

LEG. FINANCE - BILLS 1979 - 1980 1207

HB 983 cont., thru HB 987 1207

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.

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

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

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

28 Sec. 33.16.280. RELEASE OF PRISONER TO ANSWER PROCESS. If a court
29 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 terms 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.

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POSITION PAPER
COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 983

Committee Substitute for House Bill 983 presents many positive changes in the current Parole Board statute including:

- a. Five year terms for Board members as recommended by the Commission on Accreditation for Corrections and other professional organizations.
- b. Statutorily sets the compensation of Board members at \$100/day and provides for a raise with the consumer price index in Anchorage.
- c. Requires the Board to recommend statutory changes to the Legislature.
- d. Requires the Board to maintain standards for the release of offenders.
- e. Requires the Board to recommend to the Commissioner changes in practices of the Department and of other departments of the executive branch, as they relate to the Parole Board.
- f. Requires the Board's regulations to be promulgated pursuant to the Alaska Administrative Code.
- g. Requires the Commissioner to make copies of Parole Board regulations, statutes and rules of the court available to all Alaska offenders wherever incarcerated.
- h. Defines statutorily the bases for the appeal of Board decisions.
- i. Allows the Board to discharge parolees from supervision after two years as recommended by the Corrections Masterplan consultants and other professional corrections organizations.
- j. Establishes statutorily the bases for the removal of Parole Board members.

The changes listed in sections a), b), d), f), g), and i) above are supported by the Commission on Accreditation for Corrections and by the Alaska Corrections Masterplan consultants. The changes in sections c) and e) would enhance the mutual planning and cooperation of criminal justice agencies in the State. The changes in sections f), g), and h) would enable the public to be more informed of the operation of the Board and hopefully provide the Board with more input from the public.

"LEGISLATIVE PAROLE"

Section .100 of CSHB 983 was essentially taken from the current parole statute requiring that all offenders imprisoned under the new presumptive sentencing scheme, be released on "parole" for each day of good time earned. All persons subject to the presumptive scheme are either at least second felony offenders or have committed a crime with a weapon, and are serving substantial sentences. Due to an apparent drafting error, subsection (c) was changed and now reads that any offender earning any good time in an institution is released on "parole" for all the good time earned. For example, a person convicted of drunk driving and given a 10 day sentence would earn two days of good time and would be on supervision and subject to revocation for those two days. The bill as written would probably double the number of "paroles" each year and subject these people to revocation; this would require more revocation hearings and more bed space in our correctional facilities (see fiscal note). Removing the first four words in subsection (c) would return this section to the current wording of the statute, and I believe this was the House Judiciary Committee's intent.

"PAROLEE RIGHTS"

Sections .150, .190, .290, .300 of CSHB 983 provide specific rights to offenders and parolees that exceed those set forth by any court or any other probation or parole agency throughout the country. Examples of these rights are;

- a. Right to remain silent is hearings not relating to the 5th amendment right against self-incrimination.
- b. Right to have copies of all information in the offender/parolee's file, a minimum of 30 days in advance of any hearing.
- c. Right to cross-examine any witnesses even at non-revocation hearings.
- d. Issuance of parole warrants by judicial officers instead of Board members or the Board.
- e. A requirement that the Commissioner prove by "clear and convincing evidence" rather than "preponderance of the evidence" that a parolee has violated the terms of his release. "Preponderance" is used in all other jurisdictions outside Alaska for probation and parole revocations.

Some of these provisions could prove to be a detriment to the parolee in many cases, and to the general public in others. For example, the bill gives offenders a right to have copies of all information considered by the Board a minimum of 30 days in advance of any kind of parole hearing. Since information is frequently not available even to the Board more than a week in advance, it appears likely that many cases would have to be continued to the next regularly scheduled Board hearing, which would mean an additional 90 day delay. This delay would not be in the best interest of the offenders. Section .150 of CSHB 983 also allows the offender a copy of all mental health records. Controversy surrounds the release of these records and many clinicians and therapists are opposed to the release of patient records without benefit of medical interpretation. Considerable expense and staff time would be saved by providing a summary of the information in the file rather than providing copies of all information in the file (average about 200 pages/file). This summary would give the offender all pertinent information considered by the Board.

GOOD TIME PROVISIONS

Section .170 of CSHB 983 requires parolees be given good time for good behavior while on parole, but this good time earned is subject to forfeiture by the Board. The positive effect would be to release parolees from supervision after serving about 3/4 of their parole time, assuming their behavior on parole was without problems. The fiscal note assumes that parolees would be granted the same due process protections that have been mandated by the court in the awarding and forfeiture of good time for prisoners. Satisfying the due process requirements will necessitate many additional hearings by the Board, and a whole new area of policy and procedure will have to be developed for parole good time. Parole officers will have to be trained, they will be required to keep good time records on each parolee, and submit additional reports to the Board for its consideration. Additional problems occur when our interstate parolees being supervised in other states are not available to the Board for hearings on removal of good time, necessitating additional travel. Although the concept of parole good time is laudable, we recommend a more simple and less costly solution for the earlier release of parolees from supervision. We believe that the Board should be given the authority to release parolees from supervision after 1 year of good behavior rather than the 2 years listed in Section .270 of this bill, and that the good time provision in the bill be removed.

PAROLE CONDITIONS

Section .180 of CSHB 983 does not allow the Board to impose as a condition of parole that a parolee not associate with

certain individuals, such as victims of the crime, codefendants, and other former crime partners, probationers and parolees. This deprives the Board the tools needed to help the parolee stay away from those that may again involve him in criminal activity and to protect victims from possible harrassment and harm by parolees. Other special conditions sometimes imposed by the Board, such as making restitution to a victim, are not allowed by the bill. The bill allows the Board to impose a condition of parole that a parolee not enter any bar (used only in the case of severe alcohol'cs) but requires that the Board stipulate each and every bar the parolee can not enter. The inability of the Board to individualize conditions of release to the offender and his crime will probably result in fewer paroles in marginal cases, since release would violate the section of the statute relating to consideration of the welfare of the community.

MODIFYING CONDITIONS OF PAROLE

Section .190 of CSHB 983 requires 30 days written notice before a parole condition can be changed. This section will serverly limit the ability of the Board and the Division of Corrections to deal effectively with parolee's problems when they arise. For example, a parolee with a history of alcohol abuse and violence begins drinking and assaults a family member. In this situation, the Board may wish to establish additional conditions (such as receiving alcohol counseling and treatment and testing for alcohol use) in order to avoid future incidents of violent behavior. However, CSHB 983 would require a delay of 30 days after the parolee is given the notice of intent to change the conditions of parole, which would be to the detriment of the parolee, his family, and the community. The problem may become so severe in the 30 day percent that revocation of parole would then be the only viable option. Currently, conditions of release are discussed with each parolee at his release hearing so he knows what he must do. Board policy allows the parolee to appeal a condition of parole at anytime during the period of parole. New conditions are imposed after release on parole only when circumstances arise after release requiring the immediate intervention of the Board or the parole officer. The 30 day requirement of this section would probably result in the arrest of parolees when problems arise since the Board would have lost the ability to deal flexibly and creatively with the parolee in the community setting.

DISCHARGE OF PAROLE

Section .260 of CSHB 983 requires that parolees be discharged from supervision automatically after five years on parole. The only exception would be if the parolee had been charged with a felony offense while on parole. We agree with this

section, but would recommend an additional phrase be inserted in line 19, "or has not violated parole by absconding supervision". The same reasoning here applies as in Section .290, that absconders should be treated differently than other "technical violations". Without this clause added, a parolee could abscond supervision the date of his release, and as long as he was able to avoid detection for a period of five years, he would suffer no liability. The Board is not in a position to monitor the behavior or assist the parolee in any way if regular contact is not maintained with his parole officer. Although the State of Alaska's "absconder rate" is extremely low now, we expect it would increase substantially if this clause is not inserted into the bill.

REVOCATION OF PAROLE

Section .290 of CSHB 983 restricts the Board from returning a parole violator to jail for more than six months unless he is found guilty of violating a state or federal law. In most cases this would seem appropriate for "technical violations". However, people that "abscond" parole in which their whereabouts are unknown should be treated differently than other technical violators because we do not know where they are or what they are doing. Alaska's "absconder rate" is less than half of the national average, probably because the Board has taken a strong stand in dealing with absconders. Allowing the Board to return an absconder to jail for a maximum of six months would probably strongly encourage parolees with marginal adjustment to leave the jurisdiction to avoid reincarceration. It would be poor State policy to encourage running away from problems. A minor amendment to this section inserting the words "or violates parole by absconding" on line 7 of page 12, would alleviate this problem.

Section.290 also requires that the Commissioner prove by "clear and convincing evidence" that a parolee has violated the terms of his parole. This is a higher standard of proof than the courts have adopted in probation and parole revocation cases in Alaska. It is higher than the standard adopted by any other court or paroling agency in this country. A possible effect is that the Board will become more conservative in its parole release decision-making in order to avoid protracted litigation later, resulting in fewer offenders being paroled. It will probably require twice the amount of time now being spent on revocation hearings.

PAROLE ARREST WARRANTS

Section .300 of CSHB 983 requires that an arrest warrant for a parolee violating conditions of release be obtained from a judicial officer. This requirement will unnecessarily tax the already overburdened judicial system. The additional

paperwork required from parole officers to secure a judicial would increase their workload and the Alaska Supreme Court has already said this is an unnecessary burden on the parole officers. Having a judicial officer issue warrants will not provide any increased protection of a parolee's rights than the issuance of a warrant by the Board would provide. There is some concern the Board might not parole some marginal offenders if it loses control over parolees once they are released. The Board members are applying the procedures set forth by the U.S. Supreme Court decision in Morrissey v Brewer as they have been since the decision was rendered in 1973. It is standard procedure in all other states to have a warrant issued by the Board or member of the Board.

ADDITIONAL BURDEN ON THE BOARD

Of major concern to the Department would be the increase in "Board member days" spent on Parole Board business as a result of this bill. With the responsibilities outlined in CSHB 983, the average number of days spent by each Board member on Board business will increase from the current 45 to 60 days per year, to a minimum of 136 to 151 days per year. Considering there are 251 work days in a year, being a Parole Board member would be at least a half time job. It is doubtful with the additional workload imposed by the bill whether the Governor would be able to recruit sufficient concerned, qualified and willing citizens to devote the additional time necessary to carry out the Board's functions. A full time Board would probably become a necessity due to the increased workload mandated by CSHB 983.

Due to the significant changes, need to recruit new members, hire and train new staff, and need to develop new policies and procedures and regulations as the result of Sections .010, .020, .030, .100, .150, .170, .190, .260, .290 and .300, the Department recommends the effective date of the bill be made January 1, 1981, rather than the July 1, 1980 date. This will allow the Department sufficient lead time to implement CSHB 983 according to the intent of the Legislature.

In summary, CSHB 983 provides many positive and necessary changes to the Parole Board statute. There is a need to make some technical revisions to the bill and to amend some sections that are cumbersome and detrimental to offenders. These changes would not be difficult because of the work already done by the House Judiciary and the Department this legislative session.

RECOMMENDATION OF THE DEPARTMENT

It is recommended that the Department support passage of this bill if the sections are amended in accordance with the suggestions outlined in this position paper.

Recommended by: Samuel H. Trivette Date 5/9/80
Samuel H. Trivette
Executive Director

Approved by: Helen D. Beirne Date 5/13/80
Helen D. Beirne, Commissioner
Department of Health & Social Services

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

Parole

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

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IN THE LEGISLATURE OF THE STATE OF ALASKA

4

ELEVENTH LEGISLATURE - SECOND SESSION

5

A BILL

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

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

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

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CHAPTER 16. PAROLE ADMINISTRATION.

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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.

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(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.

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

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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.

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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

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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;

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.

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

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

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

28 Sec. 33.16.280. RELEASE OF PRISONER TO ANSWER PROCESS. If a court
29 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) Stat: 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 terms 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.

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS HB 983

Title An Act Relating to parole of offenders; Continuing the Parole Board

Requested by House Judiciary Committee

Date April 21, 1980

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		50.1	54.6	59.5	63.7	68.2
200 TRAVEL		73.8	84.9	97.6	107.4	118.1
300 CONTRACTUAL		64.1	69.2	74.8	80.8	87.3
400 COMMODITIES		1.6	1.7	1.9	2.1	2.3
500 EQUIPMENT		3.7				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
800 COMPENSATION		106.3	122.2	136.9	150.6	165.7
TOTAL		299.6	332.6	370.7	404.6	441.6

FUNDING (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
GENERAL FUND		299.6	332.6	370.7	404.6	441.6
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
FULL TIME		2	2	2	2	2
PART TIME						
TEMPORARY						

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

SEE ATTACHED CONTINUATION SHEETS

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

Prepared by Samuel H. Trivette Date: April 21, 1980
 Division/Office: Parole Board PH: 465-3385
 Department of Health & Social Services

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

Approval DISS Mgt. & Bdgt: [Signature] Date: 4/24/80

FISCAL NOTE

p. 1

I. REQUEST
 Bill/Resolution No. CS HB 983
 Title An Act Relating to parole of offenders; Continuing the Parole Board
 Requested by House Judiciary Committee Date April 21, 1980

II. FISCAL DETAIL Department of Health and Social Services
 Agency Affected
 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-81

SECTIONS	Overall Costs	.010	.020/.030	.050	.080	.100
100 PERSONAL SERVICES						22.8
200 TRAVEL		14.0	2.8			9.3
300 CONTRACTUAL	30.0	1.5			8.0	2.3
400 COMMODITIES						.6
500 EQUIPMENT						1.6
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
800 COMPENSATION		22.5		28.1		16.6
TOTAL	30.0	38.0	2.8	28.1	8.0	53.2

FUNDING (Thousands of Dollars)

GENERAL FUND	30.0	38.0	2.8	28.1	8.0	53.2
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						1
PART TIME						
TEMPORARY						

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

Original: Legislative Finance Prepared by: Samuel H. Trivett Date: April 21, 1980
 cc: Budget and Management Division/Office: Parole Board PH: 465-3385
 Prime Sponsor (First Legislator Named) Department of Health & Social Services

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. CS HB 983
 Title An Act Relating to parole of offenders; Continuing the Parole Board
 Requested by House Judiciary Committee Date April 21, 1980

II. FISCAL DETAIL Department of Health and Social Services
 Agency Affected Justice
 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-81

SECTIONS	.150	.170	.190	.290	TOTALS
100 PERSONAL SERVICES		27.3			50.1
200 TRAVEL	13.1	22.8	2.7	9.1	73.8
300 CONTRACTUAL		22.3			64.1
400 COMMODITIES		1.0			1.6
500 EQUIPMENT		2.1			3.7
600 LAND & STRUCTURES					
700 GRANTS, CLAIMS, ETC.					
800 COMPENSATION	14.5	12.5	1.5	10.6	106.3
TOTAL	27.6	88.0	4.2	19.7	299.6

FUNDING (Thousands of Dollars)

GENERAL FUND	27.6	88.0	4.2	19.7	299.6
FEDERAL FUNDS					
OTHER (Specify Fund Source)					

POSITIONS

FULL TIME		1			2
PART TIME					
TEMPORARY					

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

Original: Legislative Finance Prepared by: Samuel H. Trivette Date: April 21, 1980
 cc: Budget and Management Division/Office: Parole Board PH: 465-3385
 Prime Sponsor (First Legislator Named) Department of Health & Social Services

33-001 (Rev. 12/79)

Approval DHSS Mgt. & Bdgt: _____ Date: _____

Modify by DHSS (11-28-79)

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 zeroing and more long distance phone calls for new members.

Travel and Per Diem	14.0
Contractual	1.5
Compensation	22.5
	<u>38.0</u>

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 1 day trip to 1 location to do final interviews and train on member responsibilities.

Travel	2.8
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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
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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 suites. 6.0

Total	8.0
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E. Section .100, Eligibility

This section requires that all offenders released from jail with any good time be placed on parole for each day of good time earned. Assume that the system will not deal with those having less than 30 days good time, and that the system already deals with those with sentences in excess of 2 years. Therefore the population of concern are those with sentences of 120 days to 2 years. There were 175 in this category in 1976, so assume 200 in FY-81, of which 25 would probably be released through parole, leaving us with 175 additional "parolees". Revocation rate for current parolees is 25%, but assume only 15% of the 175 will be arrested for violations, due to shorter supervision time. This would add 26 more preliminary revocation hearings and 20 more final revocation hearings. The additional paper flow, opening and closing of files (this will double the number of "parolees") and handling revocations will require one additional Clerk IV position. A desk, chair, typewriter, and supplies must be purchased. There is no space available in the Board office or in the Health and Social Services Building so office space will have to be leased. (Space cost here only for room for the Clerk IV - see Section .170 for related costs).

Clerk IV	22.8
Travel	9.3
Contractual	2.3
Commodities	.6
Equipment	1.6
Compensation	16.6
	<u>53.2</u>

F. 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.

Travel	9.6
Compensation	5.4

This section 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, and therefore some hearings will have to be reheard again. 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

G. 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	22.8
Compensation	12.5
Contractual (regulations)	3.6

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 and 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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II. 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

I. Section .290, Revocation Hearings

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 will be present in 3/4 cases (27) which will result in a doubling in the length of the hearing time in those cases resulting in 14 additional "board days per year".

Per Diem	7.6
Compensation	9.8

Due to the 30 day requirement for information to be dispursed to parolees before preliminary hearings, anticipate rescheduling 8 hearings because of requests for continuances at the original hearings.

Per Diem and Transportation	1.5
Compensation	.8
Total Per Diem & Transportation	9.1
Total Compensation	10.6

J. 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 minimally be required to handle the tasks. The Department has been unable to meet our current data needs and I am sure the additional work will be outside their capabilities, and this is why we would propose to contract for the services.

Contractual	30.0
-------------	------

K. Assumption for FY 82 Through FY 85

- a) Personnel = 9% in FY 82 and FY 83; 7% thereafter.
- b) Travel = 15% in FY 82 and FY 83; 10% thereafter.
- c) Compensation = Consumer Price Index will increase by 15% in FY 82; 12% in FY 83; 10% in FY 84 and FY 85.
- d) Contractual = 8%.
- e) Commodities = 8%.

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS House Bill No. 983

Title "An Act relating to parole of offenders and continuing the Board of Parole."

Requested by House Judiciary Committee

Date April 21, 1980

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services

Program Category Affected Justice

BRU, Program, or Subprogram(s) affected Adult Confinement & Probation/Community Programs

(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		562.3	612.9	668.0	728.2	793.7
200 TRAVEL		36.5	39.8	43.4	47.3	51.5
300 CONTRACTUAL		224.3	339.9	474.6	517.3	563.9
400 COMMODITIES		11.0	12.0	13.1	14.2	15.5
500 EQUIPMENT		19.7	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		853.8	1004.6	1199.1	1307.0	1424.6

FUNDING (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
GENERAL FUND		853.8	1004.6	1199.1	1307.0	1424.6
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
FULL TIME		17	17	17	17	17
PART TIME						
TEMPORARY						

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

A. 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 restriction 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.

$$15 \times 60 \times \$31.26 = \$30,831$$

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

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

Prepared by: Roger C. Lange Date: 04/23/80
Division/Office: Corrections PH: 465-3376
Department of Health & Social Services

2. The provisions of this bill restricts the imposition of non-association with convicted felons or victims as parole conditions. Therefore, a number of persons who would otherwise be paroled will remain in custody. It is estimated that 7 individuals would not be released from custody each fiscal year to a maximum of twenty-one (21) persons.

FY 1981:	7 x 365 x \$34.26 =	\$ 87,534
FY 1982:	14 x 365 x \$37.31 =	190,807
FY 1983:	21 x 365 x \$40.70 =	311,966
FY 1984:	21 x 365 x \$44.37 =	340,096
FY 1985:	21 x 365 x \$48.36 =	370,679

(9% annual increase of the daily rate)

3. Reference to treatment in the bill will result in mandatory provision of services within the correctional centers. The Board of Parole will not release any persons who are a "risk" for committing a subsequent illegal act.

- a. Most court-ordered treatment is for alcohol and drug abuse-related offenders. One additional counselor position (Probation Officer II) for eight of the nine correctional centers will be required (Anchorage Annex omitted).

Eight position posts:

Personal Services	\$ 278,200
Travel	4,000
Contractual	8,300
Commodities	5,100
Equipment	<u>7,600</u>
TOTAL	303,200

- b. Some court-ordered treatment will have to be purchased from resources in the local community where the correctional center is located. There is no valid methodology to compute this need, so \$50,000 for FY 1981 is included as a "best guess."

4. The bill specifies that inmates will have available copies of all materials considered by the Board of Parole. There are approximately 300 cases per year which are considered by the Board of Parole. It is estimated that each file contains 200 pages of documentation, which would take an average of two (2) years to duplicate at \$0.05 per page. The cost, therefore, would be:

Clerical time costs (at time and one-half):
 $300 \times 2 \times \$12.14 = \$ 7,285$

Duplicating costs:
 $300 \times 200 \times \$0.05 = \underline{3,000}$
 \$10,285

B. Probation and Community Programs

1. The provision for "good time" for parolees will require an additional workload increment for the probation/parole staff. A monthly computation of "good time" will be required. It is estimated that 600 reports will have to be written annually. Appearances by the supervisory probation officer at the "good time" hearings will be necessary (600 appearances). Approximately 68 reports will have to be written for early release cases. The manpower needed to accomplish the above itemized tasks is four (4) Probation Officer II's and one (1) Clerk Typist III.

Position costs (average):

Personal Services	\$ 155,900
Travel	15,000
Contractual	21,000
Commodities	3,300
Equipment	<u>6,700</u>
TOTAL	\$ 201,900

2. Section 100 C requires that all offenders released from custody with any "good time" must be on parole for the duration of the "good time" earned. The additional persons requiring supervision cannot be absorbed by the existing probation staff. It is estimated that two (2) full-time Probation Officer II's would be required to supervise the approximate 175 offenders which are released annually. The period of supervision will range from 1 to 180 days, as offenders released under current law with more than 180 days of "good time" require supervision. One Probation Officer III would be required to supervise the six (6) Probation Officer II's identified, and one additional Clerk-Typist would be required to type the heavy volume of reports generated by probation officers.

Personal Services	\$120,900
Travel	10,000
Contractural	16,400
Commodities	2,600
Equipment	<u>5,400</u>
TOTAL	\$155,300

- C. Except for cost specified for A-2 above, a cost of living index of 9% is applied to all fiscal years over the preceding fiscal year estimates.

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS House Bill No. 993 (Page 1 of 3)
Title "An Act relating to parole of offenders and continuing the Board of Parole."
Requested by House Judiciary Committee Date April 21, 1980

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services
Program Category Affected Justice
BRU, Program, or Subprogram(s) Affected Adult Confinement & Probation/Community Programs
(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		562.3	612.9	668.0	728.2	793.7
200 TRAVFL		36.5	39.8	43.4	47.3	51.5
300 CONTRACTUAL		224.3	339.9	474.6	517.3	563.9
400 COMMODITIES		11.0	12.0	13.1	14.2	15.5
500 EQUIPMENT		19.7	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		853.8	1004.6	1199.1	1307.0	1424.6

FUNDING (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
GENERAL FUND		853.8	1004.6	1199.1	1307.0	1424.6
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
FULL TIME		17	17	17	17	17
PART TIME						
TEMPORARY						

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

A.. 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.

1. The restriction 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.

$15 \times 60 \times \$34.26 = \$30,834$
 . Related Travel $15 \times \$500 = \$7,500$

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

Prepared by: Roger C. Lange Date: 04/23/80
Division/Office: Corrections PH: 465-3376
Department of Health & Social Services

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(9% annual increase of the daily rate)

3. Reference to treatment in the bill will result in mandatory provision of services within the correctional centers. The Board of Parole will not release any persons who are a "risk" for committing a subsequent illegal act.

- a. Most court-ordered treatment is for alcohol and drug abuse-related offenders. One additional counselor position (Probation Officer II) for eight of the nine correctional centers will be required (Anchorage Annex omitted).

Eight position posts:

Personal Services	\$ 278,200
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- b. Some court-ordered treatment will have to be purchased from resources in the local community where the correctional center is located. There is no valid methodology to compute this need, so \$50,000 for FY 1981 is included as a "best guess."

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TOTAL	\$155,300

- C. Except for cost specified for A-2 above, a cost of living index of 9% is applied to all fiscal years over the preceding fiscal year estimates.

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS HB 983 (Page 1 of 7)
Title An Act Relating to parole of offenders; Continuing the Parole Board
Requested by House Judiciary Committee Date April 21, 1980

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		50.1	54.6	59.5	63.7	68.2
200 TRAVEL		73.8	84.9	97.6	107.4	118.1
300 CONTRACTUAL		64.1	69.2	74.8	80.8	87.3
400 COMMODITIES		1.6	1.7	1.9	2.1	2.3
500 EQUIPMENT		3.7				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
800 COMPENSATION		106.3	122.2	136.9	150.6	165.7
TOTAL		299.6	332.6	370.7	404.6	441.6

FUNDING (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
GENERAL FUND		299.6	332.6	370.7	404.6	441.6
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
FULL TIME		2	2	2	2	2
PART TIME						
TEMPORARY						

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

SEE ATTACHED CONTINUATION SHEETS

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

Prepared by Samuel H. Trivette Date: April 21, 1980
Division/Office: Parole Board PH: 465-3385
Department of Health & Social Services

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS HB 983
 Title An Act Relating to parole of offenders; Continuing the Parole Board
 Requested by House Judiciary Committee Date April 21, 1980

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-81

SECTIONS	Overall Costs	.010	.020/.030	.050	.080	.100	
100 PERSONAL SERVICES						22.8	
200 TRAVEL		14.0	2.8			9.3	
300 CONTRACTUAL	30.0	1.5			8.0	2.3	
400 COMMODITIES						.6	
500 EQUIPMENT						1.6	
600 LAND & STRUCTURES							
700 GRANTS, CLAIMS, ETC.							
800 COMPENSATION		22.5		22.1		16.6	
TOTAL		30.0	38.0	2.8	28.1	8.0	53.2

FUNDING (Thousands of Dollars)

GENERAL FUND	30.0	38.0	2.8	28.1	8.0	53.2
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						1
PART TIME						
TEMPORARY						

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

Original: Legislative Finance Prepared by: Samuel H. Trivett Date: April 21, 1980
 cc: Budget and Management Division/Office: Parole Board PH: 465-3385
 Prime Sponsor (First Legislator Named) Department of Health & Social Services

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS HB 983

Title An Act Relating to parole of offenders; Continuing the Parole Board

Requested by House Judiciary Committee

Date April 21, 1980

II. FISCAL DETAIL

Department of Health and Social Services

Agency Affected Justice

Program Category Affected Parole Board

BRU, Program, or Subprogram(s) Affected

(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

SECTIONS	.150	.170	.190	.290	TOTALS
100 PERSONAL SERVICES		27.3			50.1
200 TRAVEL	13.1	22.8	2.7	9.1	73.8
300 CONTRACTUAL		22.3			64.1
400 COMMODITIES		1.0			1.6
500 EQUIPMENT		2.1			3.7
600 LAND & STRUCTURES					
700 GRANTS, CLAIMS, ETC.					
800 COMPENSATION	14.5	12.5	1.5	10.6	106.3
TOTAL	27.6	88.0	4.2	19.7	299.6

FUNDING (Thousands of Dollars)

GENERAL FUND	27.6	88.0	4.2	19.7	299.6
FEDERAL FUNDS					
OTHER (Specify Fund Source)					

POSITIONS

FULL TIME		1			2
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 21, 1980

Division/Office: Parole Board

Department of Health & Social Services

PH: 465-3385

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 zeroxing and more long distance phone calls for new members.

Travel and Per Diem	14.0
Contractual	1.5
Compensation	22.5
	<u>38.0</u>

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 1 day trip to 1 location to do final interviews and train on member responsibilities.

Travel	2.8
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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
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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 suites. 6.0

Total	8.0
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E. Section .100, Eligibility

This section requires that all offenders released from jail with any good time be placed on parole for each day of good time earned. Assume that the system will not deal with those having less than 30 days good time, and that the system already deals with those with sentences in excess of 2 years. Therefore the population of concern are those with sentences of 120 days to 2 years. There were 175 in this category in 1976, so assume 200 in FY-81, of which 25 would probably be released through parole, leaving us with 175 additional "parolees". Revocation rate for current parolees is 25%, but assume only 15% of the 175 will be arrested for violations, due to shorter supervision time. This would add 26 more preliminary revocation hearings and 20 more final revocation hearings. The additional paper flow, opening and closing of files (this will double the number of "parolees") and handling revocations will require one additional Clerk IV position. A desk, chair, typewriter, and supplies must be purchased. There is no space available in the Board office or in the Health and Social Services Building so office space will have to be leased. (Space cost here only for room for the Clerk IV - see Section .170 for related costs).

Clerk IV	22.8
Travel	9.3
Contractual	2.3
Commodities	.6
Equipment	1.6
Compensation	16.6
	53.2

F. 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.

Travel	9.6
Compensation	5.4

This section 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, and therefore some hearings will have to be reheard again. 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

G. 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	22.8
Compensation	12.5
Contractual (regulations)	3.6

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 and 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
-------------	------

H. 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

I. Section .290, Revocation Hearings

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 will be present in 3/4 cases (27) which will result in a doubling in the length of the hearing time in those cases resulting in 14 additional "board days per year".

Per Diem	7.6
Compensation	9.8

Due to the 30 day requirement for information to be dispursed to parolees before preliminary hearings, anticipate rescheduling 8 hearings because of requests for continuances at the original hearings.

Per Diem and Transportation	1.5
Compensation	.8
Total Per Diem & Transportation	9.1
Total Compensation	10.6

J. 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 minimally be required to handle the tasks. The Department has been unable to meet our current data needs and I am sure the additional work will be outside their capabilities, and this is why we would propose to contract for the services.

Contractual	30.0
-------------	------

K. Assumption for FY 82 Through FY 85

- a) Personnel = 9% in FY 82 and FY 83; 7% thereafter.
- b) Travel = 15% in FY 82 and FY 83; 10% thereafter.
- c) Compensation = Consumer Price Index will increase by 15% in FY 82; 12% in FY 83; 10% in FY 84 and FY 85.
- d) Contractual = 8%.
- e) Commodities = 8%.

Introduced: 3/31/80
Referred: Judiciary

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2

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.

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(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.

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

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21 for board members from civic and ethnic organizations in the state and
22 shall make appointments to the board with due regard for representation
23 on the board of the ethnic, racial, and cultural populations of the
24 state.

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26 governor shall appoint board members on the basis of their qualifica-
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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.

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3 perience in the field of criminal justice, psychology, or human rela-
4 tions.

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10 (b) Removal of a board member is initiated by delivering to the
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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
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27 governor or his designee is pending.

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29 entitled to compensation of \$100 per day for each day he is concerned

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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.

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22 (3) discharge a person from prison when supervision within
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24 (4) maintain records of the meetings and proceedings of the
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27 soner should be considered for and receive parole;

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

1 (7) recommend to the commissioner changes in the practices of
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3 (b) The board shall adopt regulations under the Administrative
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5 (1) establishing the standards under which the suitability of
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15 Sec. 33.16.100. ELIGIBILITY FOR PAROLE. (a) A state prisoner
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19 125(c)(1), (c)(2), (c)(3) (d)(1), (d)(2), (e)(1), or (e)(2), whose
20 record shows that he has observed the rules of the institution in which
21 he is confined, may, in the discretion of the board, be released on
22 parole subject to AS 33.16.110 and 33.16.120(b).

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

26 (c) A state prisoner imprisoned in accordance with AS 12.55.125-
27 (c)(1), (c)(2), (c)(3), (d)(1), (d)(2), (e)(1), or (e)(2) who is released
28 under AS 33.20.030 shall be placed on parole for the period specified in
29 the certificate of deduction, subject to written rules and conditions

1 imposed by the board or his parole officer.

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

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

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

15 (2) his release on parole is not incompatible with the welfare
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19 was sentenced.

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21 prisoner is suitable for parole, the board shall consider

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23 (2) the recommendations made by the sentencing court, by the
24 prosecuting attorney, by the defense attorney, and any statement made by
25 the prisoner at sentencing;

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

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

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

3 (6) physical, mental, and psychiatric examinations of the
4 prisoner;

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

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

9 Sec. 33.16.140. LACK OF TREATMENT. The board may not deny parole
10 to a prisoner otherwise eligible for parole on the ground that necessary
11 or desirable treatment was not available to the prisoner at the correc-
12 tional facility to which the prisoner was assigned by the department.

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

17 (b) The prisoner shall be permitted to have a copy of all infor-
18 mation and records which will be considered by the board no l than 30
19 days before the hearing. The prisoner has a right to enter written
20 responses to all information and records which will be considered by the
21 board.

22 (c) The prisoner has a right to be present at the hearing, to
23 present evidence on his behalf, to cross-examine witnesses who testify
24 against him, and to remain silent.

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

28 Sec. 33.16.160. ORDER FOR PAROLE. The board shall furnish to each
29 person released under its supervision an order for parole. The order for

1 parole shall contain the conditions imposed by the board for parole and
2 the date that the parole supervision expires. The order for parole does
3 not take effect until it is accepted and signed by the parolee.

4 Sec. 33.16.170. COMPUTATION OF GOOD TIME WHILE ON PAROLE. A
5 person released from confinement under AS 33.16.120 or under AS 33.-
6 20.040 is entitled to a deduction from the term of parole of one day for
7 every three days of good conduct while on parole. Good time earned
8 while on parole is subject to forfeiture by the board if a violation of
9 a condition of parole occurs during parole.

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

13 (b) The board may require as a condition of parole under AS 33.-
14 16.160 that a parolee accept the requirements that he

- 15 (1) meet his family obligations;
- 16 (2) apply himself to employment, education, training, or
17 subsistence;
- 18 (3) remain within stated geographic limits unless granted
19 written permission from his parole officer to depart from the stated
20 limits;
- 21 (4) report on release to his parole officer;
- 22 (5) report at regular intervals to his parole officer;
- 23 (6) reside at a stated place and notify the parole officer of
4 a change in his place of residence;
- 25 (7) have in his possession no dangerous firearm or dangerous
26 weapon unless granted permission in writing by his parole officer;
- 27 (8) refrain from consuming alcoholic beverages;
- 28 (9) refrain from possessing or consuming illegal drugs;
- 29 (10) submit to searches and seizures conducted reasonably by a

1 parole officer or by a peace officer acting under direction of a parole
2 officer.

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

8 (b) The parolee shall be permitted to have a copy of all infor-
9 mation and records which will be considered by the board no less than 30
10 days before the hearing. The parolee has a right to enter written
11 responses to all information and records which will be considered by the
12 board.

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

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

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

22 Sec. 33.16.210. CONFIDENTIALITY OF RECORDS AND INFORMATION. The
23 pre-parole reports submitted to the board are confidential and may not
24 be disclosed to anyone other than the board, the sentencing judge, the
25 prosecuting and defense attorneys, or others granted the right under
26 this chapter to receive the information.

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

1 Sec. 33.16.230. DUTIES OF THE COMMISSIONER. The commissioner
2 shall

3 (1) conduct investigations of prisoners eligible for parole
4 as the board requests;

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

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

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

11 Sec. 33.16.240. ACCESS TO LAW BY PRISONERS. The commissioner
12 shall make available at each correctional facility in the state and at
13 each correctional facility outside the state at which a prisoner of the
14 state is maintained a current edition of Alaska Statutes and of the
15 regulations of the board.

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

19 Sec. 33.16.260. DISCHARGE OF PAROLEE. (a) The board retains
20 legal custody of a parolee until the expiration of the maximum term or
21 terms to which the parolee is sentenced less a good time allowance
22 provided by AS 33.16.170.

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

26 (c) A parolee who has been on parole for five years and who has
27 not been convicted of or charged with a felony since entering parole
28 shall be discharged from parole and from the custody of the board.

29 Sec. 33.16.270. DISCRETIONARY DISCHARGE OF PAROLEE. The board may

1 discharge a parolee from supervision and the custody of the board and
2 from further liability under his sentence after the parolee has com-
3 pleted two years of parole.

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

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

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

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

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

27 (e) If after the hearing the board determines that a violation of
28 a condition of parole has occurred, it may revoke a portion of the
29 parole granted, change the conditions of parole, or cancel a portion of

1 the good time earned on parole. If the board does not revoke a portion
2 of the parole granted, the parolee shall be released from confinement
3 and continued on parole under terms and conditions established by the
4 board.

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

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

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

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

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

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

27 (b) The parole officer shall immediately notify the board or a
28 member of the board of an arrest under (a) of this section. If the
29 arrest was without warrant, the parole officer shall immediately provide

1 the board or a member of the board with a report in writing indicating
2 in what manner the parolee violated a condition of his parole.

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

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

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

13 Sec. 33.16.330. DEFINITIONS. In this chapter

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

15 (2) "commissioner" means the commissioner of health and
16 social services;

17 (3) "department" means the Department of Health and Social
18 Services;

19 (4) "parole" means the release of a prisoner to the community
20 by the board before the expiration of his term, subject to conditions
21 imposed by the board and subject to its supervision;

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

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

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

27 * Sec. 3. AS 33.16 enacted in sec. 1 of this Act applies to persons on
28 parole or being considered for parole on the effective date of this Act.

29 * Sec. 4. The terms of the members of the Board of Parole appointed under

1 AS 33.15.010 terminate on the effective date of this Act. The governor shall
2 appoint members to the Board of Parole established under AS 33.16.010 enacted
3 in this Act for the following initial terms: two members for five-year terms;
4 two members for four-year terms; one member for a three-year term; one member
5 for a two-year term; and one member for a one-year term.

6 * Sec. 5. AS 33.15 is repealed.

7 * Sec. 6. This Act takes effect July 1, 1980.

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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:

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17 right of confrontation and cross-examination of the witnesses who
18 testify.

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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
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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).

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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.

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6 TENCING. When in its opinion justice and the best interests of the
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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.

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15 the release of a prisoner on parole if it determines that

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18 without violating the conditions imposed by the board; and

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12 able.

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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.

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

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

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

28 Sec. 33.16.280. RELEASE OF PRISONER TO ANSWER PROCESS. If a court
29 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 terms 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.

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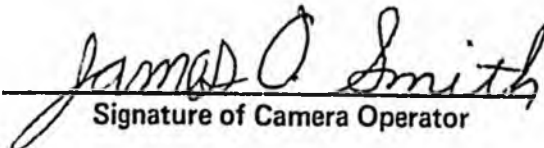
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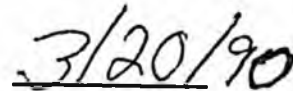


RECORDS CERTIFICATION



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.


Signature of Camera Operator


Date

Introduced: 4/2/80
Referred: Finance

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 HOUSE BILL NO. 987

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act providing for the issuance of general obliga-
7 tion bonds in the amount of \$300,000,000 for the pur-
8 pose of guaranteeing revenue bonds issued by munici-
9 palities for port facilities as provided in AS 30.15.-
10 140(b)(3); and providing for an effective date."

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

12 * Section 1. For the purpose of guaranteeing revenue bonds issued by
13 municipalities for port facilities as provided in AS 30.15.140(b)(3), general
14 obligation bonds of the state in the principal amount of not more than
15 \$300,000,000 shall be issued and sold. The full faith, credit and resources
16 of the state are pledged to the payment of the principal of and interest and
17 redemption premium, if any, on these bonds. These bonds shall be issued
18 under the provisions of AS 37.15 as those provisions read at the time of
19 issuance.

20 * Sec. 2. (a) If the issuance of these bonds is authorized by the
21 qualified voters of the state, a special fund of the state to be known as the
22 "Port Facilities Revenue Bond Guarantee Fund" shall be established, to which
23 shall be credited the proceeds of the sale of the bonds described in sec. 1
24 of this Act except for the accrued interest and premiums.

25 (b) The amount of \$300,000,000 is appropriated from the "Port Facili-
26 ties Revenue Bond Guarantee Fund" to the Alaska Port Authority (AS 30.15.100)
27 to be used for guaranteeing revenue bonds issued by municipalities for port
28 facilities.

29 * Sec. 3. If the issuance of these bonds is authorized by the qualified

1 voters of the state, the amount of \$1,050,000 or as much of that amount as is
2 found necessary is appropriated from the general fund of the state to the
3 state bond committee to carry out the provisions of this Act and to pay
4 expenses incident to the sale and issuance of the bonds authorized in this
5 Act. The amounts expended from the appropriation authorized by this section
6 shall be reimbursed to the general fund from the proceeds of the sale of the
7 bonds authorized by this Act.

8 * Sec. 4. The amount withdrawn from the public facility planning fund for
9 the purpose of advance planning for the improvements financed under this Act
10 shall be reimbursed to the fund from the proceeds of the sale of bonds autho-
11 rized by this Act.

12 * Sec. 5. The question whether the bonds authorized in this Act are to be
13 issued shall be submitted to the qualified voters of the state at the next
14 general election and shall read substantially as follows:

15 Proposition

16 State General Obligation Port Facilities Revenue

17 Bond Guarantee Bonds \$300,000,000

18 Shall the State of Alaska issue its general obligation bonds
19 in the principal amount of not more than \$300,000,000 for the
20 purpose of guaranteeing revenue bonds issued by municipalities
21 for port facilities as provided in AS 30.15.140(b)(3)?

22 Bonds Yes []

23 Bonds No []

24 * Sec. 6. This Act takes effect immediately in accordance with AS 01.10.-
25 070(c).

26
27
28
29

(11)

COMMITTEE REPORT

HOUSE

4/2/80

FURTHER:

Date: _____

Mr. Speaker:

The Committee on FINANCE has had HB 987

"An Act providing for the issuance of general obligation bonds in the amount of \$300,000,000 for the purpose of guaranteeing revenue bonds issued by municipalities for port facilities as provided in AS 30.15.140(b)(3); 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 _____ 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:

CHAIRMAN

8139
Vassar

Introduced: 4/2/80
Referred: Finance

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 HOUSE BILL NO. 987

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

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16 of the state are pledged to the payment of the principal of and interest and
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18 under the provisions of AS 37.15 as those provisions read at the time of
19 issuance.

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21 qualified voters of the state, a special fund of the state to be known as the
22 "Port Facilities Revenue Bond Guarantee Fund" shall be established, to which
23 shall be credited the proceeds of the sale of the bonds described in sec. 1
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26 ties Revenue Bond Guarantee Fund" to the Alaska Port Authority (AS 30.15.100)
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HB 987

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4 expenses incident to the sale and issuance of the bonds authorized in this
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14 general election and shall read substantially as follows:

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19 in the principal amount of not more than \$300,000,000 for the
20 purpose of guaranteeing revenue bonds issued by municipalities
21 for port facilities as provided in AS 30.15.140(b)(3)?

22 Bonds Yes []

23 Bonds No []

24 * Sec. 6. This Act takes effect immediately in accordance with AS 01.10.-
25 070(c).

ALASKA STATE LEGISLATURE

ELEVENTH Legislature SECOND... Session

HOUSE BILL..... NO. 987...

By THE RESOURCES COMMITTEE...

"An Act providing for the issuance of general obligation bonds in the amount of \$300,000,000 for the purpose of guaranteeing revenue bonds issued by municipalities for port facilities as provided in AS 30.15.-140(h) (3); and providing for an effective date."

GO bonds, guaranteeing rev bonds issued by municipalities for port facilities

Introduced in the House ... 4/2....., 19...80

HISTORY IN THE HOUSE

1980		Read first time and referred to Committee on Finance																												
Apr	2	Reported back with recommendation that																												
		Read second time and																												
		Read third time and																												
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HISTORY IN THE SENATE

19		Read first time and referred to Committee on																												
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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 Lt. Governor
		Chapter No.