

LEG. FINANCE - BILLS 1979 - 1980 1206  
HB 978 cont., thru HB 983 1206

1 design or cosmetology in another state or country is entitled to a  
2 license under this chapter without examination. An application shall  
3 include:

- 4 (1) proof of a foreign license;
- 5 (2) proof of completed training and working experience which  
6 the board finds to meet the minimum requirements of the state;
- 7 (3) payment of an investigation fee.

8 Sec. 08.13.110. SCHOOL LICENSE. The board shall adopt regulations  
9 for the licensing of schools of hair design and cosmetology. The regula-  
10 tions shall include details of the curriculum, minimum hours of instruc-  
11 tion, physical condition of the facilities, and financial responsibility  
12 of the owner.

13 Sec. 08.13.120. SHOP LICENSE. The board shall adopt regulations  
14 for the licensing of shops. A shop owner will be licensed to operate a  
15 shop without examination, but unless he is a practitioner he may not  
16 conduct business without employing a manager who is a practitioner.  
17 This section does not apply to a shop located in a community having a  
18 population of less than 1,000 people which is not within 25 miles of a  
19 community of more than 1,000 people.

20 Sec. 08.13.130. DISPLAY OF LICENSE. A practitioner shall display  
21 his license in a conspicuous location in his place of business. Each  
22 shop owner is responsible for the display of the licenses of employees.  
23 A practitioner who practices outside of a place of business shall carry  
24 his license with him to be shown to persons upon whom work is performed.

25 Sec. 08.13.140. LAPSED LICENSE. A lapsed license may be rein-  
26 stated if the license has not been lapsed for a period of more than  
27 three years, and all renewal and delinquent fees for the period during  
28 which the license has been lapsed are paid.

29 Sec. 08.13.150. GROUNDS FOR REFUSAL, SUSPENSION OR REVOCATION OF A

1 LICENSE OR TEMPORARY PERMIT. The board may refuse, suspend, or revoke a  
2 license or temporary permit for failure to comply with this chapter,  
3 with a regulation adopted under this chapter, or with an order of the  
4 board.

5 Sec. 08.13.160. APPLICATION OF LICENSE REQUIREMENTS. (a) A  
6 person holding a valid license to practice barbering under AS 08.12 is  
7 licensed under this chapter, and may continue to practice barbering  
8 under the conditions imposed by AS 08.12 and the regulations issued  
9 under AS 08.12 except that the license renewal fee for a barber licensed  
10 under this section shall be the same as for a practitioner licensed  
11 under AS 08.13.

12 (b) A person holding a valid license under AS 08.28 may continue  
13 to practice under the conditions imposed under AS 08.28 and the regula-  
14 tions issued under AS 08.28 until the license expires, at which time the  
15 provisions of this chapter apply and a license issued under AS 08.28  
16 cannot be renewed.

17 (c) The licensing and permit provisions of this chapter do not  
18 apply to

19 (1) a person practicing hair design or cosmetology in a  
20 community having a population of less than 1,000 people which is not  
21 within 25 miles of a community of more than 1,000 people and who uses  
22 only chemicals available to the general public;

23 (2) a shampoo person.

24 Sec. 08.13.170. TEMPORARY PERMITS. (a) A person not licensed  
25 under this chapter who wishes to practice and teach hair design or cos-  
26 metology temporarily and primarily for educational purposes who is  
27 otherwise qualified to practice hair design or cosmetology as determined  
28 by the board shall first obtain a temporary permit.

29 (b) The temporary permit shall specify

- 1 (1) the purpose for which it is granted;
- 2 (2) the period during which the holder of the temporary
- 3 permit may practice,
- 4 (3) the place or places the holder of the temporary permit
- 5 may practice.

6 Sec. 08.13.180. STUDENT PERMITS. A person attending a licensed

7 school of hair design or cosmetology, and a person apprenticed to a

8 practitioner in a shop approved by the board shall obtain a student

9 permit. A student permit to practice hair design is valid for two

10 years. A student permit to practice cosmetology is valid for one year.

11 A student permit may not be renewed, but, upon application, the board

12 may issue a new student permit to the same person, or extend a permit

13 due to expire to the date of the next scheduled examination. Credit

14 earned under an expired student permit may be transferred to a new

15 student permit as determined by the board.

16 Sec. 08.13.190. FAILURE TO POSSESS A LICENSE OR PERMIT. A person

17 who practices hair design or cosmetology, or operates a shop, or operates

18 a school of hair design or cosmetology, or teaches in a school of hair

19 design or cosmetology, without a license, temporary permit, or student

20 permit and who is not exempt under AS 08.13.120 or under 08.13.150(c)

21 is guilty of a class B misdemeanor.

22 ARTICLE 3. GENERAL PROVISIONS.

23 Sec. 08.13.200. DEPOSIT OF RECEIPTS. Money received by the board

24 from the payment of fees shall be paid into the general fund of the

25 state.

26 Sec. 08.13.210. HEALTH AND SANITARY CONDITIONS. Health and sani-

27 tary conditions in shops and schools of hair design and cosmetology

28 shall be supervised by the Department of Health and Social Services.

29 Sec. 08.13.220. DEFINITIONS. As used in this chapter,

1           (1) "apprentice" means a person who receives on-the-job  
2 training under the direct supervision of a practitioner, who does not  
3 receive a wage or commission before he has completed 350 hours of train-  
4 ing, and for whose work no charge is made before he has completed 350  
5 hours of training;

6           (2) "board" means the Board of Barbers and Hairdressers;

7           (3) "cosmetology" means the use of the hands, mechanical or  
8 electric apparatus or appliances, cosmetic preparations, antiseptics, or  
9 lotions in massaging, cleansing, stimulating, or similar work on the  
10 human body for cosmetic purposes for a fee;

11           (4) "hair design" means performing, for a fee, the following  
12 services for cosmetic purposes:

13           (A) shaving, trimming, or cutting the beard of a living  
14 person; and

15           (B) arranging, styling, dressing, curling, temporary  
16 waving, permanent waving, cutting, singeing, bleaching, coloring,  
17 cleansing, conditioning, or similar work on the hair of a living  
18 person;

19           (5) "practitioner" means a person licensed to practice hair  
20 design or cosmetology under this chapter;

21           (6) "shampoo person" means a person who, for a fee and under  
22 the supervision of a practitioner, cleanses or conditions the hair of  
23 the human head with products which have no effect other than cleaning or  
24 conditioning the hair;

25           (7) "shop" is an establishment operated for the purpose of  
26 engaging in hair design or cosmetology.

27 \* Sec. 2. AS 08.03.010(c) is amended by adding a new paragraph to read:

28           (2) Board of Barbers and Hairdressers (AS 08.13.010) --  
29 June 30, 1984.

1 \* Sec. 3. AS 18.05.040(a)(9) is amended to read:

2 (9) standards of cleanliness and sanitation in connection  
3 with the construction, operation and maintenance of a camp, cannery,  
4 food handling establishment, food manufacturing plant, mattress manufac-  
5 turing establishment, industrial plant, school, barber shop, hair design  
6 or cosmetology [COSMETOLOGICAL] establishment, soft drink establishment,  
7 beer and wine dispensaries, and for other similar establishments in  
8 which insanitation may create a condition causative of disease.

9 \* Sec. 4. AS 44.62.330(a) is amended by adding a new paragraph to read:

10 (47) Board of Barbers and Hairdressers (AS 08.13.010).

11 \* Sec. 5. AS 08.03.010(b)(2) and (4); AS 08.12; AS 08.28; and AS 44.62.-  
12 330(a)(1) and (7) are repealed.

13 \* Sec. 6. It is the intention of the legislature that notwithstanding  
14 AS 08.13.010 three persons selected by the governor who are serving on the  
15 Board of Barber Examiners (AS 08.12.010) on June 29, 1980, shall serve as  
16 voting ex officio members of the Board of Barbers and Hairdressers (AS 08.13)  
17 for the duration of the term for which they were appointed.

18 \* Sec. 7. This Act takes effect June 30, 1980.  
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THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS for House Bill 978 - An Act relating to the regulation of the practice of hair design and cosmetology terminating the existence of the Board of Barber Examiners and the Board of Hairdressing and Beauty Culture Examiners; establishing Board of Barbers and Hairdressers; and providing for Date 4/23/80 and effective date. Requested by Commerce Committee

II. FISCAL DETAIL

Agency Affected Commerce and Economic Development

Program Category Affected Consumer Protection

BRU, Program, or Subprogram(s) Affected Regulation and Licensing of Professions

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
200 TRAVEL	-0-	-0-	-0-	-0-	-0-	-0-
300 CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
400 COMMODITIES	-0-	-0-	-0-	-0-	-0-	-0-
500 EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
700 GRANTS, CLAIMS, ETC.	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER (Specify Fund Source)	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS

FULL TIME	0	0	0	0	0	0
PART TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

It is felt there will be no fiscal impact with this bill. For Fiscal Year 81 the Hairdressing Board was budgeted for \$4,100 and the Barber Board was budgeted for \$3,000. By combining the two boards but increasing the number of required examinations to a possible four, the \$7,100 can nicely be used for a five member board to meet four times per year in Anchorage. The board members are distributed throughout the state, with home bases in Anchorage, Juneau, Fairbanks and Ketchikan.

IV. DATE 4/23/80

PREPARED BY Ann Griggs, Director

AGENCY Occupational Licensing

PHONE 465-2534

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)



# RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O Smith  
Signature of Camera Operator

3/20/90  
Date

Introduced: 3/28/80  
Referred: Finance

BY THE STATE AFFAIRS  
COMMITTEE BY REQUEST

1 IN THE HOUSE

2 HOUSE BILL NO. 979

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to compensation of members of the  
7 Fishermen's Fund Advisory and Appeals Council."

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

9 \* Section 1. AS 23.35 is amended by adding a new section to read:

10 Sec. 23.35.025. COMPENSATION OF COUNCIL. Members of the council  
11 are entitled to compensation of \$50 a day for each day or part of a day  
12 spent in attendance at a meeting of the council and for each day or part  
13 of a day spent on business of the council which is authorized by the  
14 council. In addition, members of the council are entitled to per diem  
15 and travel expenses authorized by law for members of boards and commis-  
16 sions.

HB 979

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill 979  
 Title An Act relating to compensation of members of the Fishermen's\*  
 Requested by State Affairs Committee Date 4-2-80  
 \*Fund Advisory and Appeals Council.

II. FISCAL DETAIL

Agency Affected Department of Labor  
 Program Category Affected Public Protection  
 BRU, Program, or Subprogram(s) Affected Fishermen's Fund

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
200 TRAVEL	-0-	3.0	3.0	3.0	3.0	3.0
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>	<b>-0-</b>	<b>3.0</b>	<b>3.0</b>	<b>3.0</b>	<b>3.0</b>	<b>3.0</b>

FUNDING (Thousands of Dollars)

<u>GENERAL FUND</u>						
<u>FEDERAL FUNDS</u>						
<u>OTHER (Specify Fund Source)</u>						
Fishermen's Fund	-0-	3.0	3.0	3.0	3.0	3.0

POSITIONS

<u>FULL TIME</u>	-0-	-0-	-0-	-0-	-0-	-0-
<u>PART TIME</u>						
<u>TEMPORARY</u>						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

- Assumes an effective date of 7-1-80.
- Assumes 5 board members, 2 meetings per year.  
Length of meeting, 3 or 4 days, plus travel time.

IV. DATE April 2, 1980

PREPARED BY James M. Souby III  
 AGENCY Department of Labor  
 PHONE 465-2720

Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

(11)

# COMMITTEE REPORT

## HOUSE

3/28/80

FURTHER:

Date: \_\_\_\_\_

Mr. Speaker: .

The Committee on FINANCE has had HB 979

"An Act relating to compensation of members of the Fishermen's Fund Advisory and Appeals Council."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for \_\_\_\_\_  same title
- new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

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CHAIRMAN

8402  
Vassar

Introduced: 3/28/80  
Referred: Finance

BY THE STATE AFFAIRS  
COMMITTEE BY REQUEST

1 IN THE HOUSE

2 HOUSE BILL NO. 979

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

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7 Fishermen's Fund Advisory and Appeals Council."

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

9 \* Section 1. AS 23.35 is amended by adding a new section to read:

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11 are entitled to compensation of \$50 a day for each day or part of a day  
12 spent in attendance at a meeting of the council and for each day or part  
13 of a day spent on business of the council which is authorized by the  
14 council. In addition, members of the council are entitled to per diem  
15 and travel expenses authorized by law for members of boards and commis-  
16 sions.

ALASKA STATE LEGISLATURE

ELEVENTH Legislature SECOND.. Session

HOUSE ..... BILL ..... NO. 979

By THE STATE AFFAIRS COMMITTEE  
BY REQUEST

"An Act relating to compensation of members of the Fishermen's Fund Advisory and Appeals Council."

Compensation, Fishermen's Fund Advisory and Appeals Council

Introduced in the House .. 3/28/80, 19....

HISTORY IN THE HOUSE

19 80

Mar 28

Read first time and referred to Committee on Finance

Reported back with recommendation that

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reported correctly engrossed  
Signed by Speaker  
Sent to Senate

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19

Read first time and referred to Committee on

Reported back with recommendation that

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reported correctly engrossed  
Signed by President  
Returned to House

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19

Received from Senate

Concurred in Senate amendment thus adopting:  
VOTE

Failed to concur in Senate amendment; asked Senate to recede  
VOTE

Senate receded from amendment  
VOTE

Senate failed to recede from amendment  
VOTE

CC appointed by House

CC appointed by Senate

CC adopted by House  
VOTE

CC adopted by Senate  
VOTE

To enrolling  
Reported correctly enrolled  
Sent to Governor

..... by Governor

Filed with L. Governor

Chapter No. ....



# RECORDS CERTIFICATION



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James O. Smith  
Signature of Camera Operator

3/20/90  
Date

(11)

# COMMITTEE REPORT

## HOUSE

5/1/80

FURTHER:

Date:

5/13/80

Mr. Speaker:

(Taken from Rules 5/1/80)

The Committee on

FINANCE

has had

HB 983

"An Act relating to parole of offenders; continuing the Board of Parole; and providing for an effective date."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

do pass

do not pass

do pass with attached amendments(s)

replace with CS for HB 983 (finance)  same title  new title

and recommends individual rec.

AND attaches a "Letter of Intent"  New Fiscal Note<sup>s</sup> (2)

reports it back without recommendation

referred to the \_\_\_\_\_ Committee

### MEMBERS SIGNING DO PASS

Freeman  
Smith  
Stallins  
gr

### MEMBERS HAVING OTHER RECOMMENDATIONS:

Will No Rec  
McKinney No Rec

Freeman  
VICE CHAIRMAN

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSHB 983  
 Title Parole of Offenders & continuing the Board of Parole  
 Requested by House Finance Committee Date 5/13/80

II. FISCAL DETAIL

Agency Affected Department of Health & Social Services  
 Program Category Affected Justice  
 BRU, Program, or Subprogram(s) Affected Adult Confinement-Out of State Contractual  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONT. ACTUAL		7.5				
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CI, IMS, ETC.						
<b>TOTAL</b>		7.5				

FUNDING (Thousands of Dollars)

GENERAL FUND		7.5				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Adult Confinement

There will be an increase in out-of-state prisoner care. In-state correctional centers are at optimum capacity; therefore, caseload increases must be accommodated through out-of-state placements.

- The restrictions on changing conditions of parole will result in 10 to 15 revocations of parole. The average length of incarceration is estimated to be sixty days.

$$15 \times 60 \times \$34.26 = \$30,834$$

$$\text{Related Travel } 15 \times \$500 = \$7,500$$

IV. DATE 5/13/80

PREPARED BY Robert F. Schroeder, Fiscal Analyst  
 AGENCY Legislative Finance Division

Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

PHONE 465-3795

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSHB 983  
 Title Parole of Offenders & continuing the Board of Parole  
 Requested by House Finance Committee Date 5/13/80

II. FISCAL DETAIL

Agency Affected Department of Health & Social Services  
 Program Category Affected Justice  
 BRU, Program, or Subprogram(s) Affected Adult Confinement-Out of State Contractual  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL		7.5				
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>		7.5				

FUNDING (Thousands of Dollars)

GENERAL FUND		7.5				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Adult Confinement

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$$\text{Related Travel } 15 \times \$500 = \$7,500$$

IV. DATE 5/13/80

PREPARED BY Robert F. Schroeder, Fiscal Analyst

AGENCY Legislative Finance Division

PHONE 465-3795

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

**CATEGORY:** ADMINISTRATION OF JUSTICE  
**PROGRAM:** OFFENDER CONFINEMENT, REFORMATION AND SUPERVISION

**AGENCY:** HEALTH AND SOCIAL SERVICES  
**BRU (s):** ADULT CONFINEMENT

The goal of the Adult Confinement BRU is to protect the public from possible dangers associated with criminal offenders. This is accomplished both by separating offenders from the public and by deterring future crime through rehabilitative measures.

The Adult Confinement program operates nine state correctional centers, four contract municipal jails, and has a contract with the Federal Bureau of Prisons for placement of the most unmanagable offenders. Municipal jail contracts are administered by the Division of Corrections in locations where there is a superior court and inmates can serve short to medium term sentences.

The program is also engaged in activities for an unsentenced population of offenders for arrest, booking, and pre-sentence detention. Unsentenced activity accounts for approximately 33 percent of the program capacity. The program also provides confinement for the sentenced offenders who must legally serve an institutional sentence. This program accounts for approximately 67 percent of program capacity.

The Governor's FY 81 budget provides for staffing increases in State correctional centers to enhance supervision of inmates in overcrowded dormitories to protect inmates from one another. Increased funds are allocated to out-of-state inmate placement pending construction of new state facilities. Several positions are also included to begin a prison industries program.

COMPONENT DESCRIPTION	79 AUTH	79 FINAL	79 ACT	80 AUTH	80 SUPL	80 RP	GOVERNOR
PALMER CORR. CNTR	1175.5	1128.8	1126.5	1092.6			1371.4
ANCH. STATE CORR. CNTR	947.1	1112.2	1109.7	995.2			1242.7
JUNEAU CORR. CNTR.	1698.5	1862.9	1855.4	1817.9			2219.3
FAIRBANKS CORR. CNTR.	1899.3	2264.5	2262.8	2043.4			2648.8
KETCHIKAN CORR. CNTR.	664.6	728.2	727.3	730.5			819.8
ANC. ANHEX CORR. CNTR.	1499.2	1635.4	1634.9	1590.9			1713.9
EAGLE RIVER CORR. CNTR	1970.8	2020.0	2019.5	1985.5			2314.0
RIDGEVIEW MANOR	800.5	955.4	954.3	949.0			1020.7
HOME CORRECTION CENTER	692.3	624.9	624.7	684.0			755.3
LOCAL FACILITIES	955.8	781.2	779.1	829.9			926.9
OUT OF STATE CONTRACTUAL	1125.0	1369.5	1369.1	1202.9			2519.5
MAJOR MEDICAL & GUARD HIRE	608.4	669.7	669.4	539.8			695.7
** TOTAL	14037.0	15152.7	15132.7	14461.7			18248.0
** CHANGE VERSUS 80 AUTH							26.1%
OBJECT DESCRIPTION							
PERS. SERV.	8285.4	9153.0	9152.7	8810.7			10331.7
TRAVEL	115.8	120.8	86.1	92.2			106.8
CONTRACTUAL	3225.0	3457.1	3558.0	3316.0			5065.8
COMMODITIES	1421.9	1359.2	1475.6	1492.3			1872.2
EQUIPMENT	181.8	196.8	103.6				92.7
LANDS/BLDGS	203.6	203.6	203.7	203.5			203.5
GRANTS, CLMS	503.5	662.2	553.0	547.0			575.3
MISC.	100.0						
FUNDING SOURCE							
GENERAL FUND	14037.0	15152.7	15132.7	14461.7			18248.0
** GENERAL FUND CHANGE VS. 80 AUTH							26.1%
POSITIONS							
FULL-TIME	270.0	270.0	270.0	269.0			292.0
PART-TIME	4.0	4.0	4.0	4.0			4.0
TEMPORARY	.5	.5	.5				
STAFF MONTHS	3270.0	3270.0	3270.0	3252.0			3535.0

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

Page 1 of 3

I. REQUEST

Bill/Resolution No. CSHB 983

Title Relating to Parole of Offenders; continuing Board of Parole

Requested by House Finance Committee

Date 5/13/80

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services

Program Category Affected Justice

ERU, Program, or Subprogram(s) Affected Parole Board

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES		27.3	29.5	31.9	34.4	37.2
200 TRAVEL		32.6	35.2	38.0	41.0	44.3
300 CONTRACTUAL		70.2	75.8	81.8	88.3	95.4
400 COMMODITIES		1.0	1.1	1.2	1.3	1.4
500 EQUIPMENT		2.1	2.3	2.5	2.7	2.9
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
800 COMPENSATION		49.0	52.9	57.1	61.7	66.6
TOTAL		182.2	196.8	212.5	229.4	247.8
			8%	8%	8%	8%

FUNDING (Thousands of Dollars)

	182.2	196.8	212.5	229.4	247.8
GENERAL FUND					
FEDERAL FUNDS					
OTHER (Specify Fund Source)					

POSITIONS

	1	1	1	1	1
FULL TIME					
PART TIME					
TEMPORARY					

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

A. Section .010, Members

Included in this section are funds to cover cost of 2 additional Board members at the quarterly board hearings. Because of their presence at hearings, hearings are lengthened by 12 minutes/hearings adding up to 12 additional days of hearings per year. Some additional xeroxing and more long distance phone calls for new members.

Travel and per diem	14.0
Contractual	1.5
Compensation	16.9
	<u>32.4</u>

[SEE ATTACHED CONTINUATION SHEETS]

IV. DATE 5/13/80

PREPARED BY Robert F. Schroeder, Fiscal Analyst  
AGENCY Legislative Finance Division  
PHONE 465-3795

Original: Legislative Finance  
cc: Budget and Management  
Prime Sponsor (First Legislator Named)

**CATEGORY:** ADMINISTRATION OF JUSTICE  
**PROGRAM:** OFFENDER CONFINEMENT, REFORMATION AND SUPERVISION

**AGENCY:** HEALTH AND SOCIAL SERVICES  
**BRU (s):** ADULT CONFINEMENT

The goal of the Adult Confinement BRU is to protect the public from possible dangers associated with criminal offenders. This is accomplished both by separating offenders from the public and by deterring future crime through rehabilitative measures.

The Adult Confinement program operates nine state correctional centers, four contract municipal jails, and has a contract with the Federal Bureau of Prisons for placement of the most unmanageable offenders. Municipal jail contracts are administered by the Division of Corrections in locations where there is a superior court and inmates can serve short to medium term sentences.

The program is also engaged in activities for an unsentenced population of offenders for arrest, booking, and pre-sentence detention. Unsentenced activity accounts for approximately 33 percent of the program capacity. The program also provides confinement for the sentenced offenders who must legally serve an institutional sentence. This program accounts for approximately 67 percent of program capacity.

The Governor's FY 81 budget provides for staffing increases in State correctional centers to enhance supervision of inmates in overcrowded dormitories to protect inmates from one another. Increased funds are allocated to out-of-state inmate placement pending construction of new state facilities. Several positions are also included to begin a prison industries program.

COMPONENT DESCRIPTION	79 AUTH	79 FINAL	79 ACT	80 AUTH	80 SUPL	80 RP	GOVERNOR
PALMER CORR. CNTR	1175.5	1128.8	1126.5	1092.6			1371.4
ANCH. STATE CORR. CNTR	947.1	1112.2	1109.7	995.2			1242.7
JUNEAU CORR. CNTR.	1698.5	1862.9	1855.4	1817.9			2219.3
FAIRBANKS CORR. CNTR.	1899.3	2264.5	2262.8	2043.4			2648.8
KETCHIKAN CORR. CNTR.	664.6	728.2	727.3	730.5			819.8
ANC. ANNEX CORR. CNTR.	1499.2	1635.4	1634.9	1590.9			1713.9
EAGLE RIVER CORR. CNTR	1970.8	2020.0	2019.5	1985.6			2314.0
RIDGEVIEW MANOR	800.5	955.4	954.3	949.0			1020.7
NOME CORRECTION CENTER	692.3	624.9	624.7	684.0			755.3
LOCAL FACILITIES	955.8	781.2	779.1	829.9			926.9
OUT OF STATE CONTRACTUAL	1125.0	1369.5	1369.1	1202.9			2519.5
MAJOR MEDICAL & GUARD CARE	608.4	669.7	669.4	539.8			695.7
<b>** TOTAL</b>	<b>14037.0</b>	<b>15152.7</b>	<b>15132.7</b>	<b>14461.7</b>			<b>18248.0</b>
<b>** CHANGE VERSUS 80 AUTH</b>							<b>26.1%</b>
<b>OBJECT DESCRIPTION</b>							
PERS. SERV.	8285.4	9153.0	9152.7	8810.7			10331.7
TRAVEL	115.8	120.8	86.1	92.2			106.8
CONTRACTUAL	3225.0	3457.1	3558.0	3316.0			5065.8
COMMODITIES	1421.9	1359.2	1475.6	1492.3			1872.2
EQUIPMENT	181.8	196.8	103.6				92.7
LANDS/BLDGS	203.6	203.6	203.7	203.5			203.5
GRANTS, CLMS	503.5	662.2	553.0	547.0			575.3
MISC.	100.0						
<b>FUNDING SOURCE</b>							
GENERAL FUND	14037.0	15152.7	15132.7	14461.7			18248.0
<b>** GENERAL FUND CHANGE VS. 80 AUTH</b>							<b>26.1%</b>
<b>POSITIONS</b>							
FULL-TIME	270.0	270.0	270.0	269.0			292.0
PART-TIME	4.0	4.0	4.0	4.0			4.0
TEMPORARY	.5	.5	.5				
STAFF MONTHS	3270.0	3270.0	3270.0	3252.0			3535.0

B. Sections .020 & .030, Nomination/Selection of Members

Budget one trip to Anchorage, Fairbanks, Bethel, Nome, Kenai, Ketchikan and Sitka to meet with organizations to recruit for Board members, and administer member assessment. One additional one day trip to one location to do final interviews and train on member responsibilities.

Travel 2.8

C. Section .050, Compensation

The bill would provide payment to the Board members for any day they are conducting business, including the reading of files, handling board business by phone, as well as hearings.

- a) Reading reports - assume 225 cases/year X 3/4 hours per file = 23 "member days". Guess 23 X 7 members = \$16.1
- b) Phone log shows average of 30 calls/quarter to the office X 4 quarters/year = 120 calls for handling appeals, requests for special hearings, mandatory release conditions, etc. = \$12.0

Total 28.1

D. Section .080, Responsibilities

Cost to rent meeting rooms, advertise, professional recording of hearings, to establish regulation in Alaska Administrative Code (other costs in FY 81 budget). 2.0

Contract with criminal justice research firm to validate and keep parole guidelines research current in order to avoid law suits. 6.0

Total 8.0

E. Section .150, Release Hearings

Current statute allows the Board to conduct interviews of prisoners in the Federal Prison System by one member and then conduct a full hearing in Alaska with all members, with the interviewer presenting all information from the Federal Bureau of Prisons interview. This section requires the prisoner's presence at the hearing and these figures reflect the cost of sending two more members on the twice-annual trek to the contract facilities to hold hearings on applications.

Travel 9.6  
Compensation 5.4

(continued)

Section .150 also requires that all information be made available to parole applicants a minimum of 30 days in advance. Information is frequently not received until the week of hearings; therefore some hearings will have to be reheard. Guess that 20% of cases (approximately 300) will be reheard, or 60 hearings/year.

Transportation	3.5
Compensation	9.1
Total Transportation =	13.1
Total Compensation =	14.5

F. Section .170, Good Time

One Administrative Assistant would be hired to keep up with the complex record keeping system, handle increased flow of reports from parole officers, and oversee the operation of the office in the absence of the professional staff (due to their greatly-increased traveling). This position is necessitated by this section as well as the additional work-load brought about by Sections .010, .020, .080, .190 and .290.

Personnel	27.3
Equipment	2.1
Commodities	1.0

There is no space available in the Parole Board office or in the Department of Health & Social Services building for more staff or for additional space for files, and space will have to be leased from the private sector. Proposed to rent 1200 square feet at \$1.30 per square foot.

Contractual	18.7
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G. Section .190, Change in Conditions

Due to the very cumbersome nature of this section, and since there is often the need for the parole officer to intervene in a case on short notice to enable the parolee to remain in the community and to protect the public, it is anticipated that in approximately 15 cases/year a parole officer will have a parolee arrested to expedite the condition change process. This will, of course, require an additional 15 preliminary revocation hearings.

Transportation (7 hearings only)	1.8
Per Diem	.9
Compensation	<u>1.5</u>
	4.2

H. Overall Costs

This bill will greatly increase the record-keeping responsibilities of the Board. It will be necessary to collect and maintain various kinds of data on all corrections clients that is not currently being kept. Because of the volume and variety of information to be kept, automation appears reasonable. We will contract with a computer firm to write the appropriate programs, set up and maintain the necessary reports for the Board. A criminal justice researcher familiar with the requirements of this bill and with the Board advises that \$30,000 would be minimally be required to handle the tasks.

Contractual	30.0
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Original sponsor: Judiciary Committee

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 983 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to parole of offenders; continuing the  
7 existence of the Board of Parole; and providing for an  
8 effective date."

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

10 \* Section 1. AS 33 is amended by adding a new chapter to read:

11 CHAPTER 16. PAROLE ADMINISTRATION.

12 Sec. 33.16.010. BOARD OF PAROLE. (a) There is in the Department  
13 of Health and Social Services a Board of Parole consisting of seven  
14 members appointed by the governor subject to confirmation by a majority  
15 of the members of the legislature in joint session.

16 (b) Members of the board serve for staggered terms of five years  
17 and until their successors are appointed and qualified. A vacancy on  
18 the board shall be filled for the unexpired term.

19 (c) The governor shall designate the presiding officer of the  
20 board.

21 Sec. 33.16.020. NOMINATIONS. The governor shall seek nominations  
22 for board members from civic, professional, and ethnic organizations in  
23 the state and shall make appointments to the board with due regard for  
24 representation on the board of the sexual, ethnic, racial, and cultural  
25 populations of the state.

26 Sec. 33.16.030. SELECTION CRITERIA FOR BOARD MEMBERS. (a) The  
27 governor shall appoint board members on the basis of their qualifica-  
28 tions to make decisions that are compatible with the welfare of the  
29 community and of individual offenders. The governor shall appoint board

1 members who are able to consider the character and background of  
2 offenders and the circumstances under which offenses were committed.

3 (b) At least one person appointed to the board shall have ex-  
4 perience in the field of criminal justice, psychology, or human rela-  
5 tions.

6 (c) Officers or employees of the department may not be appointed  
7 to the board.

8 Sec. 33.16.040. REMOVAL OF MEMBERS. (a) The governor may remove  
9 a board member only for disability, inefficiency, neglect of duty, or  
10 malfeasance in office.

11 (b) Removal of a board member is initiated by delivering to the  
12 board member a written statement of the charges against the board member  
13 and by giving the board member an opportunity to be heard in person or  
14 through counsel at a public hearing in defense of the charges. The  
15 hearing shall be before the governor or his designee. The time fixed  
16 for the hearing may not be less than 10 days after the statement is  
17 delivered to the board member. At the hearing the board member has the  
18 right of confrontation and cross-examination of the witnesses who  
19 testify.

20 (c) The removal of a board member is effective 15 days after a  
21 statement of the charges made against the board member and the findings  
22 on those charges are filed by the governor in the main office of the  
23 board. However, the board member may appeal the findings of the gover-  
24 nor or his designee to the superior court. The court shall limit its  
25 review to a determination of whether the findings of the governor or his  
26 designee are substantiated by the evidence presented. The removal of  
27 the board member is suspended while an appeal from the findings of the  
28 governor or his designee is pending.

29 Sec. 33.16.050. COMPENSATION AND EXPENSES. (a) A board member is

1 entitled to compensation of \$100 per day for each day he is concerned  
2 with the business of the board and is also entitled to the per diem and  
3 travel allowances provided by law for other boards and commissions.

4 (b) The governor shall adjust the compensation in (a) of this  
5 section to compensate the board members for changes in the cost of  
6 living as reflected in the consumer price index for Anchorage, Alaska.

7 Sec. 33.16.060. MEETINGS OF THE BOARD. (a) The board may meet as  
8 often as it considers necessary to consider its responsibilities. The  
9 board shall meet no less than four times a year.

10 (b) Four members of the board constitute a quorum for the conduct  
11 of business.

12 (c) Decisions and orders of the board require the votes of a  
13 majority of the members present and in no case less than the votes of  
14 three members.

15 Sec. 33.16.070. PROCESS. The board or a member of the board may  
16 issue subpoenas and subpoenas duces tecum.

17 Sec. 33.16.080. RESPONSIBILITIES OF THE BOARD. (a) The board  
18 shall

19 (1) serve as the parole authority for the state;

20 (2) consider the suitability for parole of all prisoners  
21 serving sentences who are eligible for consideration for parole, unless  
22 a prisoner waives consideration of parole;

23 (3) discharge a person from parole when supervision is no  
24 longer required;

25 (4) maintain records of the meetings and proceedings of the  
26 board;

27 (5) adopt standards which shall apply fairly to all prisoners  
28 for determining when a prisoner should be considered for and receive  
29 parole;

1 (6) recommend to the legislature changes in the laws ad-  
2 ministered by the board;

3 (7) recommend to the commissioner changes in the practices of  
4 the department and of other departments of the executive branch;

5 (8) execute other responsibilities prescribed by law.

6 (b) The board shall adopt regulations under the Administrative  
7 Procedure Act (AS 44.62)

8 (1) establishing the standards which shall apply fairly to  
9 all prisoners under which the suitability of a prisoner for parole will  
10 be decided; and

11 (2) providing for the supervision of parolees and for recom-  
12 mitment of parolees.

13 Sec. 33.16.090. EXECUTIVE DIRECTOR. The board shall hire an  
14 executive director who has training and experience in the field of  
15 probation and parole. The executive director shall serve as the execu-  
16 tive officer for the board in the accomplishment of its functions. He  
17 shall serve at the pleasure of the board. The executive director shall  
18 employ the staff of the board.

19 Sec. 33.16.100. ELIGIBILITY FOR PAROLE. (a) A state prisoner  
20 other than a juvenile delinquent, wherever confined, who is serving a  
21 definite term of over 180 days or a term the minimum of which is at  
22 least 181 days and who is not imprisoned in accordance with AS 12.55.-  
23 125(c)(1), (c)(2), (c)(3), (d)(1), (d)(2), (e)(1), or (e)(2), whose  
24 record shows that he has observed the rules of the institution in which  
25 he is confined, may, in the discretion of the board, be released on  
26 parole subject to AS 33.16.110 and 33.16.120(b).

27 (b) A state prisoner imprisoned in accordance with AS 12.55.125(a)  
28 or (b) may not be released on parole until he has served at least the  
29 prescribed minimum term of imprisonment.

1 (c) Any state prisoner, including a state prisoner imprisoned in  
2 accordance with AS 12.55.125(c)(1), (c)(2), (c)(3), (d)(1), (d)(2),  
3 (e)(1), or (e)(2), who is released under AS 33.20.030 shall be placed on  
4 parole for the period specified in the certificate of deduction, less  
5 180 days, subject to written conditions imposed by the board.

6 Sec. 33.16.110. FIXING ELIGIBILITY FOR PAROLE AT TIME OF SEN-  
7 TENCING. When in its opinion justice and the best interests of the  
8 public require that a defendant be sentenced to imprisonment for a term  
9 exceeding one year, the court having jurisdiction to impose sentence,  
10 upon entering a judgment of conviction, may designate in the sentence of  
11 imprisonment a term at the expiration of which the prisoner is eligible  
12 for parole. The term shall be at least one-third of the period of  
13 confinement imposed by the court or the minimum term prescribed in  
14 AS 12.25.125, whichever is greater.

15 Sec. 33.16.120. GRANTING OF PAROLE. (a) The board may authorize  
16 the release of a prisoner on parole if it determines that

17 (1) the prisoner eligible for parole will, in reasonable  
18 probability, live and remain at liberty without violating the laws or  
19 without violating the conditions imposed by the board; and

20 (2) his release on parole is not incompatible with the wel-  
21 fare of society.

22 (b) A prisoner may not be released on parole until the prisoner  
23 has served at least one-third of the period of confinement to which he  
24 was sentenced.

25 Sec. 33.16.130. SUITABILITY FOR PAROLE. In determining whether a  
26 prisoner is suitable for parole, the board shall consider

27 (1) the presentence report made to the sentencing court;  
28 (2) the recommendations made by the sentencing court, by the  
29 prosecuting attorney, by the defense attorney, and any statement made by

1 the prisoner at sentencing;

2 (3) the prisoner's history at the correctional facility to  
3 which he was assigned by the department;

4 (4) a recommendation made by an officer responsible for the  
5 correctional facility to which the prisoner was assigned;

6 (5) official reports of earlier crimes and earlier probation  
7 and parole experiences;

8 (6) physical, mental, and psychiatric examinations of the  
9 prisoner;

10 (7) information submitted by the prisoner, the attorney of  
11 the prisoner, a victim of the crime, or other persons; and

12 (8) other useful information that may be reasonably avail-  
13 able.

14 Sec. 33.16.140. LACK OF TREATMENT. The board may not deny parole  
15 to a prisoner otherwise suitable for parole solely on the ground that  
16 the prisoner did not obtain necessary or desirable treatment while  
17 confined if the treatment was not available to the prisoner at the  
18 correctional facility to which the prisoner was assigned by the depart-  
19 ment.

20 Sec. 33.16.150. HEARING ON APPLICATION FOR PAROLE. (a) The board  
21 shall hold a hearing to review the suitability of a prisoner for parole  
22 or for the setting, posting, or rescinding of parole dates. The prisoner  
23 shall be provided reasonable notice of the hearing.

24 (b) The prisoner shall be permitted to have a copy of all infor-  
25 mation and records which will be considered by the board no less than 30  
26 days before the hearing. The prisoner has a right to enter written  
27 responses to all information and records which will be considered by the  
28 board.

29 (c) The prisoner has a right to be present at the hearing, to

1 present evidence on his behalf, and to cross-examine witnesses who  
2 testify against him.

3 (d) The board shall issue its decision in writing and provide  
4 reasons for the decision. The prisoner is entitled to a copy of the  
5 decision on its issuance.

6 Sec. 33.16.160. ORDER FOR PAROLE. The board shall furnish to each  
7 person released under its supervision an order for parole. The order  
8 for parole shall contain the conditions imposed by the board for parole  
9 and the date that the parole supervision expires. The order for parole  
10 does not take effect until it is accepted and signed by the parolee.

11 Sec. 33.16.170. COMPUTATION OF GOOD TIME WHILE ON PAROLE. A  
12 person released from confinement under AS 33.16.120 or under AS 33.-  
13 20.040 is entitled to a deduction from the term of parole of one day for  
14 every three days of good conduct while on parole. Good time earned  
15 while on parole is subject to forfeiture by the board if a violation of  
16 a condition of parole occurs during parole.

17 Sec. 33.16.180. CONDITIONS OF PAROLE. (a) The board shall re-  
18 quire that a prisoner released on parole refrain from violation of state  
19 or federal law as a condition of parole.

20 (b) Depending on the nature and circumstances of the crime for  
21 which the prisoner was convicted, the board may require as a condition  
22 of parole under AS 33.16.160 that a parolee accept one or more of the  
23 conditions:

24 (1) that he meet his family obligations;

25 (2) that he apply himself to employment, education, training,  
26 or subsistence;

27 (3) that he remain within stated geographic limits unless  
28 granted written permission from his parole officer to depart from the  
29 stated limits;

- 1 (4) that he report on release to his parole officer;
- 2 (5) that he report at regular intervals to his parole officer;
- 3 (6) that he reside at a stated place and notify the parole  
4 officer of a change in his place of residence;
- 5 (7) that he have in his possession no dangerous firearm or  
6 dangerous weapon unless granted permission in writing by the board;
- 7 (8) that he refrain from consuming alcoholic beverages;
- 8 (9) that he submit to searches and seizures conducted reason-  
9 ably by a parole officer or by a peace officer acting under direction of  
10 a parole officer;
- 11 (10) that he submit to necessary medical, psychiatric, alcohol,  
12 or other examination or treatment if available;
- 13 (11) that he refrain from entering into an agreement or other  
14 arrangement with a law enforcement agency which will place him in the  
15 position of violating a state or federal law or a condition of his  
16 parole;
- 17 (12) that he refrain from opening, maintaining, or using a  
18 checking account;
- 19 (13) that he refrain from entering into a contract, other than  
20 a prenuptial contract or a contract of marriage, without permission in  
21 writing from his parole officer;
- 22 (14) that he refrain from operating a motor vehicle;
- 23 (15) that he refrain from entering a liquor store, bar, pub,  
24 tavern, or night club designated by the board.

25 Sec. 33.16.190. HEARING ON APPLICATION FOR CHANGE IN PAROLE CON-  
26 DITIONS. (a) A parolee is entitled to reasonable notice of and may  
27 request a hearing on a proposal to change a parole condition or to add  
28 new parole conditions. The board shall provide the parolee with the  
29 reasons for the proposal.

1 (b) The parolee shall be permitted to have a copy of all infor-  
2 mation and records which will be considered by the board no less than 30  
3 days before the hearing. The parolee has a right to enter written  
4 responses to all information and records which will be considered by the  
5 board.

6 (c) The parolee has the right to be present at the hearing, to  
7 present evidence on his behalf, to cross-examine witnesses who testify  
8 against him, and to remain silent.

9 (d) The board shall issue its decision in writing and provide  
10 reasons for the decision. The parolee is entitled to a copy of the  
11 decision on its issuance.

12 Sec. 33.16.200. WAIVER OF HEARING. A prisoner or parolee may  
13 waive a hearing provided under AS 33.16.150 or 33.16.190 by submitting a  
14 written waiver to the board.

15 Sec. 33.16.210. CONFIDENTIALITY OF RECORDS AND INFORMATION. The  
16 pre-parole reports submitted to the board are confidential and may not  
17 be disclosed to anyone other than the board, the sentencing judge, the  
18 prosecuting and defense attorneys, the prisoner and the prisoner's  
19 attorney, or others granted the right under this chapter to receive the  
20 information.

21 Sec. 33.16.220 APPEALS. A prisoner or a parolee may appeal a  
22 decision or order of the board to the superior court on the ground of  
23 arbitrariness or abuse of discretion.

24 Sec. 33.16.230. DUTIES OF THE COMMISSIONER. The commissioner  
25 shall

26 (1) conduct investigations of prisoners eligible for parole  
27 as the board requests;

28 (2) supervise the conduct of parolees and institute programs  
29 for reform and rehabilitation of parolees as the board requests;

(3) appoint and assign parole officers and personnel to the judicial districts in the state and to train and supervise parole officers and personnel;

(4) keep records, files and accounts as the board requests.

Sec. 33.16.240. ACCESS TO LAW BY PRISONERS. The commissioner shall make available at each correctional facility in the state and at each correctional facility outside the state at which a prisoner of the state is maintained a current edition of Alaska Statutes, of the Alaska Administrative Code, and of the Alaska Rules of Court.

Sec. 33.16.250. PAROLE OFFICERS. The commissioner may assign the duties of probation officers under AS 33.05 to parole officers appointed under AS 33.16.230(3).

Sec. 33.16.260. DISCHARGE OF PAROLEE. (a) The board retains legal custody of a parolee until the expiration of the maximum term or terms to which the parolee is sentenced less a good time allowance provided by AS 33.16.170 and AS 33.20.010. However, the board retains legal custody of a prisoner released in accordance with AS 33.16.100(c) and AS 33.20.030 until the expiration of the maximum term or terms to which the prisoner was sentenced less a good time allowance provided by AS 33.16.170 and less 180 days.

(b) The disability imposed by AS 33.30.320 applies to a parolee as long as he is in the legal custody of the board but the disability does not deny a parolee access to the courts to protect rights he may have.

(c) A parolee who has been on parole for five years and who has not been charged with a felony since entering parole shall be discharged from parole and from the custody of the board. A parolee who is charged with a felony within the five years remains in the custody of the board pending a final decision on the charge. If the parolee is acquitted or the charge is dismissed, the board shall discharge the parolee from

1 custody.

2 Sec. 33.16.270. DISCRETIONARY DISCHARGE OF PAROLEE. The board may  
3 discharge a parolee from supervision and the custody of the board and  
4 from further liability under his sentence after the parolee has com-  
5 pleted two years of parole.

6 Sec. 33.16.280. RELEASE OF PRISONER TO ANSWER PROCESS. If a court  
7 of this state, another state, or the United States, or other authority  
8 issues a warrant charging a prisoner with a crime, the board may release  
9 the prisoner on parole to answer the warrant.

10 Sec. 33.16.290. REVOCATION OF PAROLE. (a) The board may revoke  
11 the parole granted to a parolee for violation of a state or federal law  
12 or a condition imposed by the board under AS 33.16.180(b).

13 (b) A parolee has the right to a preliminary hearing before a  
14 single member of the board or a person authorized by the board to act as  
15 a hearing officer to determine whether probable cause exists to revoke  
16 parole. The preliminary hearing shall be held within 14 days of the  
17 arrest of the parolee on the charge of violation of a state or federal  
18 law or violation of a condition of parole. The single member of the  
19 board or the hearing officer who holds the hearing may release the  
20 parolee pending the hearing under (c) of this section.

21 (c) The parolee is entitled to a hearing before the board at the  
22 first meeting of the board held after the preliminary hearing held under  
23 (b) of this section. The parolee has the rights of a parolee under  
24 AS 33.16.150 and 33.16.190 at the hearing. The board shall issue its  
25 decision in writing and provide reasons for the decision. The parolee  
26 is entitled to a copy of the decision on its issuance.

27 (d) At a hearing under this section, the commissioner has the  
28 burden to show that parole should be revoked by clear and convincing  
29 evidence.

1 (e) If after the hearing the board determines that a violation of  
2 a condition of parole has occurred, it may revoke a portion of the  
3 parole granted, change the conditions of parole, or cancel a portion of  
4 the good time earned on parole. If the board does not revoke a portion  
5 of the parole granted, the parolee shall be released from confinement  
6 and continued on parole under terms and conditions established by the  
7 board.

8 (f) If after the hearing the board determines that a parolee has  
9 violated a state or federal law, the board may require the parolee to  
10 serve all or a part of the remainder of the term to which he was sen-  
11 tenced. In fixing the term to be served, the board shall deduct good  
12 time earned by the parolee while on parole.

13 (g) If the board revokes parole for a reason other than a violation  
14 of a state or federal law, the board may not return the parolee to  
15 confinement for a period in excess of six months.

16 (h) A parolee may waive a hearing under (b) or (c) of this section  
17 by submitting a written waiver to the board.

18 Sec. 33.16.300. ARREST OF PAROLE VIOLATOR. (a) A parolee charged  
19 with violation of a condition of his parole may be arrested only on a  
20 warrant for arrest issued by a judicial officer based on probable cause  
21 to believe that a violation of the condition of parole has occurred.

22 (b) A parolee may be arrested without a warrant for his arrest for  
23 a violation of a condition of parole only under exigent conditions which  
24 require immediate arrest.

25 Sec. 33.16.310. EXECUTION OF WARRANT FOR ARREST OF PAROLEE. (a)  
26 A parole officer or a peace officer acting at the request of a parole  
27 officer shall execute the warrant issued under AS 33.16.300 by arresting  
28 the parolee and confining the parolee in a correctional facility desig-  
29 nated by the commissioner.

1 (b) The parole officer shall immediately notify the board or a  
2 member of the board of an arrest under (a) of this section. If the  
3 arrest was without warrant, the parole officer shall immediately provide  
4 the board or a member of the board with a report in writing indicating  
5 in what manner the parolee violated a condition of his parole.

6 Sec. 33.16.320. APPLICABILITY TO PERSONS ON PAROLE OR INCARCERATED.

7 (a) This chapter applies to all persons convicted and sentenced in the  
8 superior court and the district courts of the state.

9 (b) If the appropriate officers of the United States agree, the  
10 legislature intends that this chapter also apply to persons convicted  
11 before Alaska statehood of a crime punishable under the laws of a state  
12 notwithstanding the fact that the prosecution may have been brought by  
13 the United States and the prisoners were convicted and sentenced in  
14 courts of the United States before Alaska became a state or before the  
15 Alaska state court system was in operation.

16 Sec. 33.16.330. DEFINITIONS. In this chapter

17 (1) "board" means the Board of Parole;

18 (2) "commissioner" means the commissioner of health and  
19 social services;

20 (3) "department" means the Department of Health and Social  
21 Services;

22 (4) "parole" means the release of a prisoner to the community  
23 by the board or by operation of law before the expiration of his term,  
24 subject to conditions imposed by the board and subject to its super-  
25 vision;

26 (5) "parolee" means a prisoner released to the community by  
27 the board or by operation of law.

28 \* Sec. 2. AS 44.66.010(a)(3) is amended to read:

29 (3) [STATE] Board of Parole (AS 33.16.010) [(AS 33.15.010)] --

1 June 30, 1984 [1980];

2 \* Sec. 3. AS 33.20.040(a) is amended to read:

3 (a) A prisoner serving the term or terms for which he was sentenced  
4 less good time deductions shall be released unconditionally if there  
5 remains less than 180 days to serve under his sentence. If there remains  
6 more than 180 days to serve under his sentence a prisoner shall be re-  
7 leased on parole under AS 33.16.100(c) [, UPON RELEASE, SHALL BE CON-  
8 sidered AS IF RELEASED ON PAROLE UNTIL THE EXPIRATION OF THE MAXIMUM  
9 TERM OR TERMS FOR WHICH HE WAS SENTENCED LESS 180 DAYS].

10 \* Sec. 4. AS 33.15 is repealed.

11 \* Sec. 5. AS 33.16 enacted in sec. 1 of this Act applies to persons on  
12 parole or being considered for parole on the effective date of this Act.

13 \* Sec. 6. The terms of the members of the Board of Parole appointed under  
14 AS 33.15.010 terminate on the effective date of this Act. The governor shall  
15 appoint members to the Board of Parole established under AS 33.16.010 enacted  
16 in this Act for the following initial terms: two members for five-year terms;  
17 two members for four-year terms; one member for a three-year term; one member  
18 for a two-year term; and one member for a one-year term.

19 \* Sec. 7. This Act takes effect July 1, 1980.  
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Original sponsor: Judiciary Committee

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 983 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to parole of offenders; continuing the  
7 existence of the Board of Parole; and providing for an  
8 effective date."

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

10 \* Section 1. AS 33 is amended by adding a new chapter to read:

11 CHAPTER 16. PAROLE ADMINISTRATION.

12 Sec. 33.16.010. BOARD OF PAROLE. (a) There is in the Department  
13 of Health and Social Services a Board of Parole consisting of seven  
14 members appointed by the governor subject to confirmation by a majority  
15 of the members of the legislature in joint session.

16 (b) Members of the board serve for staggered terms of five years  
17 and until their successors are appointed and qualified. A vacancy on  
18 the board shall be filled for the unexpired term.

19 (c) The governor shall designate the presiding officer of the  
20 board.

21 Sec. 33.16.020. NOMINATIONS. The governor shall seek nominations  
22 for board members from civic, professional, and ethnic organizations in  
23 the state and shall make appointments to the board with due regard for  
24 representation on the board of the sexual, ethnic, racial, and cultural  
25 populations of the state.

26 Sec. 33.16.030. SELECTION CRITERIA FOR BOARD MEMBERS. (a) The  
27 governor shall appoint board members on the basis of their qualifica-  
28 tions to make decisions that are compatible with the welfare of the  
29 community and of individual offenders. The governor shall appoint board

1 members who are able to consider the character and background of  
2 offenders and the circumstances under which offenses were committed.

3 (b) At least one person appointed to the board shall have ex-  
4 perience in the field of criminal justice, psychology, or human rela-  
5 tions.

6 (c) Officers or employees of the department may not be appointed  
7 to the board.

8 Sec. 33.16.040. REMOVAL OF MEMBERS. (a) The governor may remove  
9 a board member only for disability, inefficiency, neglect of duty, or  
10 malfeasance in office.

11 (b) Removal of a board member is initiated by delivering to the  
12 board member a written statement of the charges against the board member  
13 and by giving the board member an opportunity to be heard in person or  
14 through counsel at a public hearing in defense of the charges. The  
15 hearing shall be before the governor or his designee. The time fixed  
16 for the hearing may not be less than 10 days after the statement is  
17 delivered to the board member. At the hearing the board member has the  
18 right of confrontation and cross-examination of the witnesses who  
19 testify.

20 (c) The removal of a board member is effective 15 days after a  
21 statement of the charges made against the board member and the findings  
22 on those charges are filed by the governor in the main office of the  
23 board. However, the board member may appeal the findings of the gover-  
24 nor or his designee to the superior court. The court shall limit its  
25 review to a determination of whether the findings of the governor or his  
26 designee are substantiated by the evidence presented. The removal of  
27 the board member is suspended while an appeal from the findings of the  
28 governor or his designee is pending.

29 Sec. 33.16.050. COMPENSATION AND EXPENSES. (a) A board member is

1 entitled to compensation of \$100 per day for each day he is concerned  
2 with the business of the board and is also entitled to the per diem and  
3 travel allowances provided by law for other boards and commissions.

4 (b) The governor shall adjust the compensation in (a) of this  
5 section to compensate the board members for changes in the cost of  
6 living as reflected in the consumer price index for Anchorage, Alaska.

7 Sec. 33.16.060. MEETINGS OF THE BOARD. (a) The board may meet as  
8 often as it considers necessary to consider its responsibilities. The  
9 board shall meet no less than four times a year.

10 (b) Four members of the board constitute a quorum for the conduct  
11 of business.

12 (c) Decisions and orders of the board require the votes of a  
13 majority of the members present and in no case less than the votes of  
14 three members.

15 Sec. 33.16.070. PROCESS. The board or a member of the board may  
16 issue subpoenas and subpoenas duces tecum.

17 Sec. 33.16.080. RESPONSIBILITIES OF THE BOARD. (a) The board  
18 shall

19 (1) serve as the parol authority for the state;

20 (2) consider the suitability for parole of all prisoners  
21 serving sentences who are eligible for consideration for parole, unless  
22 a prisoner waives consideration of parole;

23 (3) discharge a person from parole when supervision is no  
24 longer required;

25 (4) maintain records of the meetings and proceedings of the  
26 board;

27 (5) adopt standards which shall apply fairly to all prisoners  
28 for determining when a prisoner should be considered for and receive  
29 parole;

1 (6) recommend to the legislature changes in the laws ad-  
2 ministered by the board;

3 (7) recommend to the commissioner changes in the practices of  
4 the department and of other departments of the executive branch;

5 (8) execute other responsibilities prescribed by law.

6 (b) The board shall adopt regulations under the Administrative  
7 Procedure Act (AS 44.62)

8 (1) establishing the standards which shall apply fairly to  
9 all prisoners under which the suitability of a prisoner for parole will  
10 be decided; and

11 (2) providing for the supervision of parolees and for recom-  
12 mitment of parolees.

13 Sec. 33.16.090. EXECUTIVE DIRECTOR. The board shall hire an  
14 executive director who has training and experience in the field of  
15 probation and parole. The executive director shall serve as the execu-  
16 tive officer for the board in the accomplishment of its functions. He  
17 shall serve at the pleasure of the board. The executive director shall  
18 employ the staff of the board.

19 Sec. 33.16.100. ELIGIBILITY FOR PAROLE. (a) A state prisoner  
20 other than a juvenile delinquent, wherever confined, who is serving a  
21 definite term of over 180 days or a term the minimum of which is at  
22 least 181 days and who is not imprisoned in accordance with AS 12.55.-  
23 125(c)(1), (c)(2), (c)(3), (d)(1), (d)(2), (e)(1), or (e)(2), whose  
24 record shows that he has observed the rules of the institution in which  
25 he is confined, may, in the discretion of the board, be released on  
26 parole subject to AS 33.16.110 and 33.16.120(b).

27 (b) A state prisoner imprisoned in accordance with AS 12.55.125(a)  
28 or (b) may not be released on parole until he has served at least the  
29 prescribed minimum term of imprisonment.

1 (c) Any state prisoner, including a state prisoner imprisoned in  
2 accordance with AS 12.55.125(c)(1), (c)(2), (c)(3), (d)(1), (d)(2),  
3 (e)(1), or (e)(2), who is released under AS 33.20.030 shall be placed on  
4 parole for the period specified in the certificate of deduction, less  
5 180 days, subject to written conditions imposed by the board.

6 Sec. 33.16.110. FIXING ELIGIBILITY FOR PAROLE AT TIME OF SEN-  
7 TENCING. When in its opinion justice and the best interests of the  
8 public require that a defendant be sentenced to imprisonment for a term  
9 exceeding one year, the court having jurisdiction to impose sentence,  
10 upon entering a judgment of conviction, may designate in the sentence of  
11 imprisonment a term at the expiration of which the prisoner is eligible  
12 for parole. The term shall be at least one-third of the period of  
13 confinement imposed by the court or the minimum term prescribed in  
14 AS 12.25.125, whichever is greater.

15 Sec. 33.16.120. GRANTING OF PAROLE. (a) The board may authorize  
16 the release of a prisoner on parole if it determines that

17 (1) the prisoner eligible for parole will, in reasonable  
18 probability, live and remain at liberty without violating the laws or  
19 without violating the conditions imposed by the board; and

20 (2) his release on parole is not incompatible with the wel-  
21 fare of society.

22 (b) A prisoner may not be released on parole until the prisoner  
23 has served at least one-third of the period of confinement to which he  
24 was sentenced.

25 Sec. 33.16.130. SUITABILITY FOR PAROLE. In determining whether a  
26 prisoner is suitable for parole, the board shall consider

27 (1) the presentence report made to the sentencing court;

28 (2) the recommendations made by the sentencing court, by the  
29 prosecuting attorney, by the defense attorney, and any statement made by

1 the prisoner at sentencing;

2 (3) the prisoner's history at the correctional facility to  
3 which he was assigned by the department;

4 (4) a recommendation made by an officer responsible for the  
5 correctional facility to which the prisoner was assigned;

6 (5) official reports of earlier crimes and earlier probation  
7 and parole experiences;

8 (6) physical, mental, and psychiatric examinations of the  
9 prisoner;

10 (7) information submitted by the prisoner, the attorney of  
11 the prisoner, a victim of the crime, or other persons; and

12 (8) other useful information that may be reasonably avail-  
13 able.

14 Sec. 33.16.140. LACK OF TREATMENT. The board may not deny parole  
15 to a prisoner otherwise suitable for parole solely on the ground that  
16 the prisoner did not obtain necessary or desirable treatment while  
17 confined if the treatment was not available to the prisoner at the  
18 correctional facility to which the prisoner was assigned by the depart-  
19 ment.

20 Sec. 33.16.150. HEARING ON APPLICATION FOR PAROLE. (a) The board  
21 shall hold a hearing to review the suitability of a prisoner for parole  
22 or for the setting, posting, or rescinding of parole dates. The prisoner  
23 shall be provided reasonable notice of the hearing.

24 (b) The prisoner shall be permitted to have a copy of all infor-  
25 mation and records which will be considered by the board no less than 30  
26 days before the hearing. The prisoner has a right to enter written  
27 responses to all information and records which will be considered by the  
28 board.

29 (c) The prisoner has a right to be present at the hearing, to

1 present evidence on his behalf, and to cross-examine witnesses who  
2 testify against him.

3 (d) The board shall issue its decision in writing and provide  
4 reasons for the decision. The prisoner is entitled to a copy of the  
5 decision on its issuance.

6 Sec. 33.16.160. ORDER FOR PAROLE. The board shall furnish to each  
7 person released under its supervision an order for parole. The order  
8 for parole shall contain the conditions imposed by the board for parole  
9 and the date that the parole supervision expires. The order for parole  
10 does not take effect until it is accepted and signed by the parolee.

11 Sec. 33.16.170. COMPUTATION OF GOOD TIME WHILE ON PAROLE. A  
12 person released from confinement under AS 33.16.120 or under AS 33.-  
13 20.040 is entitled to a deduction from the term of parole of one day for  
14 every three days of good conduct while on parole. Good time earned  
15 while on parole is subject to forfeiture by the board if a violation of  
16 a condition of parole occurs during parole.

17 Sec. 33.16.180. CONDITIONS OF PAROLE. (a) The board shall re-  
18 quire that a prisoner released on parole refrain from violation of state  
19 or federal law as a condition of parole.

20 (b) Depending on the nature and circumstances of the crime for  
21 which the prisoner was convicted, the board may require as a condition  
22 of parole under AS 33.16.160 that a parolee accept one or more of the  
23 conditions:

24 (1) that he meet his family obligations;

25 (2) that he apply himself to employment, education, training,  
26 or subsistence;

27 (3) that he remain within stated geographic limits unless  
28 granted written permission from his parole officer to depart from the  
29 stated limits;

- 1 (4) that he report on release to his parole officer;
- 2 (5) that he report at regular intervals to his parole officer;
- 3 (6) that he reside at a stated place and notify the parole  
4 officer of a change in his place of residence;
- 5 (7) that he have in his possession no dangerous firearm or  
6 dangerous weapon unless granted permission in writing by the board;
- 7 (8) that he refrain from consuming alcoholic beverages;
- 8 (9) that he submit to searches and seizures conducted reason-  
9 ably by a parole officer or by a peace officer acting under direction of  
10 a parole officer;
- 11 (10) that he submit to necessary medical, psychiatric, alcohol,  
12 or other examination or treatment if available;
- 13 (11) that he refrain from entering into an agreement or other  
14 arrangement with a law enforcement agency which will place him in the  
15 position of violating a state or federal law or a condition of his  
16 parole;
- 17 (12) that he refrain from opening, maintaining, or using a  
18 checking account;
- 19 (13) that he refrain from entering into a contract, other than  
20 a prenuptial contract or a contract of marriage, without permission in  
21 writing from his parole officer;
- 22 (14) that he refrain from operating a motor vehicle;
- 23 (15) that he refrain from entering a liquor store, bar, pub,  
24 tavern, or night club designated by the board.

25 Sec. 33.16.190. HEARING ON APPLICATION FOR CHANGE IN PAROLE CON-  
26 DITIONS. (a) A parolee is entitled to reasonable notice of and may  
27 request a hearing on a proposal to change a parole condition or to add  
28 new parole conditions. The board shall provide the parolee with the  
29 reasons for the proposal.

1 (b) The parolee shall be permitted to have a copy of all infor-  
2 mation and records which will be considered by the board no less than 30  
3 days before the hearing. The parolee has a right to enter written  
4 responses to all information and records which will be considered by the  
5 board.

6 (c) The parolee has the right to be present at the hearing, to  
7 present evidence on his behalf, to cross-examine witnesses who testify  
8 against him, and to remain silent.

9 (d) The board shall issue its decision in writing and provide  
10 reasons for the decision. The parolee is entitled to a copy of the  
11 decision on its issuance.

12 Sec. 33.16.200. WAIVER OF HEARING. A prisoner or parolee may  
13 waive a hearing provided under AS 33.16.150 or 33.16.190 by submitting a  
14 written waiver to the board.

15 Sec. 33.16.210. CONFIDENTIALITY OF RECORDS AND INFORMATION. The  
16 pre-parole reports submitted to the board are confidential and may not  
17 be disclosed to anyone other than the board, the sentencing judge, the  
18 prosecuting and defense attorneys, the prisoner and the prisoner's  
19 attorney, or others granted the right under this chapter to receive the  
20 information.

21 Sec. 33.16.220 APPEALS. A prisoner or a parolee may appeal a  
22 decision or order of the board to the superior court on the ground of  
23 arbitrariness or abuse of discretion.

24 Sec. 33.16.230. DUTIES OF THE COMMISSIONER. The commissioner  
25 shall

- 26 (1) conduct investigations of prisoners eligible for parole  
27 as the board requests;
- 28 (2) supervise the conduct of parolees and institute programs  
29 for reform and rehabilitation of parolees as the board requests;

1 (3) appoint and assign parole officers and personnel to the  
2 judicial districts in the state and to train and supervise parole offi-  
3 cers and personnel;

4 (4) keep records, files and accounts as the board requests.

5 Sec. 33.16.240. ACCESS TO LAW BY PRISONERS. The commissioner  
6 shall make available at each correctional facility in the state and at  
7 each correctional facility outside the state at which a prisoner of the  
8 state is maintained a current edition of Alaska Statutes, of the Alaska  
9 Administrative Code, and of the Alaska Rules of Court.

10 Sec. 33.16.250. PAROLE OFFICERS. The commissioner may assign the  
11 duties of probation officers under AS 33.05 to parole officers appointed  
12 under AS 33.16.230(3).

13 Sec. 33.16.260. DISCHARGE OF PAROLEE. (a) The board retains  
14 legal custody of a parolee until the expiration of the maximum term or  
15 terms to which the parolee is sentenced less a good time allowance  
16 provided by AS 33.16.170 and AS 33.20.010. However, the board retains  
17 legal custody of a prisoner released in accordance with AS 33.16.100(c)  
18 and AS 33.20.030 until the expiration of the maximum term or terms to  
19 which the prisoner was sentenced less a good time allowance provided by  
20 AS 33.16.170 and less 180 days.

21 (b) The disability imposed by AS 33.30.320 applies to a parolee as  
22 long as he is in the legal custody of the board but the disability does  
23 not deny a parolee access to the courts to protect rights he may have.

24 (c) A parolee who has been on parole for five years and who has  
25 not been charged with a felony since entering parole shall be discharged  
26 from parole and from the custody of the board. A parolee who is charged  
27 with a felony within the five years remains in the custody of the board  
28 pending a final decision on the charge. If the parolee is acquitted or  
29 the charge is dismissed, the board shall discharge the parolee from

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custody.

Sec. 33.16.270. DISCRETIONARY DISCHARGE OF PAROLEE. The board may discharge a parolee from supervision and the custody of the board and from further liability under his sentence after the parolee has completed two years of parole.

Sec. 33.16.280. RELEASE OF PRISONER TO ANSWER PROCESS. If a court of this state, another state, or the United States, or other authority issues a warrant charging a prisoner with a crime, the board may release the prisoner on parole to answer the warrant.

Sec. 33.16.290. REVOCATION OF PAROLE. (a) The board may revoke the parole granted to a parolee for violation of a state or federal law or a condition imposed by the board under AS 33.16.180(b).

(b) A parolee has the right to a preliminary hearing before a single member of the board or a person authorized by the board to act as a hearing officer to determine whether probable cause exists to revoke parole. The preliminary hearing shall be held within 14 days of the arrest of the parolee on the charge of violation of a state or federal law or violation of a condition of parole. The single member of the board or the hearing officer who holds the hearing may release the parolee pending the hearing under (c) of this section.

(c) The parolee is entitled to a hearing before the board at the first meeting of the board held after the preliminary hearing held under (b) of this section. The parolee has the rights of a parolee under AS 33.16.150 and 33.16.190 at the hearing. The board shall issue its decision in writing and provide reasons for the decision. The parolee is entitled to a copy of the decision on its issuance.

(d) At a hearing under this section, the commissioner has the burden to show that parole should be revoked by clear and convincing evidence.

1 (e) If after the hearing the board determines that a violation of  
2 a condition of parole has occurred, it may revoke a portion of the  
3 parole granted, change the conditions of parole, or cancel a portion of  
4 the good time earned on parole. If the board does not revoke a portion  
5 of the parole granted, the parolee shall be released from confinement  
6 and continued on parole under terms and conditions established by the  
7 board.

8 (f) If after the hearing the board determines that a parolee has  
9 violated a state or federal law, the board may require the parolee to  
10 serve all or a part of the remainder of the term to which he was sen-  
11 tenced. In fixing the term to be served, the board shall deduct good  
12 time earned by the parolee while on parole.

13 (g) If the board revokes parole for a reason other than a violation  
14 of a state or federal law, the board may not return the parolee to  
15 confinement for a period in excess of six months.

16 (h) A parolee may waive a hearing under (b) or (c) of this section  
17 by submitting a written waiver to the board.

18 Sec. 33.16.300. ARREST OF PAROLE VIOLATOR. (a) A parolee charged  
19 with violation of a condition of his parole may be arrested only on a  
20 warrant for arrest issued by a judicial officer based on probable cause  
21 to believe that a violation of the condition of parole has occurred.

22 (b) A parolee may be arrested without a warrant for his arrest for  
23 a violation of a condition of parole only under exigent conditions which  
24 require immediate arrest.

25 Sec. 33.16.310. EXECUTION OF WARRANT FOR ARREST OF PAROLEE. (a)  
26 A parole officer or a peace officer acting at the request of a parole  
27 officer shall execute the warrant issued under AS 33.16.300 by arresting  
28 the parolee and confining the parolee in a correctional facility desig-  
29 nated by the commissioner.

(b) The parole officer shall immediately notify the board or a member of the board of an arrest under (a) of this section. If the arrest was without warrant, the parole officer shall immediately provide the board or a member of the board with a report in writing indicating in what manner the parolee violated a condition of his parole.

Sec. 33.16.320. APPLICABILITY TO PERSONS ON PAROLE OR INCARCERATED.

(a) This chapter applies to all persons convicted and sentenced in the superior court and the district courts of the state.

(b) If the appropriate officers of the United States agree, the legislature intends that this chapter also apply to persons convicted before Alaska statehood of a crime punishable under the laws of a state notwithstanding the fact that the prosecution may have been brought by the United States and the prisoners were convicted and sentenced in courts of the United States before Alaska became a state or before the Alaska state court system was in operation.

Sec. 33.16.330. DEFINITIONS. In this chapter

- (1) "board" means the Board of Parole;
- (2) "commissioner" means the commissioner of health and social services;
- (3) "department" means the Department of Health and Social Services;
- (4) "parole" means the release of a prisoner to the community by the board or by operation of law before the expiration of his term, subject to conditions imposed by the board and subject to its supervision;
- (5) "parolee" means a prisoner released to the community by the board or by operation of law.

\* Sec. 2. AS 44.66.010(a)(3) is amended to read:

(3) [STATE] Board of Parole (AS 33.16.010) [(AS 33.15.010)] --

1 June 30, 1984 [1980];

2 \* Sec. 3. AS 33.20.040(a) is amended to read:

3 (a) A prisoner serving the term or terms for which he was sentenced  
4 less good time deductions shall be released unconditionally if there  
5 remains less than 180 days to serve under his sentence. If there remains  
6 more than 180 days to serve under his sentence a prisoner shall be re-  
7 leased on parole under AS 33.16.100(c) [, UPON RELEASE, SHALL BE CON-  
8 SIDERED AS IF RELEASED ON PAROLE UNTIL THE EXPIRATION OF THE MAXIMUM  
9 TERM OR TERMS FOR WHICH HE WAS SENTENCED LESS 180 DAYS].

10 \* Sec. 4. AS 33.15 is repealed.

11 \* Sec. 5. AS 33.16 enacted in sec. 1 of this Act applies to persons on  
12 parole or being considered for parole on the effective date of this Act.

13 \* Sec. 6. The terms of the members of the Board of Parole appointed under  
14 AS 33.15.010 terminate on the effective date of this Act. The governor shall  
15 appoint members to the Board of Parole established under AS 33.16.010 enacted  
16 in this Act for the following initial terms: two members for five-year terms;  
17 two members for four-year terms; one member for a three-year term; one member  
18 for a two-year term; and one member for a one-year term.

19 \* Sec. 7. This Act takes effect July 1, 1980.  
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THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

Page 1 of 3

I. REQUEST

Bill/Resolution No. CSHB 983

Title Relating to Parole of Offenders; continuing Board of Parole

Requested by House Finance Committee

Date 5/13/80

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services

Program Category Affected Justice

BRU, Program, or Subprogram(s) Affected Parole Board

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES		27.3	29.5	31.9	34.4	37.2
200 TRAVEL		32.6	35.2	38.0	41.0	44.3
300 CONTRACTUAL		70.2	75.8	81.8	88.3	95.4
400 COMMODITIES		1.0	1.1	1.2	1.3	1.4
500 EQUIPMENT		2.1	2.3	2.5	2.7	2.9
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
800 COMPENSATION		49.0	52.9	57.1	61.7	66.6
TOTAL		182.2	196.8	212.5	229.4	247.8
			8%	8%	8%	8%

FUNDING (Thousands of Dollars)

GENERAL FUND		182.2	196.8	212.5	229.4	247.8
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		1	1	1	1	1
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

A. Section .010, Members

Included in this section are funds to cover cost of 2 additional Board members at the quarterly board hearings. Because of their presence at hearings, hearings are lengthened by 12 minutes/hearings adding up to 12 additional days of hearings per year. Some additional xeroxing and more long distance phone calls for new members.

Travel and per diem	14.0
Contractual	1.5
Compensation	16.9
	<u>32.4</u>

[SEE ATTACHED CONTINUATION SHEETS]

IV. DATE 5/13/80

PREPARED BY Robert F. Schroeder, Fiscal Analyst

AGENCY Legislative Finance Division

Original: Legislative Finance

PHONE 465-3795

cc: Budget and Management

Prime Sponsor (First Legislator Named)

B. Sections .020 & .030, Nomination/Selection of Members

Budget one trip to Anchorage, Fairbanks, Bethel, Nome, Kenai, Ketchikan and Sitka to meet with organizations to recruit for Board members, and administer member assessment. One additional one day trip to one location to do final interviews and train on member responsibilities.

Travel 2.8

C. Section .050, Compensation

The bill would provide payment to the Board members for any day they are conducting business, including the reading of files, handling board business by phone, as well as hearings.

- a) Reading reports - assume 225 cases/year X 3/4 hours per file = 23 "member days". Guess 23 X 7 members = \$16.1
- b) Phone log shows average of 30 calls/quarter to the office X 4 quarters/year = 120 calls for handling appeals, requests for special hearings, mandatory release conditions, etc. = \$12.0

Total 28.1

D. Section .080, Responsibilities

Cost to rent meeting rooms, advertise, professional recording of hearings, to establish regulation in Alaska Administrative Code (other costs in FY 81 budget). 2.0

Contract with criminal justice research firm to validate and keep parole guidelines research current in order to avoid law suits. 6.0

Total 8.0

E. Section .150, Release Hearings

Current statute allows the Board to conduct interviews of prisoners in the Federal Prison System by one member and then conduct a full hearing in Alaska with all members, with the interviewer presenting all information from the Federal Bureau of Prisons interview. This section requires the prisoner's presence at the hearing and these figures reflect the cost of sending two more members on the twice-annual trek to the contract facilities to hold hearings on applications.

Travel 9.6  
Compensation 5.4

(continued)

Section .150 also requires that all information be made available to parole applicants a minimum of 30 days in advance. Information is frequently not received until the week of hearings; therefore some hearings will have to be reheard. Guess that 20% of cases (approximately 300) will be reheard, or 60 hearings/year.

Transportation	3.5
Compensation	9.1
Total Transportation =	13.1
Total Compensation =	14.5

F. Section .170, Good Time

One Administrative Assistant would be hired to keep up with the complex record keeping system, handle increased flow of reports from parole officers, and oversee the operation of the office in the absence of the professional staff (due to their greatly-increased traveling). This position is necessitated by this section as well as the additional work-load brought about by Sections .010, .020, .080, .190 and .290.

Personnel	27.3
Equipment	2.1
Commodities	1.0

There is no space available in the Parole Board office or in the Department of Health & Social Services building for more staff or for additional space for files, and space will have to be leased from the private sector. Proposed to rent 1200 square feet at \$1.30 per square foot.

Contractual	18.7
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G. Section .190, Change in Conditions

Due to the very cumbersome nature of this section, and since there is often the need for the parole officer to intervene in a case on short notice to enable the parolee to remain in the community and to protect the public, it is anticipated that in approximately 15 cases/year a parole officer will have a parolee arrested to expedite the condition change process. This will, of course, require an additional 15 preliminary revocation hearings.

Transportation (7 hearings only)	1.8
Per Diem	.9
Compensation	1.5
	<u>4.2</u>

H. Overall Costs

This bill will greatly increase the record-keeping responsibilities of the Board. It will be necessary to collect and maintain various kinds of data on all corrections clients that is not currently being kept. Because of the volume and variety of information to be kept, automation appears reasonable. We will contract with a computer firm to write the appropriate programs, set up and maintain the necessary reports for the Board. A criminal justice researcher familiar with the requirements of this bill and with the Board advises that \$30,000 would be minimally be required to handle the tasks.

Contractual	30.0
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# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY**

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PREPARED BY Robert F. Schroeder, Fiscal Analyst

AGENCY Legislative Finance Division

PHONE 465-3795

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

CATEGORY:

ADMINISTRATION OF JUSTICE

AGENCY:

HEALTH AND SOCIAL SERVICES

PROGRAM:

OFFENDER CONFINEMENT, REFORMATION AND SUPERVISION

BRU (s):

ADULT CONFINEMENT

The goal of the Adult Confinement BRU is to protect the public from possible dangers associated with criminal offenders. This is accomplished both by separating offenders from the public and by deterring future crime through rehabilitative measures.

The Adult Confinement program operates nine state correctional centers, four contract municipal jails, and has a contract with the Federal Bureau of Prisons for placement of the most unmanageable offenders. Municipal jail contracts are administered by the Division of Corrections in locations where there is a superior court and inmates can serve short to medium term sentences.

The program is also engaged in activities for an unsentenced population of offenders for arrest, booking, and pre-sentence detention. Unsentenced activity accounts for approximately 33 percent of the program capacity. The program also provides confinement for the sentenced offenders who must legally serve an institutional sentence. This program accounts for approximately 67 percent of program capacity.

The Governor's FY 81 budget provides for staffing increases in State correctional centers to enhance supervision of inmates in overcrowded dormitories to protect inmates from one another. Increased funds are allocated to out-of-state inmate placement pending construction of new state facilities. Several positions are also included to begin a prison industries program.

COMPONENT DESCRIPTION	79 AUTH	79 FINAL	79 ACT	80 AUTH	80 SUPL	80 RP	GOVERNOR
PALMER CORR. CNTR	1175.5	1128.8	1126.5	1092.6			1371.4
ANCH. STATE CORR. CNTR	947.1	1112.2	1109.7	995.2			1242.7
JUNEAU CORR. CNTR.	1698.5	1862.9	1855.4	1817.9			2219.3
FAIRBANKS CORR. CNTR.	1899.3	2264.5	2262.8	2043.4			2648.8
KETCHIKAN CORR. CNTR.	664.6	728.2	727.3	730.5			819.8
ANC. ANNEX CORR. CNTR.	1499.2	1635.4	1634.9	1590.9			1713.9
EAGLE RIVER CORR. CNTR	1970.8	2020.0	2019.5	1985.6			2314.0
RIDGEVIEW MANOR	800.5	955.4	954.3	949.0			1020.7
HOME CORRECTION CENTER	392	624.9	624.7	684.0			755.3
LOCAL FACILITIES	955.8	781.2	779.1	829.9			926.9
OUT OF STATE CONTRACTUAL	1125.0	1369.5	1369.1	1202.9			2519.5
MAJOR MEDICAL & GUARD HIRE	608.4	669.7	669.4	539.8			695.7
** TOTAL	14037.0	15152.7	15132.7	14461.7			18248.0
** CHANGE VERSUS 80 AUTH							26.1%
OBJECT DESCRIPTION							
PERS. SERV.	8285.4	9153.0	9152.7	8810.7			10331.7
TRAVEL	115.8	120.8	86.1	92.2			106.8
CONTRACTUAL	3225.0	3457.1	3558.0	3316.0			5065.8
COMMODITIES	1421.9	1359.2	1475.6	1492.3			1872.2
EQUIPMENT	181.8	196.8	103.6				92.7
LANDS/BLDGS	203.6	203.6	203.7	203.5			203.5
GRANTS, CLMS	503.5	662.2	553.0	547.0			575.3
MISC.	100.0						
FUNDING SOURCE							
GENERAL FUND	14037.0	15152.7	15132.7	14461.7			18248.0
** GENERAL FUND CHANGE VS. 80 AUTH							26.1%
POSITIONS							
FULL-TIME	270.0	270.0	270.0	269.0			292.0
PART-TIME	4.0	4.0	4.0	4.0			4.0
TEMPORARY	.5	.5	.5				
STAFF MONTHS	3270.0	3270.0	3270.0	3252.0			3535.0

B. Sections .020 & .030, Nomination/Selection of Members

Budget one trip to Anchorage, Fairbanks, Bethel, Nome, Kenai, Ketchikan and Sitka to meet with organizations to recruit for Board members, and administer member assessment. One additional one day trip to one location to do final interviews and train on member responsibilities.

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Contractual	30.0
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10: House Finance Committee  
From: MARGARET W. BERCK, Staff, House  
JUDICIARY

Original sponsor: Judiciary Committee

Offered: 4/21/80  
Referred: Rules

Date: MAY 13, 1980

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 983

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to parole of offenders; continuing the  
7 Board of Parole; and providing for an effective date."

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

9 \* Section 1. AS 33 is amended by adding a new chapter to read:

10 CHAPTER 16. PAROLE ADMINISTRATION.

11 Sec. 33.16.010. BOARD OF PAROLE. (a) There is in the Department  
12 of Health and Social Services a Board of Parole consisting of seven  
13 members appointed by the governor subject to confirmation by a majority  
14 of the members of the legislature in joint session.

15 (b) Members of the board serve for staggered terms of five years  
16 and until their successors are appointed and qualified. A vacancy on  
17 the board shall be filled for the unexpired term.

18 (c) The governor shall designate the presiding officer of the  
19 board.

20 Sec. 33.16.020. NOMINATIONS. The governor shall seek nominations  
21 for board members from civic, professional, and ethnic organizations in  
22 the state and shall make appointments to the board with due regard for  
23 representation on the board of the sexual, ethnic, racial, and cultural  
24 populations of the state.

25 Sec. 33.16.030. SELECTION CRITERIA FOR BOARD MEMBERS. (a) The  
26 governor shall appoint board members on the basis of their qualifica-  
27 tions to make decisions that are compatible with the welfare of the  
28 community and of individual offenders. The governor shall appoint board  
29 members who are able to consider the character and background of

1 offenders and the circumstances under which offenses were committed.

2 (b) At least one person appointed to the board shall have ex-  
3 perience in the field of criminal justice, psychology, or human rela-  
4 tions.

5 (c) Officers or employees of the department may not be appointed  
6 to the board.

7 Sec. 33.16.040. REMOVAL OF MEMBERS. (a) The governor may remove  
8 a board member only for disability, inefficiency, neglect of duty, or  
9 malfeasance in office.

10 (b) Removal of a board member is initiated by delivering to the  
11 board member a written statement of the charges against the board member  
12 and by giving the board member an opportunity to be heard in person or  
13 through counsel at a public hearing in defense of the charges. The  
14 hearing shall be before the governor or his designee. The time fixed  
15 for the hearing may not be less than 10 days after the statement is  
16 delivered to the board member. At the hearing the board member has the  
17 right of confrontation and cross-examination of the witnesses who  
18 testify.

19 (c) The removal of a board member is effective 15 days after a  
20 statement of the charges made against the board member and the findings  
21 on those charges are filed by the governor in the main office of the  
22 board. However, the board member may appeal the findings of the gover-  
23 nor or his designee to the superior court. The court shall limit its  
24 review to a determination of whether the findings of the governor or his  
25 designee are substantiated by the evidence presented. The removal of  
26 the board member is suspended while an appeal from the findings of the  
27 governor or his designee is pending.

28 Sec. 33.16.050. COMPENSATION AND EXPENSES. (a) A board member is  
29 entitled to compensation of \$100 per day for each day he is concerned

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1 with the business of the board and is also entitled to the per diem and  
2 travel allowances provided by law for other boards and commissions.

3 (b) The governor shall adjust the compensation in (a) of this  
4 section to compensate the board members for changes in the cost of  
5 living as reflected in the consumer price index for Anchorage, Alaska.

6 Sec. 33.16.060. MEETINGS OF THE BOARD. (a) The board may meet as  
7 often as it considers necessary to consider its responsibilities. The  
8 board shall meet no less than four times a year.

9 (b) Four members of the board constitute a quorum for the conduct  
10 of business.

11 (c) Decisions and orders of the board require the votes of a  
12 majority of the members present and in no case less than the votes of  
13 three members.

14 Sec. 33.16.070. PROCESS. The board or a member of the board may  
15 issue subpoenas and subpoenas duces tecum.

16 Sec. 33.16.080. RESPONSIBILITIES OF THE BOARD. (a) The board  
17 shall

18 (1) serve as the parole authority for the state;

19 (2) consider the suitability for parole of all prisoners  
20 serving sentences who are eligible for consideration for parole, unless  
21 a prisoner waives consideration of parole;

22 (3) discharge a person from parole when supervision is no  
23 longer required;

24 (4) maintain records of the meetings and proceedings of the  
25 board;

26 (5) adopt standards which shall apply fairly to all prisoners  
27 for determining when a prisoner should be considered for and receive  
28 parole;

29 (6) recommend to the legislature changes in the laws ad-

1 ministered by the board;

2 (7) recommend to the commissioner changes in the practices of  
3 the department and of other departments of the executive branch;

4 (8) execute other responsibilities prescribed by law.

5 (b) The board shall adopt regulations under the Administrative  
6 Procedure Act (AS 44.62)

7 (1) establishing the standards which shall apply fairly to  
8 all prisoners under which the suitability of a prisoner for parole will  
9 be decided; and

10 (2) providing for the supervision of parolees and for recom-  
11 mitment of parolees.

12 Sec. 33.16.090. EXECUTIVE DIRECTOR. The board shall hire an  
13 executive director who has training and experience in the field of  
14 probation and parole. The executive director shall serve as the execu-  
15 tive officer for the board in the accomplishment of its functions. He  
16 shall serve at the pleasure of the board. The executive director shall  
17 employ the staff of the board.

18 Sec. 33.16.100. ELIGIBILITY FOR PAROLE. (a) A state prisoner  
19 other than a juvenile delinquent, wherever confined, who is serving a  
20 definite term of over 180 days or a term the minimum of which is at  
21 least 181 days and who is not imprisoned in accordance with AS 12.55.-  
22 125(c)(1), (c)(2), (c)(3), (d)(1), (d)(2), (e)(1), or (e)(2), whose  
23 record shows that he has observed the rules of the institution in which  
24 he is confined, may, in the discretion of the board, be released on  
25 parole subject to AS 33.16.110 and 33.16.120(b).

26 (b) A state prisoner imprisoned in accordance with AS 12.55.125(a)  
27 or (b) may not be released on parole until he has served at least the  
28 prescribed minimum term of imprisonment.

29 (c) Any state prisoner, including a state prisoner imprisoned in

1 accordance with AS 12.55.125(c)(1), (c)(2), (c)(3), (d)(1), (d)(2),  
2 (e)(1), or (e)(2), who is released under AS 33.20.030 shall be placed on  
3 parole for the period specified in the certificate of deduction, <sup>less 180 days,</sup> subject  
4 to written conditions imposed by the board.

5 Sec. 33.16.110. FIXING ELIGIBILITY FOR PAROLE AT TIME OF SEN-  
6 TENCING. When in its opinion justice and the best interests of the  
7 public require that a defendant be sentenced to imprisonment for a term  
8 exceeding one year, the court having jurisdiction to impose sentence,  
9 upon entering a judgment of conviction, may designate in the sentence of  
10 imprisonment a term at the expiration of which the prisoner is eligible  
11 for parole. The term shall be at least one-third of the period of  
12 confinement imposed by the court or the minimum term prescribed in  
13 AS 12.25.125, whichever is greater.

14 Sec. 33.16.120. GRANTING OF PAROLE. (a) The board may authorize  
15 the release of a prisoner on parole if it determines that

16 (1) the prisoner eligible for parole will, in reasonable  
17 probability, live and remain at liberty without violating the laws or  
18 without violating the conditions imposed by the board; and

19 (2) his release on parole is not incompatible with the wel-  
20 fare of society.

21 (b) A prisoner may not be released on parole until the prisoner  
22 has served at least one-third of the period of confinement to which he  
23 was sentenced.

24 Sec. 33.16.130. SUITABILITY FOR PAROLE. In determining whether a  
25 prisoner is suitable for parole, the board shall consider

26 (1) the presentence report made to the sentencing court;

27 (2) the recommendations made by the sentencing court, by the  
28 prosecuting attorney, by the defense attorney, and any statement made by  
29 the prisoner at sentencing;

1 (3) the prisoner's history at the correctional facility to  
2 which he was assigned by the department;

3 (4) a recommendation made by an officer responsible for the  
4 correctional facility to which the prisoner was assigned;

5 (5) official reports of earlier crimes and earlier probation  
6 and parole experiences;

7 (6) physical, mental, and psychiatric examinations of the  
8 prisoner;

9 (7) information submitted by the prisoner, the attorney of  
10 the prisoner, a victim of the crime, or other persons; and

11 (8) other useful information that may be reasonably avail-  
12 able.

13 Sec. 33.16.140. LACK OF TREATMENT. The board may not deny parole  
14 to a prisoner otherwise suitable for parole solely on the ground that  
15 the prisoner did not obtain necessary or desirable treatment while  
16 confined if the treatment was not available to the prisoner at the  
17 correctional facility to which the prisoner was assigned by the depart-  
18 ment.

19 Sec. 33.16.150. HEARING ON APPLICATION FOR PAROLE. (a) The board  
20 shall hold a hearing to review the suitability of a prisoner for parole  
21 or for the setting, posting, or rescinding of parole dates. The  
22 prisoner shall be provided reasonable notice of the hearing.

23 (b) The prisoner shall be permitted to have a copy of all infor-  
24 mation and records which will be considered by the board no less than 30  
25 days before the hearing. The prisoner has a right to enter written  
26 responses to all information and records which will be considered by the  
27 board.

28 (c) The prisoner has a right to be present at the hearing, to  
29 present evidence on his behalf, and to cross-examine witnesses who

1 testify against him.

2 (d) The board shall issue its decision in writing and provide  
3 reasons for the decision. The prisoner is entitled to a copy of the  
4 decision on its issuance.

5 Sec. 33.16.160. ORDER FOR PAROLE. The board shall furnish to each  
6 person released under its supervision an order for parole. The order  
7 for parole shall contain the conditions imposed by the board for parole  
8 and the date that the parole supervision expires. The order for parole  
9 does not take effect until it is accepted and signed by the parolee.

10 Sec. 33.16.170. COMPUTATION OF GOOD TIME WHILE ON PAROLE. A  
11 person released from confinement under AS 33.16.120 or under AS 33.-  
12 20.040 is entitled to a deduction from the term of parole of one day for  
13 every three days of good conduct while on parole. Good time earned  
14 while on parole is subject to forfeiture by the board if a violation of  
15 a condition of parole occurs during parole.

16 Sec. 33.16.180. CONDITIONS OF PAROLE. (a) The board shall re-  
17 quire that a prisoner released on parole refrain from violation of state  
18 or federal law as a condition of parole.

19 (b) Depending on the nature and circumstances of the crime for  
20 which the prisoner was convicted, the board may require as a condition  
21 of parole under AS 33.16.160 that a parolee accept one or more of the  
22 conditions:

23 (1) that he meet his family obligations;

24 (2) that he apply himself to employment, education, training,  
25 or subsistence;

26 (3) that he remain within stated geographic limits unless  
27 granted written permission from his parole officer to depart from the  
28 stated limits;

29 (4) that he report on release to his parole officer;

- 1 (5) that he report at regular intervals to his parole officer;
- 2 (6) that he reside at a stated place and notify the parole  
3 officer of a change in his place of residence;
- 4 (7) that he have in his possession no dangerous firearm or  
5 dangerous weapon unless granted permission in writing by the board;
- 6 (8) that he refrain from consuming alcoholic beverages;
- 7 (9) that he submit to searches and seizures conducted reason-  
8 ably by a parole officer or by a peace officer acting under direction of  
9 a parole officer;
- 10 (10) that he submit to necessary medical, psychiatric, alcohol,  
11 or other examination or treatment if available;
- 12 (11) that he refrain from entering into an agreement or other  
13 arrangement with a law enforcement agency which will place him in the  
14 position of violating a state or federal law or a condition of his  
15 parole;
- 16 (12) that he refrain from opening, maintaining, or using a  
17 checking account;
- 18 (13) that he refrain from entering into a contract, other than  
19 a prenuptial contract or a contract of marriage, without permission in  
20 writing from his parole officer;
- 21 (14) that he refrain from operating a motor vehicle;
- 22 (15) that he refrain from entering a liquor store, bar, pub,  
23 tavern, or night club designated by the board.

24 Sec. 33.16.190. HEARING ON APPLICATION FOR CHANGE IN PAROLE CON-  
25 DITIONS. (a) A parolee is entitled to reasonable notice of and may  
26 request a hearing on a proposal to change a parole condition or to add  
27 new parole conditions. The board shall provide the parolee with the  
28 reasons for the proposal.

29 (b) The parolee shall be permitted to have a copy of all infor-

1 mation and records which will be considered by the board no less than 30  
2 days before the hearing. The parolee has a right to enter written  
3 responses to all information and records which will be considered by the  
4 board.

5 (c) The parolee has the right to be present at the hearing, to  
6 present evidence on his behalf, to cross-examine witnesses who testify  
7 against him, and to remain silent.

8 (d) The board shall issue its decision in writing and provide  
9 reasons for the decision. The parolee is entitled to a copy of the  
10 decision on its issuance.

11 Sec. 33.16.200. WAIVER OF HEARING. A prisoner or parolee may  
12 waive a hearing provided under AS 33.16.150 or 33.16.190 by submitting a  
13 written waiver to the board.

14 Sec. 33.16.210. CONFIDENTIALITY OF RECORDS AND INFORMATION. The  
15 pre-parole reports submitted to the board are confidential and may not  
16 be disclosed to anyone other than the board, the sentencing judge, the  
17 prosecuting and defense attorneys, the prisoner and the prisoner's  
18 attorney, or others granted the right under this chapter to receive the  
19 information.

20 Sec. 33.16.220 APPEALS. A prisoner or a parolee may appeal a  
21 decision or order of the board to the superior court on the ground of  
22 arbitrariness or abuse of discretion.

23 Sec. 33.16.230. DUTIES OF THE COMMISSIONER. The commissioner shall

24 (1) conduct investigations of prisoners eligible for parole  
25 as the board requests;

26 (2) supervise the conduct of parolees and institute programs  
27 for reform and rehabilitation of parolees as the board requests;

28 (3) appoint and assign parole officers and personnel to the  
29 judicial districts in the state and to train and supervise parole offi-

1 cers and personnel;

2 (4) keep records, files and accounts as the board requests.

3 Sec. 33.16.240. ACCESS TO LAW BY PRISONERS. The commissioner  
4 shall make available at each correctional facility in the state and at  
5 each correctional facility outside the state at which a prisoner of the  
6 state is maintained a current edition of Alaska Statutes, of the Alaska  
7 Administrative Code, and of the Alaska Rules of Court.

8 Sec. 33.16.250. PAROLE OFFICERS. The commissioner may assign the  
9 duties of probation officers under AS 33.05 to parole officers appointed  
10 under AS 33.16.230(3).

11 Sec. 33.16.260. DISCHARGE OF PAROLEE. (a) The board retains  
12 legal custody of a parolee until the expiration of the maximum term or  
13 terms to which the parolee is sentenced less a good time allowance  
14 provided by AS 33.16.170 and AS 33.20.010. However, the board retains

15 legal custody of a prisoner released in accordance with AS 33.16.100(c)  
16 until the expiration of his maximum term or terms to which the prisoner  
17 was sentenced less a good time allowance provided by AS 33.16.170 and  
18 less 180 days.

19 (b) The disability imposed by AS 33.30.320 applies to a parolee as  
20 long as he is in the legal custody of the board but the disability does  
21 not deny a parolee access to the courts to protect rights he may have.

22 (c) A parolee who has been on parole for five years and who has not  
23 been charged with a felony since entering parole shall be discharged from  
24 parole and from the custody of the board. A parolee who is charged with  
25 a felony within the five years remains in the custody of the board pend-  
26 ing a final decision on the charge. If the parolee is acquitted or the  
27 charge is dismissed, the board shall discharge the parolee from custody.

28 Sec. 33.16.270. DISCRETIONARY DISCHARGE OF PAROLEE. The board may  
29 discharge a parolee from supervision and the custody of the board and  
30 from further liability under his sentence after the parolee has com-  
31 pleted two years of parole.

32 Sec. 33.16.280. RELEASE OF PRISONER TO ANSWER PROCESS. If a court  
33 of this state, another state, or the United States, or other authority

1 issues a warrant charging a prisoner with a crime, the board may release  
2 the prisoner on parole to answer the warrant.

3 Sec. 33.16.290. REVOCATION OF PAROLE. (a) The board may revoke  
4 the parole granted to a parolee for violation of a state or federal law  
5 or a condition imposed by the board under AS 33.16.180(b).

6 (b) A parolee has the right to a preliminary hearing before a  
7 single member of the board or a person authorized by the board to act as  
8 a hearing officer to determine whether probable cause exists to revoke  
9 parole. The preliminary hearing shall be held within 14 days of the  
10 arrest of the parolee on the charge of violation of a state or federal  
11 law or violation of a condition of parole. The single member of the  
12 board or the hearing officer who holds the hearing may release the  
13 parolee pending the hearing under (c) of this section.

14 (c) The parolee is entitled to a hearing before the board at the  
15 first meeting of the board held after the preliminary hearing held under  
16 (b) of this section. The parolee has the rights of a parolee under  
17 AS 33.16.150 and 33.16.190 at the hearing. The board shall issue its  
18 decision in writing and provide reasons for the decision. The parolee  
19 is entitled to a copy of the decision on its issuance.

20 (d) At a hearing under this section, the commissioner has the  
21 burden to show that parole should be revoked by clear and convincing  
22 evidence.

23 (e) If after the hearing the board determines that a violation of  
24 a condition of parole has occurred, it may revoke a portion of the  
25 parole granted, change the conditions of parole, or cancel a portion of  
26 the good time earned on parole. If the board does not revoke a portion  
27 of the parole granted, the parolee shall be released from confinement  
28 and continued on parole under terms and conditions established by the  
29 board.

1 (f) If after the hearing the board determines that a parolee has  
2 violated a state or federal law, the board may require the parolee to  
3 serve all or a part of the remainder of the term to which he was sen-  
4 tenced. In fixing the term to be served, the board shall deduct good  
5 time earned by the parolee while on parole.

6 (g) If the board revokes parole for a reason other than a  
7 violation of a state or federal law, the board may not return the  
8 parolee to confinement for a period in excess of six months.

9 (h) A parolee may waive a hearing under (b) or (c) of this section  
10 by submitting a written waiver to the board.

11 Sec. 33.16.300. ARREST OF PAROLE VIOLATOR. (a) A parolee charged  
12 with violation of a condition of his parole may be arrested only on a  
13 warrant for arrest issued by a judicial officer based on probable cause  
14 to believe that a violation of the condition of parole has occurred.

15 (b) A parolee may be arrested without a warrant for his arrest for  
16 a violation of a condition of parole only under exigent conditions which  
17 require immediate arrest.

18 Sec. 33.16.310. EXECUTION OF WARRANT FOR ARREST OF PAROLEE. (a)  
19 A parole officer or a peace officer acting at the request of a parole  
20 officer shall execute the warrant issued under AS 33.16.300 by arresting  
21 the parolee and confining the parolee in a correctional facility desig-  
22 nated by the commissioner.

23 (b) The parole officer shall immediately notify the board or a  
24 member of the board of an arrest under (a) of this section. If the  
25 arrest was without warrant, the parole officer shall immediately provide  
26 the board or a member of the board with a report in writing indicating  
27 in what manner the parolee violated a condition of his parole.

28 Sec. 33.16.320. APPLICABILITY TO PERSONS ON PAROLE OR INCARCERATED.  
29 (a) This chapter applies to all persons convicted and sentenced in the

1 superior court and the district courts of the state.

2 (b) If the appropriate officers of the United States agree, the  
3 legislature intends that this chapter also apply to persons convicted  
4 before Alaska statehood of a crime punishable under the laws of a state  
5 notwithstanding the fact that the prosecution may have been brought by  
6 the United States and the prisoners were convicted and sentenced in  
7 courts of the United States before Alaska became a state or before the  
8 Alaska state court system was in operation.

9 Sec. 33.16.330. DEFINITIONS. In this chapter

10 (1) "board" means the Board of Parole;

11 (2) "commissioner" means the commissioner of health and  
12 social services;

13 (3) "department" means the Department of Health and Social  
14 Services;

15 (4) "parole" means the release of a prisoner to the community  
16 by the board or by operation of law before the expiration of his term,  
17 subject to conditions imposed by the board and subject to its super-  
18 vision;

19 (5) "parolee" means a prisoner released to the community by  
20 the board or by operation of law.

21 \* Sec. 2. AS 44.66.010(a)(3) is amended to read:

22 (3) State Board of Parole (AS 33.16.010) [(AS 33.15.010)] --  
23 June 30, 1984 [1980];

24 \* Sec. 3. AS 33.20.040(a) is amended to read:

25 (a) A prisoner serving the term or terms for which he was  
26 sentenced less good time deductions shall be released unconditionally if  
27 there remains less than 180 days to serve under his sentence. If there  
28 remains more than 180 days to serve under his sentence a prisoner shall  
29 be released on parole under AS 33.16.100(c) [, UPON RELEASE, SHALL BE

1 CONSIDERED AS IF RELEASED ON PAROLE] ~~until the expiration of the maximum~~  
2 ~~term or term for which he was sentenced less 180 days.~~

3 \* Sec. 4. AS 33.15 is repealed.

4 \* Sec. 5. AS 33.16 enacted in sec. 1 of this Act applies to persons on  
5 parole or being considered for parole on the effective date of this Act.

6 \* Sec. 6. The terms of the members of the Board of Parole appointed under  
7 AS 33.15.010 terminate on the effective date of this Act. The governor shall  
8 appoint members to the Board of Parole established under AS 33.16.010 enacted  
9 in this Act for the following initial terms: two members for five-year terms;  
10 two members for four-year terms; one member for a three-year term; one member  
11 for a two-year term; and one member for a one-year term.

12 \* Sec. 7. This Act takes effect July 1, 1980.

I. REQUEST  
 Bill/Resolution No. House Bill 983 Page 1 of 4  
 Title An Act Relating to parole of offenders: Continuing the Parole Board  
 Requested by House Judiciary Committee at March 31, 1980

II. FISCAL DETAIL Department of Health and Social Services  
 Agency Affected Department of Health and Social Services

Program Category Affected Justice  
 BRU, Program, or Subprogram(s) Affected Parole Board

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES		27.4	29.9	32.6	34.9	37.3
200 TRAVEL		65.1	71.6	78.8	86.7	95.4
300 CONTRACTUAL		7.1	3.9	4.3	4.7	5.1
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
800 COMPENSATION		70.7	81.3	91.1	102.9	115.3
TOTAL		170.3	186.7	206.8	229.2	253.1

FUNDING (Thousands of Dollars)

GENERAL FUND		170.3	186.7	206.8	229.2	253.1
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		1	1	1	1	1
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

A. Personnel Services

An administrative assistant would be added to handle the increased paper flow, set up additional record-keeping measures, to oversee the office in the absence of the professional staff. This position is necessitated primarily by Sections .010 and .170.

(continued on page 3)

Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

Prepared by: Samuel H. Trivett Date: April 8, 1980  
 Division/Office: Parole Board PH: 465-3385  
 Department of Health & Social Services

33-001 (Rev. 12/79)  
 Modify by DHSS (11-28-79)

Approval DHSS Mgt. & Bdgt: [Signature] Date: 4/8/80

FISCAL NOTE

I. REQUEST  
 Bill/Resolution No. House Bill 983  
 Title An Act Relating to parole of offenders; Continuing the Parole Board  
 Requested by House Judiciary Committee Date March 31, 1980

II. FISCAL DETAIL Department of Health and Social Services  
 Agency Affected Justice  
 Program Category Affected Parole Board  
 BRU, Program, or Subprogram(s) Affected Parole Board  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars) FY-81

STATUTE SECTIONS	.010	.050	.080	.150	.170	.190	.290
100 PERSONAL SERVICES					27.4		
200 TRAVEL	12.8			9.6	31.0	2.7	9.0
300 CONTRACTUAL	1.5		2.0		3.6		
400 COMMODITIES							
500 EQUIPMENT							
600 LAND & STRUCTURES							
700 GRANTS, CLAIMS, ETC.							
800 COMPENSATION	16.9	23.8		5.4	12.5	1.5	10.6
TOTAL	31.2	23.8	2.0	15.0	74.5	4.2	19.6

FUNDING (Thousands of Dollars)

GENERAL FUND							
FEDERAL FUNDS							
OTHER (Specify Fund Source)							

POSITIONS

FULL TIME							
PART TIME							
TEMPORARY							

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

Prepared by: Samuel H. Trivette Date: April 8, 1980  
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33-001 (Rev. 12/79)  
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Approval DHSS Mgt. & Bdgt: \_\_\_\_\_ Date: \_\_\_\_\_  
 Page 2 of 4

... .010, Members

Included in this section are funds to cover cost of 2 additional Board members, assuming that they attend about half of all hearings; but because of their presence at hearings, they are lengthened by 12 minutes/hearings. Some additional xeroxing and more long distance phone calls for new members.

Travel and Per Diem	12,800
Contractual	1,500
Compensation	16,900
	<u>31,200</u>

C. Section .050, Compensation

The bill would provide payment to the Board members for any day they are conducting business, including the reading of files, handling board business by phone, as well as hearings.

- a) Reading reports-assume 225 cases/year X 3/4 hours per file = 23 "member days". Guess 23 X 5 members = \$11,500
- b) Phone log shows average of 30 calls/quarter to the office X 4 quarters/year = 120 calls for handling appeals, requests for special hearings, mandatory release conditions, etc. = \$12,000

D. Section .080, Responsibilities

Cost to rent meeting rooms, advertise, professional recording of hearings, to establish regulation in Alaska Administrative Code (other costs in FY-81 budget). \$2,000

E. Section .150, Release Hearings

Current statute allows the Board to conduct interviews of prisoners in the Federal Prison System by one member and then conduct a full hearing in Alaska with all members, with the interviewer presenting all information from the Federal Bureau of Prisons interview. This section requires the prisoner's presence at the hearing and these figures reflect the cost of sending two more members on the twice annual trek to the contract facilities to hold hearings on applicants.

Transportation and Per Diem	\$9,600
Compensation	5,400
	<u>\$15,000</u>

F. Section .170, Good Time

This section mandates the awarding of good time while on parole. Money is included to contract with someone to draft regulations and policy to implement this section, since standards in this area are novel to correctional agencies and no definitions or formats are available to follow. Since parolees generally have more rights than do prisoners, we anticipate establishing the same minimum due process safeguards set forth under current Division of Corrections institutional good time policies. Current Board hearings are taxed to their maximum capacity in terms of time and additional hearing times would be established between quarterly meetings to handle all good time matters (including forfeitures), and any overflow of revocations. This would require the Board to be available at all Division of Corrections Parole Offices twice yearly to handle cases in the outlying areas. Assuming only 5 members and 1 staff person, the costs would be:

Transportation and Per Diem	\$ 31,000
Compensation	12,500
Contractual regulations	3,600
	<u>\$ 47,100</u>

G. Section .190, Change in Conditions

Due to the very cumbersome nature of this section and since there is often the need for the parole officer to intervene in a case on short notice to enable the parolee to remain in the community and to protect the public, it is anticipated that in approximately 15 cases/year a parole officer will have a parolee arrested to expedite the condition change process. This will of course require an additional 15 preliminary revocation hearings.

Transportation ( 7 hearings only)	\$ 1,750
Per Diem	900
Compensation	<u>1,500</u>
	\$ 3,250

H. Section .290, Revocation Hearings

Due to the shortened time frame for preliminary hearings, anticipate rescheduling 8 hearing because of requests for continuances at the original hearings.

Transportation ( 4 hearings)	\$ 1,000
Per Diem	480
Compensation	<u>800</u>
	\$ 2,280

The "clear and convincing evidence" test will result in a representative from the District Attorney's office presenting most of the cases for the Division of Corrections, as is done in probation revocation cases now. Assume District Attorney's present in 3/4 cases (27) which will result in a doubling of those cases resulting in 14 additional "board days per year".

Per Diem	\$ 7,560
Compensation	<u>9,800</u>
	\$17,360

Original sponsor: Judiciary Committee

Offered: 4/21/80  
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2

CS FOR HOUSE BILL NO. 983

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

ELEVENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to parole of offenders; continuing the

7

Board of Parole; and providing for an effective date."

8

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

9

\* Section 1. AS 33 is amended by adding a new chapter to read:

10

CHAPTER 16. PAROLE ADMINISTRATION.

11

Sec. 33.16.010. BOARD OF PAROLE. (a) There is in the Department of Health and Social Services a Board of Parole consisting of seven members appointed by the governor subject to confirmation by a majority of the members of the legislature in joint session.

15

(b) Members of the board serve for staggered terms of five years and until their successors are appointed and qualified. A vacancy on the board shall be filled for the unexpired term.

18

(c) The governor shall designate the presiding officer of the board.

20

Sec. 33.16.020. NOMINATIONS. The governor shall seek nominations for board members from civic, professional, and ethnic organizations in the state and shall make appointments to the board with due regard for representation on the board of the sexual, ethnic, racial, and cultural populations of the state.

26

Sec. 33.16.030. SELECTION CRITERIA FOR BOARD MEMBERS. (a) The governor shall appoint board members on the basis of their qualifications to make decisions that are compatible with the welfare of the community and of individual offenders. The governor shall appoint board members who are able to consider the character and background of

29

1 offenders and the circumstances under which offenses were committed.

2 (b) At least one person appointed to the board shall have ex-  
3 perience in the field of criminal justice, psychology, or human rela-  
4 tions.

5 (c) Officers or employees of the department may not be appointed  
6 to the board.

7 Sec. 33.16.040. REMOVAL OF MEMBERS. (a) The governor may remove  
8 a board member only for disability, inefficiency, neglect of duty, or  
9 malfeasance in office.

10 (b) Removal of a board member is initiated by delivering to the  
11 board member a written statement of the charges against the board member  
12 and by giving the board member an opportunity to be heard in person or  
13 through counsel at a public hearing in defense of the charges. The  
14 hearing shall be before the governor or his designee. The time fixed  
15 for the hearing may not be less than 10 days after the statement is  
16 delivered to the board member. At the hearing the board member has the  
17 right of confrontation and cross-examination of the witnesses who  
18 testify.

19 (c) The removal of a board member is effective 15 days after a  
20 statement of the charges made against the board member and the findings  
21 on those charges are filed by the governor in the main office of the  
22 board. However, the board member may appeal the findings of the gover-  
23 nor or his designee to the superior court. The court shall limit its  
24 review to a determination of whether the findings of the governor or his  
25 designee are substantiated by the evidence presented. The removal of  
26 the board member is suspended while an appeal from the findings of the  
27 governor or his designee is pending.

28 Sec. 33.16.050. COMPENSATION AND EXPENSES. (a) A board member is  
29 entitled to compensation of \$100 per day for each day he is concerned

1 with the business of the board and is also entitled to the per diem and  
2 travel allowances provided by law for other boards and commissions.

3 (b) The governor shall adjust the compensation in (a) of this  
4 section to compensate the board members for changes in the cost of  
5 living as reflected in the consumer price index for Anchorage, Alaska.

6 Sec. 33.16.060. MEETINGS OF THE BOARD. (a) The board may meet as  
7 often as it considers necessary to consider its responsibilities. The  
8 board shall meet no less than four times a year.

9 (b) Four members of the board constitute a quorum for the conduct  
10 of business.

11 (c) Decisions and orders of the board require the votes of a  
12 majority of the members present and in no case less than the votes of  
13 three members.

14 Sec. 33.16.070. PROCESS. The board or a member of the board may  
15 issue subpoenas and subpoenas duces tecum.

16 Sec. 33.16.080. RESPONSIBILITIES OF THE BOARD. (a) The board  
17 shall

18 (1) serve as the parole authority for the state;

19 (2) consider the suitability for parole of all prisoners  
20 serving sentences who are eligible for consideration for parole, unless  
21 a prisoner waives consideration of parole;

22 (3) discharge a person from parole when supervision is no  
23 longer required;

24 (4) maintain records of the meetings and proceedings of the  
25 board;

26 (5) adopt standards which shall apply fairly to all prisoners  
27 for determining when a prisoner should be considered for and receive  
28 parole;

29 (6) recommend to the legislature changes in the laws ad-

1 ministered by the board;

2 (7) recommend to the commissioner changes in the practices of  
3 the department and of other departments of the executive branch;

4 (8) execute other responsibilities prescribed by law.

5 (b) The board shall adopt regulations under the Administrative  
6 Procedure Act (AS 44.62)

7 (1) establishing the standards which shall apply fairly to  
8 all prisoners under which the suitability of a prisoner for parole will  
9 be decided; and

10 (2) providing for the supervision of parolees and for recom-  
11 mitment of parolees.

12 Sec. 33.16.090. EXECUTIVE DIRECTOR. The board shall hire an  
13 executive director who has training and experience in the field of  
14 probation and parole. The executive director shall serve as the execu-  
15 tive officer for the board in the accomplishment of its functions. He  
16 shall serve at the pleasure of the board. The executive director shall  
17 employ the staff of the board.

18 Sec. 33.16.100. ELIGIBILITY FOR PAROLE. (a) A state prisoner  
19 other than a juvenile delinquent, wherever confined, who is serving a  
20 definite term of over 180 days or a term the minimum of which is at  
21 least 181 days and who is not imprisoned in accordance with AS 12.55.-  
22 125(c)(1), (c)(2), (c)(3), (d)(1), (d)(2), (e)(1), or (e)(2), whose  
23 record shows that he has observed the rules of the institution in which  
24 he is confined, may, in the discretion of the board, be released on  
25 parole subject to AS 33.16.110 and 33.16.120(b).

26 (b) A state prisoner imprisoned in accordance with AS 12.55.125(a)  
27 or (b) may not be released on parole until he has served at least the  
28 prescribed minimum term of imprisonment.

29 (c) Any state prisoner, including a state prisoner imprisoned in

1 accordance with AS 12.55.125(c)(1), (c)(2), (c)(3), (d)(1), (d)(2),  
2 (e)(1), or (e)(2), who is released under AS 33.20.030 shall be placed on  
3 parole for the period specified in the certificate of deduction, subject  
4 to written conditions imposed by the board.

5 Sec. 33.16.110. FIXING ELIGIBILITY FOR PAROLE AT TIME OF SEN-  
6 TENCING. When in its opinion justice and the best interests of the  
7 public require that a defendant be sentenced to imprisonment for a term  
8 exceeding one year, the court having jurisdiction to impose sentence,  
9 upon entering a judgment of conviction, may designate in the sentence of  
10 imprisonment a term at the expiration of which the prisoner is eligible  
11 for parole. The term shall be at least one-third of the period of  
12 confinement imposed by the court or the minimum term prescribed in  
13 AS 12.25.125, whichever is greater.

14 Sec. 33.16.120. GRANTING OF PAROLE. (a) The board may authorize  
15 the release of a prisoner on parole if it determines that

16 (1) the prisoner eligible for parole will, in reasonable  
17 probability, live and remain at liberty without violating the laws or  
18 without violating the conditions imposed by the board; and

19 (2) his release on parole is not incompatible with the wel-  
20 fare of society.

21 (b) A prisoner may not be released on parole until the prisoner  
22 has served at least one-third of the period of confinement to which he  
23 was sentenced.

24 Sec. 33.16.130. SUITABILITY FOR PAROLE. In determining whether a  
25 prisoner is suitable for parole, the board shall consider

26 (1) the presentence report made to the sentencing court;

27 (2) the recommendations made by the sentencing court, by the  
28 prosecuting attorney, by the defense attorney, and any statement made by  
29 the prisoner at sentencing;