are Rescissions	3%	2%	4%	5%	4%	3%	2%
% of Full Board Hearings that are Reviews	6%	7%	4%	6%	6%	4%	6%

1996 1997 1998 1999 2000 2001 2002

Hearing Types

# of All Full Board Hearings that are Initial Discretionary	198	228	236	186	161	154	145
<i>% of All Full Board Hearings that are Initial Discretionary</i>	37%	41%	36%	32%	27%	27%	27%
# of All Full Board Hearings that are Reviews	29	39	28	37	35	22	33
<i>% of All Full Board Hearings that are Reviews</i>	6%	7%	4%	6%	6%	4%	6%
# of All Full Board Hearings that are Rescissions (all types)	15	13	29	30	21	18	9
<i>% of All Full Board Hearings that are Rescissions</i>	3%	2%	4%	5%	4%	3%	2%

(For information on Revocations, see next page)

Discretionary Parole Hearing Decisions

# of Initial Discretionary Hearings with Grant decision	80	79	121	95	66	61	57
<i>% of All Initial Discretionary Hearings</i>	40%	35%	51%	51%	41%	40%	39%
# of Initial Discretionary Hrgs with "Continue" Decision	41	30	31	32	34	23	29
<i>% of All Initial Discretionary Hearings</i>	21%	13%	22%	17%	21%	15%	20%
# of Initial Discretionary Hrgs with "Deny" Decision				59	61	70	59
<i>% of All Initial Discretionary Hearings</i>				32%	38%	45%	41%

"Continue" Decisions for All Full Board Hearings

# of "Continue" Decisions (of All Full Board Hearings)	81	68	86	85	95	75	79
<i>% of All Full Board Hearings with "Continue" Decision</i>	15%	12%	13%	14%	16%	13%	15%

[NOTE: See next page for statistics on all Revocation hearings.]

REVOCATION STATISTICS

1996 1997 1998 1999 2000 2001 2002

Total Full Board <u>Revocation</u> Hearings Held (Disc. & MR)	272	243	322	335	376	415	367
	<i>[38% increase from 1996 to 2000]</i>						

	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>
# of <u>Discretionary Revocation</u> Hearings	28	29	18	28	29	38	25
% Discretionary Revocation Hrgs of all Revocation Hrgs held	10%	12%	6%	8%	8%	9%	6%
# of <u>Mandatory Revocation</u> Hearings (includes rescis & reviews)	245	214	304	307	347	377	369
% of Mandatory Revocation Hrgs of all Revocation Hrgs held	90%	88%	94%	92%	92%	91%	94%

Subsets/Types of Mandatory Revocations Hearings: (does not include Review hearings)

# of MR Revocations & all Rescissions	238 (78%)	282 (81%)	318 (81%)	261 (77%)
# of MR Reparole Revocation Hearings	31 (10%)	28 (8%)	33 (8%)	36 (11%)
# of Anticipatory MR Revocations	38 (12%)	37 (11%)	42 (11%)	39 (11%)
Discretionary Reparole Revocation		1	0	3 (1%)

	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>
# of All Revocation Hrgs Resulting in "Revoke/Deny" Decision	80	131	111	109	115	153	103
% of All Revocation Hrgs Resulting in " <u>Revoke/Deny</u> " Decision	29%	54%	34%	33%	30%	39%	28%
# of All Revocation Hrgs Resulting in "Reprimand/Warn" Decision	42	25	37	38	51	39	40
% of All Revocation Hrgs Resulting " <u>Reprimand/Warn</u> " Decision	15%	10%	11%	11%	14%	10%	11%
# of All Revocation Hrgs Resulting in "Revoke/Reparole" Decision	85	76	126	136	151	144	168
% of All Revocation Hrgs Resulting " <u>Revoke/Reparole</u> " Decision	31%	31%	39%	41%	40%	37%	46%
# of All Revocation Hrgs Resulting in "Continue" Decision				52	59	57	56
% of All Revocation Hrgs Resulting in " <u>Continue</u> " Decision				15%	16%	14%	15%

Specials Hearings

(Definition: Full Board hearings for special requests; parolees do not participate in Specials hearings)

	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>
Total # of Specials Hearings Held	156	195	274	274	320	293	304
	(100 % increase from 1996 to 2000)						

<u># Special Hearings Held by Type:</u>	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>
Condition Change Request	12	21	14	35	44	24	11
Anticipatory Waiver	0	2	0	0	3	2	1
Discr. Rescission Waiver	1	0	1	0	1	1	0
Discr. Reparole Revoc Waiver	0	1	0	0	1	0	0
Discr. Revocation Waiver	7	5	13	13	14	19	12
MR Reparole Revoc Waiver	8	10		3	15	26	32
MR Revocation Waiver	77	114	178	148	175	166	182
Reconsideration	27	30	41	37	38	31	22
Rescission Waiver	17	12	16	21	13	6	16
Special Medical Parole				2	2	3	2
Offender Supv. Program(OSP)				5	3	1	1
Request for Time Served					3		1
Dismissed Charges					4		0
Special Requests						5	9
Early Release	7	0	11	10	4	9	15
	(7grant)		(7grant) (4deny)	(3grant) (7deny)	(3grant) (1deny)	(4grant) (5deny)	(7 grant) (8 deny)

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