

ALASKA LEGISLATURE COMMITTEE FILES 1981 - 1982 86/2

1505 SHESS SB 325 - SB 327

105

This is why I believe that the home visit format that includes observing the child and educating the parents is vital to the effectiveness of the program.

The referral service that the Infant Learning Program provides is also very beneficial. We were informed of things such as the March of Dimes Clinics, Child Development Services and the Crippled Children's Fund.

By the time this legislation is passed and goes into effect, my daughter will no longer be eligible for this program. I am not here today because it will benefit me. In fact I am turning down work in order to be here. I am here because I believe in the Infant Learning Program. There are and always will be infants throughout Alaska who need this service.

I cannot stress enough how important it is that these infants receive service. It is amazing the difference this early intervention can make in the eventual abilities and productiveness of these children. The money spent now is minimal compared to what it may cost the state later if these children are not given help.

I am not only asking you to vote yes on the passage of the Infant Learning Program, but I am also asking you to encourage other senators to do so also. It is important to the people of Alaska, to me, and especially to all those special little people out there who need your help.

By Nancy!

Introduced: 3/24/81
Referred: Health, Education &
Social Services and Finance

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 SENATE BILL NO. 325

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the education of certain excep-
7 tional children; and providing for an effective date."

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

9 * Section 1. AS 47.20.005 is amended to read:

10 Sec. 47.20.005. PURPOSE. It is the purpose of AS 47.20.005 -
11 47.20.050 to provide appropriate public education and training for the
12 exceptional children in this state who have not reached the age of
13 three. To the maximum extent possible, the department shall establish
14 a learning program which emphasizes individual needs, is home based or
15 center based, and involves parents in the education and training of
16 their children.

17 * Sec. 2. AS 47.20.010(b) is amended to read:

18 (b) The program established under (a) of this section shall
19 emphasize individual needs and, where possible, be home based or center
20 based, and involve parents in the education and training of their
21 children.

22 * Sec. 3. AS 47.20.050 is amended by adding a new paragraph to read:

23 (9) "center based" means based at a facility or specific
24 location used for a learning program for the education and training of
25 exceptional children where parents can attend classes with their chil-
26 dren.

27 * Sec. 4. This Act takes effect July 1, 1981.

← shall?

28

SB 325 and SB 326 relate to Infant Stimulation Programs, of which there are 17 in the State of Alaska with grant applications on file with H&SS. The children targeted through this program are mentally retarded, developmentally disabled and physically handicapped, under the age of three.

Any handicapping condition, identified early, can be vastly improved by mental and physical stimulation of the child in the early years--before bad habits are learned that would later require much education to un-learn. Another advantage of the Infant Program is that parents are heavily involved in working with their children. Not only do they receive support in the stressful situation of accepting the child's impairment, but they share in the educational component while learning skills they can carry into the home. Most of the programs operating in Alaska are home-based; that is, the staff travel to each home and work individually with each family unit. Admittedly, these programs are expensive, but they will reduce the amount of Special Education needed in the schools and develop a basis of learning-responsibility in the home which will produce a working individual. Most people have no experience with the handicapped, are afraid of it, and will tend to ask very little of the child thinking very little is possible. A learning program eliminates these beliefs and sets up structure in the family that will maximize the child's potential.

The reason for the appropriation bill is that the Governor cut the funds drastically from the H&SS budget request. The amount now approved would fund little more than one of the existing programs. Although Infant Programs are in existence all over the country, they are only now developing in Alaska, where they are even more vital in view of the isolation of much of the population and the high alcoholism rate here.

January 14, 1981

Ms. Pat Myers, MSW
Executive Director
Fairbanks Chapter of the
Alaska Crippled Children and Adults
1020 Barnette Street
Fairbanks, Alaska 99701

Dear Ms. Myers:

I have received your letter of January 9 and have already asked my Administrative Assistant (Rochelle Weller) to start investigating it with Dr. Spence.

The Fairbanks Delegation will be meeting tomorrow to discuss requests for funding which we have received, and I will bring up your request at that meeting. If additional information is required, we will certainly ask for it.

Sincerely,

Charles H. Parr

CHP:vc

The Fairbanks Chapter of the

Alaska Crippled Children and Adults

1020 Barnette St. Fairbanks, Alaska 99701
Telephone 456-4884

January 9, 1981

Senator Charles Parr
State Capitol
Pouch V
Juneau, Alaska 99811

Dear Senator Parr:

We appreciate the time you spent talking with us about our Infant Learning Program for handicapped infants, ages 0-3, in early December. We have met with most of the other Fairbanks legislators and are quite pleased with the overall response. Per the request of yourself as well as the other legislators, we are enclosing a brief description of our request, program description etc. Please note particularly the problem of limitations on center based programming as perceived by us with the current legislation. We neglected to discuss this with you but did cover this with the other legislators.

We will keep in touch and wish you a successful year in the legislator.

Sincerely,


Pat Myers, MSW
Executive Director

PM:smh

encl.

1020 Barnette Street
Fairbanks, Alaska
456-4884

LEGISLATIVE INFORMATION FOR FAIRBANKS
INFANT LEARNING PROGRAM

JANUARY 1981

REQUEST

1. Funding of \$249,892 is needed to provide Infant Learning Services (occupational, speech, and physical therapies; special education; counselling; and nursing consultation) to 90-100 handicapped infants, ages 0-3, and their families in the greater Fairbanks area, Nenana, and Delta. RESEARCH demonstrates the COST EFFECTIVENESS of such services with handicapped children and that this early intervention reduces the effects of a handicapping condition and CAN DO IT BETTER AND MORE RAPIDLY THAN LATER INTERVENTION.
2. We request your consideration of an expansion of the existing legislation in Chapter 77, Section 1, AS 47.20.005 and Section 2, AS 47.20.010 (see attached legislation) to give equal emphasis to both home based AND center based program components. The current legislation emphasizes home based. We have found that both home based and center based are necessary in order to provide the most effective service to the children (page 2 gives more information on center based programming and how it interfaces with home based).

METHOD OF FUNDING

We would prefer to be funded through the existing funding mechanism with the Division of Social Services, Family Health Section, provided that (1) sufficient funds are available for us to maintain our current level of service and program quality and (2) both home based and center based program components are funded. If these two conditions are not possible through the Division of Social Services, we would then opt to be considered for a special appropriation. It should be noted that the Infant Learning Grants through the Division of Social Services are two year grants this time.

PROGRAM DESCRIPTION

The Infant Learning Program in Fairbanks is an early intervention program for handicapped children from birth to three years of age. Individualized programs are developed for each child by a team of professionals (an Occupational Therapist, a Physical Therapist, a Speech Therapist, a Special Education Teacher, a Parent-Child Coordinator for counselling services, and an overall Project Coordinator who also gives direct service). The program is taught to the parents in the home and/or in the developmental preschool, the mode of delivery depending on the needs of the child. Our program is in its fourth year and was funded by a federal grant for the first three years and by a special appropriation last year as state funds available for Fairbanks were expected to be only 25% of our need.

NEED

Based on national statistics of 2% of all children under age 15 in need of specialized services such as those offered by our program and an estimated population of 55,000 in Fairbanks, possibly 237 children under age 3 could need our services. In addition to this, there are the children in Nenana and Delta who need service.

Since July 1, 1980, we have provided services to 63 children and anticipate assisting a total of 75-80 children and their families for the fiscal year, July 1, 1980 to June 30, 1981. As our program has become established and known in the community and with the development of our referral base, our numbers have increased from 20 children served for the first year to the expected 75 for this year (approximately a 400% increase). With this trend, it is anticipated that between 90 and 100 children will be served for the next fiscal year July 1, 1981 to June 30, 1982.

INFANT LEARNING PROGRAM RATIONALE

Early Infant Learning Programs SAVE TAXPAYERS DOLLARS and are extremely important in helping children reach their potential. Much Infant Learning research has been done recently, and this research is quite supportive of both the cost effectiveness and productivity of the programs. The article "A Rationale for Early Intervention" by Kay Walker¹ quite effectively summarizes many of the relevant points from the research as follows:

- (1) The first few years of a child's life (frequently narrowed to the first two or three) are most instrumental in helping a child reach his potential (Bell, 1972; Bloom, 1964; Schaefer, 1970; White, 1975).
- (2) Early education significantly reduced the number of children assigned to special education classes. This, obviously, can reduce special education costs.²
- (3) Early education has been found to reduce the number of students held back one or more grades. Every additional year spent by a child in school is extra cost to the taxpayer; conversely, a reduction in the number of years is a savings to the taxpayer.³
- (4) Thus, the cost benefit ratio of early intervention tend to make it more economical than later intervention (Hayden and McGinnes 1977).
- (5) The children from all types of programs (home based, center based, and a combination home-center-based) surpassed their controls on the Stanford-Binet, (Lazar, et al., 1977, p. 13).⁴
- (6) Early infant assistance is infinitely more crucial with the handicapped or developmentally delayed child.
- (7) Studies show that there may be critical periods for the development of each skill and that these periods may occur during the first three years of life (Hayden and McGinnes 1977).
- (8) In addition, all systems of the body are interrelated; failure to remediate a handicap may multiply its effects in other areas and produce other handicaps. The problems tend to become progressive and the child's development becomes worse with respect to other children as he grows (Hayden and McGinnes 1977).
- (9) Parents need support in developing good parenting behavior with a handicapped child before patterns become established (Hayden and McGinnes 1977).

In our Infant Learning Program, approximately 20% of our "graduates" do not require continuing special education services. With serial testing using the Alpern-Boll Developmental Profile, 40% have made substantial gains. In addition, 23% have made significant improvements.

1 Kay Walker, "A Rationale for Early Intervention", Views: An Early Childhood Special Education Newsletter by Eastern Montana College, Volume I, Number 1, (Fall 1980).

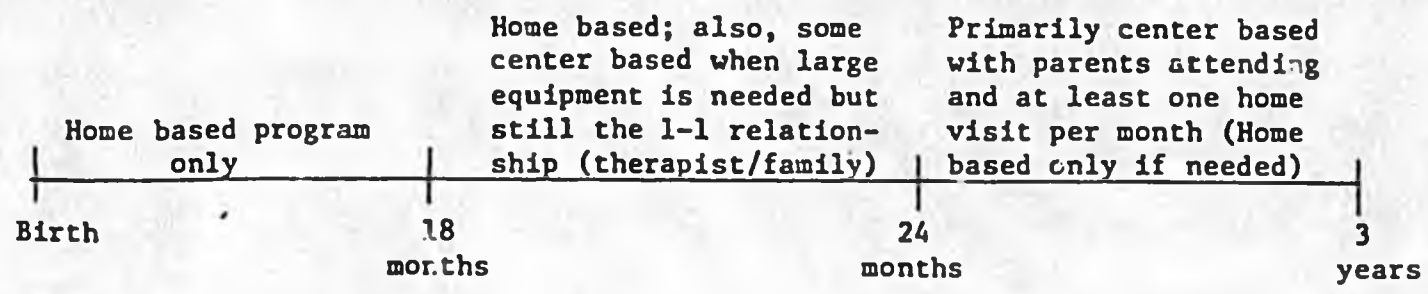
2 A study of 14 early childhood programs by the Education Commission of the State and the Office of Human Development Services of the Department of Health, Education, and Welfare.

3 Ibid.

4 Ibid.

RATIONALE FOR CENTER BASED PROGRAM COMPONENT

Basically, service is offered on a continuum:



Benefits of center based program at age 2:

1. More service is given per service dollar--general educational programming and direct therapy (speech, physical, and occupational) are available in the preschool.
2. Parents become involved with other parents and other handicapped children.
3. Learning situations are reinforced from child to child in the group environment.
4. Referrals for children with social and behavioral difficulties need to be remediated in the group environment.
5. Socialization and language is reinforced among teacher, child, and parent.
6. The development of gross motor skills often requires a large physical set-up such as provided in the developmental preschool and specialized equipment which can't be transported to the home.

BUDGET NARRATIVE

PROPOSED BUDGET:

Salaries & Fringes (DOE)

(All staff work 12 months as program is year around)

Agency Director	\$ 12,587
Project Coordinator/Speech Therapist (full-time)	35,533
Occupational Therapist (full-time)	27,022
Physical Therapist (full-time)	27,022
Parent/Child Coordinator/home based nurse (part-time)	16,257
Preschool Teacher (full-time)	29,126
Secretary (full-time)	19,800
2 Teacher Aides (part-time)	21,780
Fringes	27,401

Transportation for home based	5,000
Supplies	4,000
Rent for Preschool	5,000
Telephone	500
Postage	250
Consultant Fees	1,000
Continuing Education	3,000
Miscellaneous	1,000

TOTAL \$249,892

This year's current budget is \$188,800 with the expectation that we would provide service to 60-65 children and their families. However, with the year less than half gone, service has already been given to 63 children.

The following accounts for the increase to \$249,892:

- (1) Staff raises of approximately 10% which increases the fringe benefits.
- (2) Increase in secretarial time from half to full time. One half time secretary was not enough to serve our Infant Learning staff of eight.
- (3) Increase from 3/4 time to full time for both the physical and occupational therapists. There has been quite an upsurge in referrals under age one which all require a home based program. This requires more staff time.
- (4) We anticipate service to 20% more children next year than in the current year (75 this year and 90 next year).

Also of note is the in-kind contribution of \$7,900 from the agency. In addition, office space is provided free by the agency. Most of the \$249,892 is for direct service to the infants and their families.



LAWS OF ALASKA

1978

Source

CSHB 548 (Finance) am S

Chapter No.

77

AN ACT

Relating to the education of exceptional children; and providing for an effective date.

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

* Section 1. AS 47.20 is amended by adding a new section to read:

Sec. 47.20.005. PURPOSE. It is the purpose of secs. 5 - 50 of this chapter to provide appropriate public education and training for the exceptional children in this state who have not reached the age of three. To the maximum extent possible, the department shall establish a learning program which emphasizes individual needs, in home based, and involves parents in the education and training of their children.

* Sec. 2. AS 47.20.010 is amended to read:

Sec. 47.20.010. ASSISTANCE AUTHORIZED. (a) The Department of Health and Social Services shall provide professional guidance and financial assistance to organized groups of parents, nonprofit corporations, school districts, and regional educational attendance areas according to standards and regulations adopted by the department for providing special services, evaluation and special training required by exceptional children.

(b) The program established under (a) of this section shall emphasize individual needs and, where possible, be home based and involve parents in the education and training of their children.

* Sec. 3. AS 47.20.020 is amended to read:

Sec. 47.20.020. STANDARDS FOR ASSISTANCE. The department shall assist organized parental groups, school

Chapter 77

districts, regional educational attendance areas, and nonprofit corporations which have requested assistance and have arranged for the necessary facilities and equipment for training centers for exceptional children.

* Sec. 4. AS 47.20.050(1) is amended to read:

(1) "exceptional children" includes those children who have not reached the age of three and whose development is significantly delayed due to mental retardation, physical, neurological, or emotional handicap;

* Sec. 5. AS 47.20.050 is amended by adding new paragraphs to read:

(7) "professional guidance" means the consultative services or other medical and educational specialists developed by the department for the education and training of exceptional children;

(8) "department" means the Department of Health and Social Services.

* Sec. 6. AS 47.20.030, 47.20.040 and 47.20.050(3) and (6) are repealed.

* Sec. 7. This Act takes effect July 1, 1978.

SB 325 file

Bill will aid handicapped

Early intervention needed, local expert indicates

By Empire Staff

The biggest hurdle facing handicapped children is not their disease or affliction but complacency on the part of adults who fail to take steps which would enable the children to become productive members of their communities, according to the director of a local pre-school.

"Early intervention is needed by handicapped children to provide experiences they can benefit from," said Kay Bills, director of the St. Jude Center. "They can be productive citizens and not a drain on society if they're not stymied in their early years."

Bills is trying to get parents

of handicapped children and others organized to pressure lawmakers on legislation for funding what is called early intervention programs for the handicapped.

Most people know little about the programs or the needs of the handicapped, which makes her efforts especially tough, she said.

"We can't even get a hearing date on one of the bills because when we talk to senators they don't know anything about it," Bills said.

The bill to which she referred (SB 326) would restore funds slashed from the Department of Health and Social Service's budget for the Juneau Infant Learning Program. The

program targets handicapped children during the first three years of their lives, which Bills says are by far the most crucial in determining the kind of lives the handicapped will lead.

"The first three years is when we learn most of our information. The brain is very active before and after birth, and the skills learned during this time and ways of relating to others set an important foundation," Bills said.

Too often parents and doctors are complacent about handicapped children, apparently thinking the child will grow out of the condition or it will go away, she said. Sadly that is not the case, and valuable time is lost, she added.

"Early prevention is the key" when dealing with handicapped children, she said.

Bills said she wants parents of handicapped children to learn what they can about pending legislation and take time to lobby for programs which she says can help their children. Besides the Infant Learning Program, Bills said the Legislature is considering a bill (HB 449) which would provide operating funds for special education programs in public schools.

Bills also said she is encouraging parents or anyone else interested in the legislation to call her at St. Jude's to get particulars on the bills and the names of legislators to lobby.

Testimony from Norma Stichick - Coordinator Infant Learning Program
Bethel, AK 99559

To: Senator Charlie Parr - Infant Stimulation Appropriation - SB 326
Section of Family Health & Social Services Budget

Attention: Nancy Deitrich

There are 57 villages in YKDR Service-Unit plus the City of Bethel. The PATCH - ILP services the city of Bethel plus many villages as funding allows. This has meant no more than 15 villages during any one year.

Between 78-79 (representing those children 3 years old or less) there were a total of 847 live births to Delta mothers. Of these, 50 were high risk, premature births. All of those children qualify for infant stimulation. However, these figures do not represent other handicapping conditions in the 0-3 age range. Using conservative figure of 10% (1970 Bureau of Education for Handicapped) as many as 85 children each year need services. Ages 0-3 would be 250.

Between FY 80 and 81 the ILP serviced 41 children out of 53 referrals representing a total of 21 different villages on the Delta. There is no other program servicing handicapped children in the 0-3 age group and we are only servicing one third of potential high risk and handicapped population of infants in the YKDR service Unit. The proposed increase in the Infant Stimulation Budget is indeed needed.

Patten 507
Freeman 515
Adams 503
Bucholdt 503
Carney 415
Malone 413
Mass 126
Rogers 513
Suga 521
Montgomery 501

Katz.
Card.
Seward
McMullen

Bennett 525
Daywood 522
Hansen B 211
Ferguson 117
Sackett 514
Hinson 516
Jurgulewicz 508

Juneau	Per. SA.
Ketch.	Kenai
Peters.	Kodiak
Sitka	Mat-Su
Anch.	Bethel
Chugach	Barrow
Tan Chiefs	Nome
	Dillingham
	FBKS

Center for handicapped children may close its doors

Continued from Page A-1

It's difficult to stay with these children 24 hours a day, the parents said. Because of the Respite program, one mother said, "My husband and I took our first vacation in nine years."

Another woman said it allowed her to go to her father's funeral.

Now they're worried about the lack of day care because most centers don't have facilities for handicapped children.

"It will be a real lack," state day care license official Michelle Decker said. "There are few centers now who would take them. They're just not qualified to handle handicapped kids."

Louise Lanier has two children with Downes syndrome. Her son attends Denali Elementary School and her daughter is in the mainstream program at Orion.

"We're in the military," she said. "We don't have relatives to draw on."

"This is the only program we have, and it's excellent. I don't blame regular day-care programs that don't take handicapped kids."

"But I'll tell you, it sure makes me mad that the legislature can appropriate money for a sled dog race but not for this."

ADC has apparently been in financial difficulties since its inception in October 1979.

"It's been under funded and mismanaged," the chairman of ADC's board of directors, Les Reynolds, said. "But the people that started that agency undertook something no one else would."

"We had it made until we got our monies redlined (during the last state budget session). In all fairness, the state and municipality have problems, too. Everybody is calling wolf so they figure we're calling wolf."

Spence said he believes the doors will close Saturday. With \$250,000 needed to pay debts and operating expenses through June, she said the center will be effectively bankrupt if the state or municipality don't come through with funds.

ADC officials went to the

legislature and the municipality beginning in mid-February.

Members of the legislature are concerned about setting a precedent for bailing out companies in financial trouble.

As Gifford — aide to state Sen. Ed Dankworth, R-Anchorage — said: "If we start making special allowances for one, how can we refuse anyone?"

Dankworth, as well as state Sen. Arliss Sturgulewski, R-Anchorage, and state Rep. Sam Cotten, D-Eagle River, have been looking into funding for the center, but the wheels of the legislature turn slowly.

When contacted by The Daily News Wednesday, Madison said that the municipality does not have funds for the program, and if it did, the center has been so poorly mismanaged he could not in good conscience give those funds.

Later Wednesday, the mayor scheduled a meeting between municipal officials and members of the ADC board to discuss the possibility of providing money until the legislature could act. According to Madison, the municipality could offer \$25,000-\$30,000 if ADC believes it can work out its financial troubles.

Facility for impaired children may close

By SAFIAH MOTT
Daily News reporter

The state's only day-care program for mentally and physically handicapped children may close its doors Saturday after a long battle with financial mismanagement and government budget cutting.

Unless funds for the Alaska Developmental Center for Exceptional Children are appropriated from the legislature or the municipality, programs affecting 150 to 200 families will cease at 10 p.m. Saturday, officials said Wednesday.

Wrestling with a day-care program that can't make ends meet and another state-funded program operating at a deficit, the center is more than \$100,000 in debt, legislative aide Max Gifford said.

The municipality, in an attempt to provide interim funds for the center, could offer oper-

ating costs for another 30 days, Municipal Press Officer Kathy Madison said, but she added municipal officials and ADC members have not yet met to discuss the issue.

Irate parents and some of their children have planned a sit-in to protest the situation in front of Sullivan's office today, beginning about 9 a.m., according to Carol Scott, chairman of a special education advisory commission for the Anchorage school district.

Lauded by parents and professionals alike, ADC operates a daycare center for handicapped and normal children and an infant-care program.

The center's third program, called Respite, is a state-funded service providing trained 24-hour care for handicapped children. Called Respite because it is designed to give parents a break from their children, it

serves 90 families in the Anchorage area.

In an attempt to charge comparable day care rates while providing trained personnel, the center couldn't keep up, acting director Peggy Spence said.

"What are we going to do," said one mother in disbelief. "It just leaves us out in the cold."

Mary O'Brien balanced her 22-month-old daughter on her shoulder and shook her head.

"I've had cancer and part of my hand amputated," she said. "I have a child blinded and with cerebral palsy, and my husband works out of town. We don't have the money to pay people \$4 an hour to stay with her."

"And now they're trying to close the center on me. I don't know what I'm going to do."

See Back Page. CENTER



Anchorage Daily News / Amy Bennett

O'Brien rocks her daughter, Mave, who is blind and has cerebral palsy. The O'Briens have used the center since shortly after Mave was born.

11

LA11 1692 11.21 JA01 0020 11.21 03/12/81

TO: SEN. PARR & HESS COMMITTEE
REP. CLOCKSIN & HESS COMMITTEE

FROM: DEANNA ESSERT
6262 W. DIMORD
ANCHORAGE, AK 99502
243-1894

I AM A PARENT OF AN AUTISTIC CHILD AND A RESIDENT OF ALASKA SINCE 1963. I FIND IT INCREDIBLE THAT ALASKA DEVELOPMENTAL CENTER FOR EXCEPTIONAL CHILDREN CAN NOT BE FUNDED TO RELIEVE ITS INDEBTNESS AND MAINTAIN PRESENT SERVICE. AS A PARENT OF A HANDICAPPED CHILD, I FIND IT IMPOSSIBLE TO FIND A DAY CARE CENTER OR A PRIVATE BABY SITTER WHO WILL CARE FOR MY CHILD ON A LONG TERM BASES. I NOTE THAT FUNDING IS AVAILABLE FOR PARENTS OF THE NON-HANDICAP CHILD WHO ARE IN NEED OF RESPIRE BECAUSE THERE IS A THREAT OF CHILD ABUSE.

Leg. Comm. Meeting - Wed. Night
Gov's Council. 7:00-10:00

DAVE SPENCE 3-13

Bill Ray Center

Enrollment March 1 - 165 statewide

need 1/2 million / yr.

suff. population to have prog.

0-6 mos - 2

Katzebue

6-12 22

Cordova

12-18 43

Seward

18-24 28

Tok / Glenallen

24-30 36

30-36 34

H.B. 60 Not Continued

Gov FY 82 - 348,300

FY 81 809,546 inc. HB 60

amendment to Statute

- auto funding

- jurisdiction funding mech.?

Gov. Council - Position Paper on IUP

* 800,400 - ...
added to 3rd 200

Sitka
Dilling
Ber. St. } need prog. this year.

Jun. 10	Kodiak - 1+
KTK. 4	Metou. 14
Ptob. 4	Prog. teach. - 38
Sitka 5	Ten. Chiefs - 1+
Ancl 58	Bethel 11
Chug. 7	Garrow. 6
Kenai 6	Rome. 6
	Dilling. ?

3-13

Pat Meyer - infant learning money not sufficient
in state. 4 yrs. ago staff went to
Dave Spence / applied for DEH
funds, federal grant. FBRS.
set up model program - serve
Delta & Henana.

multiple handicaps - need full team
approach.

offer general evaluation to public.

Tamara Chisgo want - bring parents & child
in to center for complete evaluation.

increase size of infant learning funding.

wants to not feel threatened every year
for funding from Family Health. Helen
Birnie put in budget but Governor cut
infant program (FBRS, Dixie, Dillingham)

150 possible
to serve

Programs not at maintenance level but
just getting started. Getting referrals by
talking w/ doctors, nurses etc.

Colin Mackness got them 188,000 last yr.

Family Health Budget Request Unit
Special Education Grants Component

parent of a handicapped child

243-1894 Deanna Essert

→ ~~AK.~~ AK. Developmental Center
for Exceptional Children
272-2519 (handicapped)

located in Anch.

effects @ 200 families

the center will close
Saturday, March 14
because of a lack
of money -

due to: poor management (?)

only center in Anch that
has trained personnel

only respite center
for handicapped in Anch.

open 24 hrs. @ day
7 days a week

included
→ \$100,000 in debt (3-12-81
\$250,000 needed to Anch. News)
operate thru June & pay debt

Peggy Spence - acting director

TO: ALL LEGISLATORS

FROM: VIRGINIA REHDER, 1736 AMHURST COURT, ANC 99504
(272-8716)

(61)

AM VERY CONCERNED THAT THE ALASKA DEVELOPMENTAL CENTER
FOR THE EXCEPTIONAL CHILD BE SUPPORTED THAT IT CAN BE KEPT OPERATIVE.

EOM/MS

S

B

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26

COMMITTEE REPORT

SENATE

FURTHER: Finance

3/24/81

Date: _____

Mr. President:

The Committee on HEALTH, EDUCATION AND SOCIAL SERVICES has had SB 326

making a special appropriation to the Dept. of Health & Social Services for education and training of certain exceptional children

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



Alaska State Legislature

Senate

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

TO: Senator Terry Stimson
FROM: Mary Capobianco, Researcher *MC*
DATE: February 11, 1982
SUBJECT: Status of SB 325/ SB326

SB 325 and 326 introduced last year dealt with, respectively, education of certain exceptional children aged birth to three years, and a special appropriation of \$1.5 million to Department of Health and Social Services.

The Department of Health and Social Services acts as a pass-through agency for these grants which provide support and professional guidance to organized groups of parents, non-profit corporations, school districts and REAA's. These grants in turn provide programs for the early training of exceptional children under three years of age. The Department advertises the availability of grant funds, receives letters of intent, reviews the proposals and then makes the grant recipient selections.

The appropriation in SB 326 was handled last year as a budget add-on. The Department of Public Health, in the line item grants, received \$1,431,400 for this program. The Governor's original request for FY82 was for approximately \$386,000.

For FY83 the Department of Health and Social Services included \$1,544,300 in the grants line item of their FY83 operating budget. The letters of intent they have received indicate that there will be a request for \$2,169,265. In FY82, 100% of those groups submitting letters of intent followed through and did submit grant requests. The total amount of grants awarded for FY82 was \$1,287,623. If the respondents again follow through and request grants, it appears that what presently is in the budget will not meet the requestors' needs, and, in fact, will fall about \$581,165 short.

I am presenting this information to you as SB 325/326 are assigned to you in Finance Committee.

cc: Senator Charles H. Parr ✓

INFANT LEARNING PROGRAM

APPLICANT

FY 1983

LETTERS OF INTENT RECEIVED

Anchorage - ATC	250,000
Bering Strait	222,310
Bethel	159,470
Bristol Bay	114,663
Chugiak	47,462
Fairbanks	262,003
Homer	48,774
Juneau	47,540
Kenai	43,668
Ketchikan	42,814
Kodiak	23,039
Mat-Su	43,775
North Slope	52,359
Petersburg	21,408
Sitka	53,433
Tanana Chiefs	303,793
Vision Program	111,600
Toy Library	44,030
Deaf Program	56,000
Maniilaq	<u>221,115</u>
TOTAL	\$2,169,265

INFANT LEARNING PROGRAM
 STATUS OF GRANT FUNDS
 Fiscal Year 1982

Free Conference Committee Allocation	\$1,400,000
FY. 1981 Carry over from HB 60	
Deaf Program	\$47,126
Vision Program	<u>20,000</u>
Total Carry over	67,126
Additional PL 89-313 Education Funds	<u>40,428</u>
Total Grant Funds Available	\$1,507,554

Grant Funds Awarded

Anchorage:

Alaska Resources	\$ 16,067
Alaska Treatment Center	<u>141,414</u>
	\$157,481

Bering Strait	80,365
Bethel	146,303
Bristol Bay	61,364
Chugiak	30,644
Fairbanks	240,370
Homer	14,780
Juneau	43,615
Kenai	40,062
Ketchikan	38,922
Kodiak	20,943
Mat-Su/Palmer	39,803
North Slope	48,036
Petersburg	19,640
Sitka	39,017
Tanana Chiefs	153,186
S.E. Regional Resource Center (Vision)	101,442
Resource Access-Toy Library	<u>11,650</u>

Total Grants Awarded	<u>\$1,287,623</u>
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Balance	\$ 219,931
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Other Commitments:

Transfer to Administration	\$ 21,300
Teacher's Workshop	30,000
Teacher's Continuing Education	12,000
Deaf Program	47,126
Subtotal	<u>110,426</u>

Uncommitted Balance	<u>\$ 109,505</u>
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POSITION PAPER

Senate Bill Number 326

"An act providing an appropriation for Infant Learning Program."

The anticipated need for the Infant Learning Program grants in FY '82 is \$1,500,000. This amount is based on grant applications that have been received from 14 interested communities including those receiving one year funding under HB 60 for FY 1981. It is known that an additional two and possibly three additional communities have need for infant learning programs. If possible, programs should be initiated in these localities if the statutory intent of AS 47.20 is to be met.

Since a total of \$1,500,000 in grant funds will adequately fund all the community programs we suggest that the amount to be appropriated by SB 326 be reduced by the \$348,300 requested in the Governor's budget. We further suggest that the remaining \$1,151,700 be incorporated into the operating budget in line 700 for grants.

These programs, once initiated, are continuing in nature. Continued financial support is more assured if the support funds are included as part of the operating budget.

The purpose of the Infant Learning Program is to provide financial support and professional guidance to organized groups of parents, non-profit corporations, school districts and regional attendance areas who in turn provide programs for the early training of exceptional children under three years of age. The programs are home based and involve the parents in the education and training of their children. This early training is often instrumental in the child attaining a higher life potential than is possible when training and education is attempted later in life.

Recommended by: David Bruce
David Bruce, Deputy Director
Division of Public Health

Date: April 6, 1981

Approved by: Helen D. Beirne
Helen D. Beirne, Commissioner
Department of Health and
Social Services

Date: 4-7-81

INFANT LEARNING PROGRAMS
LOCAL PROGRAM SUPPORT

<u>Governor's Budget</u>	Financial Support FY 1981	Program To Be Funded Gov.'s Request	FY 1982 Proposals Received
Anchorage	(1) \$162000	(3) 179.7	166.6
Bering Strait/Nome-½ Year	13406	14.9	162.2
Lending Library - ACCA	4412	4.9	12.3
Kodiak	17730	19.7	21.0
Bethel	80000	88.7	153.6
Kenai	18435	20.4	24.0
Chugiak	18700	20.7	41.1
Ketchikan	20584	22.8	22.6
Tanana Chiefs: 8 Months	50000	55.5	183.8
Barrow/North Slope	(2) 33000	36.6	49.4
Palmer/Mat-Su	36435	40.4	40.7
Juneau/Lynn Canal	34915	38.7	45.2
Petersburg	14345	15.9	20.4
Teacher Training	(2) <u>15017</u>	<u>16.7</u>	<u>31.7</u>
Sub-Total	\$518979	\$575.6	\$974.6
 <u>Special Legislation: HB 60</u>			
Fairbanks - ACCA	\$188800	-0-	249.6
Sitka	30000	-0-	36.9
Dillingham	30000	-0-	62.4
Hearing Impaired: 2 yr. funds	40000	\$ 40.0	47.8
Blind/Vision Impaired: 2 yr. funds	<u>20000</u>	<u>20.0</u>	<u>53.6</u>
Sub-Total	\$308800	\$ 60.0	\$450.3
Total Program Funded	<u>\$827779</u>	<u>\$ 635.6</u>	<u>\$1424.9</u>

(1) \$154,000 Anchorage Pass-Through
Funds Transferred From Director's
Office.

(2) Includes \$37,100 Trans From Handicapped Children

(3) Includes \$170,900 Pass-Through
Funds From Director's Office.

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate Bill No. 326

Title "An Act providing an appropriation for Infant Learning Program."

Requested by Commissioner's Office Date 4/1/81

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services

Program Category Affected Public Health

BRU, Program, or subprogram(s) Affected Family Health - Special Education Grants

(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	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		49.4	53.1	57.1	61.4	66.0
200 TRAVEL		4.1	4.6	5.1	5.7	6.3
300 CONTRACTUAL		.1	.2	.2	.3	.4
400 COMMODITIES		2.2	2.4	2.6	2.9	3.2
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		1,500.0	1,663.0	1,844.8	2,045.9	2,268.9
TOTAL		1,555.8	1,723.8	1,909.8	2,116.2	2,344.8

FUNDING (Thousands of Dollars)

GENERAL FUND		1,495.8	1,643.8	1,829.8	2,036.2	2,264.8
FEDERAL FUNDS						
OTHER (Specify Fund Source)						
Fed Pass-Thru FN DOE		60.00	80.0	80.0	80.0	80.0

POSITIONS

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

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

Amount requested in bill increased by standard inflation as used in Governor's budget request for years 83-86.

IV. DATE 4/1/81

PREPARED BY Clayton Rew & David Spence, M.D.

AGENCY Dept. of Health & Social Services

Original: Legislative Finance

PHONE 465-3100

cc: Budget and Management

Prime Sponsor (First Legislator Named) M&B Approval

M. Hubbard

Date 4/1/81

S

B

3

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7

COMMITTEE REPORT

SENATE

FURTHER: Judiciary

3/24/81

Date: 2/26/82

Mr. President:

The Committee on HEALTH, EDUCATION AND SOCIAL SERVICES has had SB 327

parole of offenders; continuing the existence of the Board of Parole

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 SB 327 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

Colette
James D. Thompson
Charles H.

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Charles H.
 CHAIRMAN

OUTLINE OF SB 327

- Continues the existence of the current parole Board until 1986.
- Streamlines internal operations of the board.
- Provides equitable access to information for prisoners in relation to hearings.
- Delineates mandatory from discretionary parole.
- Stipulates specific conditions under which parole may be granted.
- Provides for discretionary parole after 20 months.

CHANGES MADE BY SENATE JUDICIARY TO SB 327 (HESS)

33.16.010 (c). Removed requirement that presiding officer have criminal justice experience. Presiding officer now has no set term. (was 2 years)

33.16.040 (a). Allows removal of Board for "crime involving moral turpitude" rather than "a felony".

33.16.050. Two changes. Took out the section that raised compensation as reflected in the Anchorage C.P.I., and increased the amount of compensation from \$100/day to \$150/day.

33.16.140. Included a new sentence clarifying the Board does not have to parole a person who is unsuitable for parole because of 33.16.120 (a) —

Conditions of parole.

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS for Senate Bill 327 (Judiciary)

Title An Act Relating to Parole of Offenders; Continuing the Parole Board

Requested by Senator Parr Date April 5, 1982

II. FISCAL DETAIL

Agency Affected Department of Health & Social Services

Program Category Affected Offender Confinement, Reformation, & Supervision

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 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL		6.5	4.1	8.4	5.1	10.0
300 CONTRACTUAL		1.3	-0-	1.5	-0-	1.7
400 COMMODITIES		-0-	-0-	-0-	-0-	-0-
500 EQUIPMENT		-0-	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES		-0-	-0-	-0-	-0-	-0-
700 GRANTS, CLAIMS, ETC.						
800 COMPENSATION		43.8	43.2	43.8	43.2	43.8
TOTAL		51.6	47.3	53.7	48.3	55.5

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND		51.6	47.3	53.7	48.3	55.5
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

NO NEW POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME		-0-	-0-			
PART TIME		-0-	-0-			
TEMPORARY		-0-	-0-			

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

See Attached Sheet

IV. DATE April 6, 1982

PREPARED BY Samuel H. Triunfo

AGENCY H & S.S. Parole Board

Original: Legislative Finance

PHONE 465-7184

cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)

A. 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 days x 2.5 members x \$100 = 5.8
- 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. x \$100 = 12.0
- c) Pay 1/2 day compensation for those days holding preliminary hearings, 1/2 day parole hearings, etc., now being paid @ \$50 per day. Guess 35 member days x \$50 = $\frac{1.8}{19.6}$

Also, the bill increases the compensation of Board members from \$100 to \$150 per day. Current budget shows 257 per diem days x \$50 increase = 12.8

Increase a), b), & c) alone to \$150 per day x 213 days = $\frac{10.7}{\text{Total } 43.1}$

B. Section .080, Responsibilities

Funds for teleconferencing of hearings to adopt regulation, advertise hearings, have staff travel to hearings to establish regulations in the Alaska Administrative Code. Budget every other year. Fair member days compensation @ \$150 per day.

Contractual	1.3
Transportation	1.0
Per Diem	1.0
Compensation	.6
Total	3.9

C. Section .180, Change in Conditions

Anticipate 5 parolees will request a hearing pursuant to this Section resulting in 5 teleconference hearings by three Board members @ \$150.

Transportation	1.6
Per Diem	1.3
Compensation	2.3
Total	5.2

D. Section .280, Revocation Hearings

The "clear and convincing evidence" test will result in a representative from the District Attorney's office presenting some of the cases for the Division of Corrections, as is done in many probation revocation cases now. Assume District Attorneys will be present in 1/4 of the cases (7) which will result in a doubling in the length of the hearing time in those cases resulting in 4 additional "board days per year" x 5 members x \$150.

Per Diem	1.6
Compensation	3.0
Total	4.6

E. Section .290, Parole Warrants

This section shifts the responsibility of issuing parole warrants from the Board members to the judiciary. Although it will impact the workload of the court system and the Division of Adult Corrections parole officers, it will reduce the workload of the Board members. Board issues about 35 warrants per year x \$150 = $\frac{(5.2)}{\text{Total } (5.2)}$

F. Assumption for FY-84 Through FY-87

- a) Travel = 15% in FY-84 and FY-85; 10% thereafter.
- b) Contractual = 8%

FROM SB 217

STAFF/AGENCY CHANGE

Introduced: 3/24/81
Referred: Health, Education
& Social Services and
Judiciary

1 IN THE SENATE

BY

2 HESS CS SENATE BILL NO. 327

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

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

11 CHAPTER 16. PAROLE ADMINISTRATION.

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

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

19 (c) The ^{Judicial} ~~governor~~ shall designate the presiding officer, of the
20 board. The presiding officer must have a minimum of two years' exper-
21 ience in ^{Judicial} corrections, probation, or parole work before his designation
22 as presiding officer.

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

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

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

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

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

14 Sec. 33.16.040. REMOVAL OF MEMBERS. (a) The governor may remove
15 a board member only for disability, nonfeasance, neglect of duty,
16 malfeasance in office, or conviction of a ~~crime~~ *felony*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (8) execute other responsibilities prescribed by law.

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

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

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

13 (3) which it considers proper for the operation of the
14 board.

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

21 Sec. 33.16.100. ELIGIBILITY FOR DISCRETIONARY PAROLE. (a) A
22 state prisoner other than a juvenile delinquent, wherever confined, who
23 is serving a definite term of over 180 days and who is not imprisoned
24 in accordance with AS 12.55.125(c)(1), (c)(2), (c)(3), (d)(1), (d)(2),
25 (e)(1), or (e)(2), may, in the discretion of the board, be released on
26 discretionary parole subject to AS 33.16.110, 33.16.120(b), and AS 12.-
27 55.086(b).

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

31 (c) A state prisoner imprisoned in accordance with AS 12.55.125-
32 (c)(1), (c)(2), (c)(3), (d)(1), (d)(2), (e)(1), or (e)(2) who is re-
33 leased under AS 33.20.030 shall be placed on mandatory parole for the
34 period specified in the certificate of deduction, less 180 days,
35 subject to written conditions imposed by the board.

*AR
Presented*

15. Sec. 33.16.110. FIXING ELIGIBILITY FOR DISCRETIONARY PAROLE AT
16. TIME OF SENTENCING.

8 When in its opinion justice and the best interests of the
9 public require that a defendant be sentenced to imprisonment for a term
10 exceeding one year, the court having jurisdiction to impose sentence,
11 upon entering a judgment of conviction, may designate in the sentence
eligible for discretionary parole. The term shall be at least one-third of the
13 period of confinement imposed by the court or the minimum term pre-
14 scribed in AS 12.55.125, whichever is greater.

24 Sec. 33.16.120. GRANTING OF DISCRETIONARY PAROLE. (a) The board
25 may authorize the release of a prisoner on discretionary parole if it
26 determines that

27 (1) the prisoner eligible for discretionary parole will, in
28 reasonable probability, live and remain at liberty without violating
29 the laws or without violating the conditions imposed by the board; and

1 (2) his release on discretionary parole is not incompatible
2 with the welfare of society and would not depreciate the seriousness of
3 the crime.

4 (b) A prisoner may not be released on discretionary parole until
5 the prisoner has served either one-third of the period of confinement
6 to which he was sentenced or the minimum term prescribed in AS 12.55.-
7 125, whichever is greater.

8 Sec. 33.16.130. SUITABILITY FOR DISCRETIONARY PAROLE. In deter-
9 mining whether a prisoner is suitable for discretionary parole, the
10 board shall consider

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

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

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

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

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

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

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

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

20 Sec. 33.16.150. HEARING ON APPLICATION FOR DISCRETIONARY PAROLE.

21 (a) A prisoner has the right to a preliminary hearing before a
17 single member of the board or a person authorized by the board to act
18 as a hearing officer to determine the suitability of a prisoner for
22 parole or for the setting, posting, or rescinding of parole dates. The
23 prisoner shall be provided reasonable notice of the hearing. The preliminary
hearing shall be electronically tape recorded. The tape of the preliminary
hearing shall be reviewed by the full board within 60 days.

24 (b) The prisoner shall be permitted to have a copy of the pre-parole
25 report and records which will be considered by the board no less than
26 10 days before the hearing. The prisoner has a right to enter written
27 responses to all information and records which will be considered by
28 the board.

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

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

3 (d) Upon review of the preliminary hearing or after a hearing of the
4 full board, the board shall issue its decision which shall be in writing
5 and which will provide reasons for the decision. The prisoner is entitled
6 to a copy of the decision on its issuance.

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

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

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

22 (1) that he meet his family obligations;

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

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

1 stated limits;

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

3 (5) that he report at regular intervals to his parole
4 officer;

5 (6) that he reside at a stated place and notify the parole
6 officer of a change in his place of residence;

7 (7) that he have in his possession no dangerous firearm or
8 dangerous weapon unless granted permission in writing by the board;

9 (8) that he refrain from consuming alcoholic beverages;

10 (9) that he submit to searches and seizures conducted reason-
11 ably by a parole officer or by a peace officer acting under direction
12 of a parole officer;

13 (10) that he submit to necessary medical, psychiatric,
14 alcohol, or other examination or treatment if available;

15 (11) that he refrain from entering into an agreement or other
16 arrangement with a law enforcement agency which will place him in the
17 position of violating a state or federal law or a condition of his
18 parole;

19 (12) that he refrain from opening, maintaining, or using a
20 checking account;

21 (13) that he refrain from entering into a contract, other
22 than a prenuptial contract or a contract of marriage, without permis-
23 sion in writing from his parole officer;

24 (14) that he refrain from operating a motor vehicle;

25 (15) that he refrain from entering a liquor store, bar, pub,
26 tavern, or night club designated by the board.

(c) The board may establish additional conditions through
regulation which are consistent with (b) of this section.

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

3 (b) The parolee shall be permitted to have the information
4 and record summary which will be considered by the board no less than
5 7 days before the hearing. The parolee has a right to enter written
6 responses to all information and records which will be considered by
7 the board.

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

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

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

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

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

26 Sec. 33.16.230. DUTIES OF THE COMMISSIONER. The commissioner
27 shall

28 (1) conduct investigations of prisoners eligible for parole
29 as the board requests;

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

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

18 (4) provide the board in a timely manner with information
19 requested on sentenced prisoners who may be eligible for parole release
20 or parole supervision;

21 (5) keep records, files, data, and information as the board
22 requests.

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

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

15 Sec. 33.16.260. DISCHARGE OF PAROLEE. (a) The board retains
16 legal custody of a discretionary parolee until the expiration of the
17 maximum term or terms to which the parolee is sentenced less a good
18 time allowance provided by law. The board retains legal custody of a
19 mandatory parolee released in accordance with AS 33.16.100(c) and
20 AS 33.20.040 until the expiration of the maximum term or terms to which
21 the prisoner was sentenced less 180 days.

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

26 (c) A parolee who has been on parole for five years and who has not absconded
27 or been charged with a felony since entering parole shall be discharged
28 from parole and from the custody of the board. A parolee who is charged
29

1 with a felony within the five years remains in the custody of the board
2 pending a final decision on the charge. If the parolee is acquitted or
3 the charge is dismissed, the board shall discharge the parolee from
4 custody.

5 Sec. 33.16.270. DISCRETIONARY DISCHARGE OF PAROLEE. The board
6 may discharge a parolee from supervision and the custody of the board
7 and from further liability under his sentence after the parolee has
8 completed 20 months of parole.

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

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

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

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

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

4 (e) If after the hearing the board determines that a violation of
5 a condition of parole has occurred, it may revoke a portion of the
6 parole granted ^{or} change the conditions of parole.

7 . If the board does not revoke a portion
8 of the parole granted, the parolee shall be released from confinement
9 and continued on parole under terms and conditions established by the
10 board.

11 (f) If after the hearing the board determines that a parolee has
12 violated a state or federal law, the board may require the parolee to
13 serve all or a part of the remainder of the term to which he was sen-
14 tenced.

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

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

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

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

27 Sec. 33.16.310. EXECUTION OF WARRANT FOR ARREST OF PAROLEE. (a)
28 A parole officer or a peace officer acting at the request of a parole
29

1 officer shall execute the warrant issued under AS 33.16.300 by arrest-
2 ing the parolee and confining the parolee in a correctional facility
3 designated by the commissioner.

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

10 Sec. 33.16.320. APPLICABILITY TO PERSONS ON PAROLE OR INCAR-
11 CERATED. (a) This chapter applies to all persons convicted and sen-
12 tenced in the superior court and the district courts of the state.

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

20 Sec. 33.16.330. DEFINITIONS. In this chapter

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

22 (2) "commissioner" means the commissioner of health and
23 social services;

24 (3) "department" means the Department of Health and Social
25 Services;

26 (4) "discretionary parole" means the release of a prisoner
27 to the community by the board before the expiration of his term or
28 terms, subject to conditions imposed by the board and subject to its
supervision;

29 (5) "mandatory parole" means the release of a prisoner to
30 the community by operation of law before the expiration of his term or
31 terms, subject to conditions imposed by the board and subject to its
32 supervision;

33 (6) "parolee" means a prisoner released to the community by
34 the board or by operation of law.

1 ~~(5) "parolee" means a prisoner released to the community by~~
2 ~~the board or by operation of law.~~

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

4 (3) [STATE] Board of Parole (AS 33.16.010) [(AS 33.15.010)]
5 -- June 30, 1986 [1980];

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

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

14 * Sec. 4. AS 33.15 is repealed.

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

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

23 * Sec. 7. This Act takes effect June 29, 1982

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
Senate Bill No. 327
Bill/Resolution No. _____
Title "An Act relating to parole offenders." _____
Requested by _____ Date _____

II. FISCAL DETAIL
Agency Affected Health and Social Services
Program Category Affected Offender Confinement, Reformation and Supervision
BRU, Program, Or Subprogram(s) Affected Adult Confinement, Probation & Community
(Note: If more than one budget component is affected, separate line-item Programs amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES		7.9	228.7	244.7	261.8	280.2
200 TRAVEL		2.2	3.6	3.9	4.2	4.6
300 CONTRACTUAL		14.9	52.4	57.2	62.3	67.9
400 COMMODITIES		23.9	38.4	41.8	45.6	49.7
500 EQUIPMENT			3.0			
600 LAND & STRUCTURES		992.8				
700 GRANTS, CLAIMS, ETC.		6.2	10.0	10.9	11.9	12.9
TOTAL	-0-	1047.7	336.1	385.5	385.8	415.3

FUNDING (Thousands of Dollars)

GENERAL FUND	-0-	1047.7	336.1	385.5	385.8	415.3
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

FULL TIME	-0-	-0-	5	5	5	5
PART TIME						
TEMPORARY						

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

I. Program

A. Adult Confinement

On the basis of information given to us by the Parole Board we would conclude that the passage of Senate Bill No. 327 without modification, would result in a need for additional capacity within the correctional system. Capital projects requested or in progress to provide more beds do not take into consideration the effects of new or amending legislation.

Without the provisions regarding conditions of parole or with modification of those provisions allowing the Board the flexibility it desires with respect to setting and changing conditions of parole, there would be no bed space impact.

IV. DATE February 1, 1982 PREPARED BY Roger C. Lango
AGENCY Adult Corrections

Original: Legislative Finance PHONE 465-3376
cc: Budget and Management
Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)

- 1. The restrictions on changing of parole will result in approximately 15 revocations of parole per year. It is estimated that each revocation will result in an average period of incarceration of 60 days while the conditions of parole are being changed.

$$\begin{aligned} \text{New beds required} &= \frac{15 \times 60}{365} \\ &= \underline{2.5} \end{aligned}$$

- 2. The bill provides an inclusive list of conditions of parole without language permitting the parole board to impose other conditions they consider appropriate for some parolees. Therefore, the assumption is that the parole board will not grant parole to these individuals. It is assumed, based on information provided by the Parole Board Administrator, that at least seven persons a year would be denied parole. The average length of sentence remaining when persons are paroled, considering good time that would be earned, is 20 months. Therefore, the impact on bed availability would be:

$$\begin{aligned} \text{Number of beds needed} &= \frac{7 \text{ persons} \times 20 \text{ months}}{12 \text{ months}} \text{ (beds)} \\ \text{Number of Beds} &= 11.7 \end{aligned}$$

- 3. Total bed identified from above.

$$\begin{array}{r} 2.5 \\ 11.7 \\ \hline 14.0 \text{ (rounded)} \end{array}$$

The Division of Adult Corrections estimates that an additional 14 beds will need to be constructed if Senate Bill No. 327 is enacted.

B. Probation and Community Programs

The provision in the proposed legislation for earning of "good time" by persons on parole will result in an increment of work for the probation staff. It is not known at this time the amount of additional staff time which will be required to document violations of conditions of parole and attend hearings of forfeiture of good time as a result of violation of parole conditions.

This increased requirement for staff time will have to be addressed in future requests for additional staff based on total work load units around the state.

II. Fiscal

A. Capital Expenditures

It is assumed that the additional beds can be added to a new facility. Using recent costs of additional beds at Eagle River Correctional Center plus two years' inflation of 15% per year, the estimated construction costs per bed is \$70,900. Therefore, capital expenditures required are:

working draft

Capital Funding = 14 x \$70,900
= \$992,600

Request Bill/Resolution No. Senate Bill No. 327

B. It is assumed that the 14 beds will result in one additional 24-hour post requiring 5 Correctional Officers II (Anchorage pay area; Range 13, Step B; March 1982 schedule):

Annual Salary	\$ 24,876
Variable Benefits @ 16.63%	4,137
Supplemental Benefits @ 6.13%	1,525
Police Retirement @ 9.66%	2,403
Health Insurance	2,196
Overtime, Shift Differential	<u>3,325</u>

Total Five C.O. II's \$ 38,462

Total Five C.O. II's \$192,310

C. Inmate Costs - 1982 Costs \$ 3,000

Travel (return inmate to point of arrest)	\$ 3,000
Food @ 5.5.0 per day	228,100
Clothing @ \$300 per year	4,200
Gratuities for work	8,400
Medical costs \$1231/inmate/year	<u>17,200</u>

\$57,500

D. Building Costs

Utilities \$25,000

E. Reproduction of Inmate Casefiles

Personal Services:

217 casefiles x 2 1/2 hrs/file x 14.57/m. = 79.04.

Xeroxing:

217 casefiles x 200 pages x \$.05/page 2170
\$10,074

F. Assumptions

1. The new beds will not be completed until FY 1984. Therefore, staff and utility costs will first appear in FY 1984.
2. There will be 9.5 full time equivalent inmates in FY 1983 and 14 in FY 1984.
3. Inflation of 9% per year is used for all expenditure categories except personal services where 7% per year is used.



Alaska State Legislature

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

MEMORANDUM

DATE: March 11, 1981

TO: House Judiciary and HESS Committees

FROM: Peter B. Froehlich, Counsel
House Judiciary Committee

PDF

RE: Summary of Parole Board Bills
HB 261 by H. Judiciary
HB 225 by Martin

* * * * *

The attached chart reflects a comparative summary of two House bills now before the legislature concerning the Parole Board (HB 261 and HB 225). It also includes the final version of last year's bill CSHB 983 (Fin), which includes three House Finance Committee amendments adopted at the request of the House Judiciary Committee. These amendments are noted because they were omitted from HB 261, and the committees may desire to re-insert them.

HB 261, by the House Judiciary Committee is identical to the version of last year's bill, CSHB 983 which was passed out of the House Judiciary Committee. It would make approximately fourteen substantial changes in existing statutes most of which either recognize existing non-statutory rights of prisoners and parolees (E.g. the right to access to law books in prisons) or in some cases grant new rights (E.g. the right to accumulation of good time while on parole). The bill would also make a half dozen or so less substantial changes (E.g. increasing the number of board members from five to seven). These changes to existing statutory law are briefly described in the first or left hand column of the chart.

CSHB 983 (Fin) is the final version of the 11th Legislature's 1980 Parole Board bill. It is identical to this year's HB 261 except for three somewhat technical amendments concerning certificates of release for good time. These amendments are shown in the center column of the table.

HB 225 and SB 217, by Martin and Fischer respectively, include many differences from the House Judiciary bills (HB 261 and last year's HB 983) both technical (E.g. insertion of single words) and substantial (E.g. eliminating good time while on parole). Nearly all of these differences follow the general theme, less recognition of the rights of

prisoners and parolees and more discretion for the Parole Board. The differences between HB 225 (SB 217) and HB 261 (last year's CSHB 983) are described in the third or right hand column of the table.

In the table "same" means the bill version referred to includes the same provision as does another, and "_____" means it does not.

I hope this material is helpful to your consideration of these bills.

Attachment

COMPARISON OF PAROLE BILLS

1980 CSHB 983 (Jud)
and
1981 HB 261

1980 SHB 983 (Fin)

1981 HB 225
and
1981 SB 217

p.1, line 13: changes bd.
from 5 to 7 members

-same-

p.1, line 13: keeps
bd. at 5 members

p.1, lines 20-22: re-
quires presiding
officer to have
experience in
corrections

p.2, lines 9-10: sets
grounds for removal
of bd. members accordg
to Model Act

-same-

-same-

p.3, line 1: sets daily
compensation for bd.
member at \$100.

-same-

-same-

p.3, line 10: sets quorum
at 4

-same-

keeps quorum at 3

p.3, lines 23-29: adds 3
duties of board (dis-
charge parolee, keep
records, and set stan-
dards)

-same-

-same-

p.4, lines 11-12:
adds duty of bd.
to submit budget

p.4, lines 6-12: adds duties
of bd. to adopt specific
regs.

-same-

-same-

p.4, lines 21-22:
adds general au-
thority for regs.

p.4, line 17: adds that
exec.director serves at
pleasure of bd.

-same-

-same-

p.5, lines 4-5:
adds "less 180
days" at end of
32.16.100(c)

-----	-----	p.5, line 8: adds "discretionary" before "parole"
-----	-----	p.5, line 12: adds "mandatory" be- fore "parole"
-----	-----	p.5, lines 24-29: adds "discretionary" (p.6, lines 1-9:) before "parole"
-----	-----	p.6, lines: 6-7: adds requirement that minimum sentence be served before parole
p.6, lines 14-19: adds that parole cannot be denied because neces- sary treatment was un- available	-same-	-----
-----	-----	p.6, lines 27-29: to- tally different (p.7, lines 1-9:) section on parole hearings less beneficial to prisoners
p.6, lines 24-28: adds requirement that pris- oners get copy of all evidence 30 days before parole hearing	-same-	-----
-----	-----	p.7, line 15: adds requirement of approved parole hearings before pa- role
p.7, lines 12-17: provides for good time deduction while on parole	-same-	-----
p.7, lines 18-24: sets out 15 possible conditions (p.8, lines 1-24) of parole	-same-	p.7, lines 25-29: provides for con- ditions of parole to be set according to rules, and after

the prisoners
background as a
factor

p.8, lines 27-29: estab-
lishes right to notice
(p.9, lines 1-13:) and hear-
ing on any change in
parole conditions

-same-

p.7, lines 24-26: al-
lows request for
reconsideration
of parole condi-
tions under regs.

p.7, line 28: substi-
tute revocation
hearings for
change in condi-
tion hearing in
waiver of hearing
section

p.8, line 4: deletes
defense attorney,
prisoners, and
prisoners attorn-
ey from those
with access to
pre-parole re-
ports

p.9, lines 23-25: adds
statutory right to
appeal

-same-

-same-

p.8, line 8: substi-
tutes "capricious-
ness" for abuse
of discretion
in grounds for
appeal

p.8, lines 18-20
adds duty of com-
missioner to
vide time
to id.

p.10, lines 3-7: states
prisoner's right to
access to law

-same-

p.10, lines 16-18: adds
180 day sentence re-
duction to prisoners
released by certificate
of discharge

	-----				p.8, line 29: editorial language changes in middle of line
p.10, lines 23-29: makes discharge of 5 yr. parolee mandatory if no felony charge or conviction		-same-			p.9, lines 8-11: make discharge of 5 yr parolee discretionary
p.11, lines 1-4: allows discretionary discharge of 2 yr parolee		-same-			-same- and p.9, lines 15-18 require 2 yr review of parolee
	-----				p.9, lines 22-26: editorial improvements to language of subsections (a) and (b)
	-----				p.10, line 15: omits reference to good time on parole and omits requirement of release if hearing results in nonrevocation
p.12, lines 7-12: provides that on revocation, bd. has discretion to set time to serve and must give credit for good time on parole		-same-			p.10, lines 16-22: provides that on parole revocation prisoner serves out original sentence with no reduction
p.12, lines 12-18: provides that on revocation for any reason besides violation of law, 6 mos. is maximum confinement		-same-			
p.12, line 19: provides that only a judicial officer can issue warrant for arrest for parole violation		-same-			p.10, line 27: provides that only the bd. or a member can issue warrant for arrest for parole violation
	-----				p.11, lines 13-14: adds requirement

that when parolee is arrested without warrant the reason for no warrant must be reported with the manner of violation of parole

p.11, line 24: adds "discretionary" before "parole" in definition

p.11, lines 28-29:
(p.12, lines 1-2:) definition of mandatory parole by operation of law

p.14, lines 2-8: amends AS 33.20.040(a) to provide that prisoner released for good time with more than 180 days of sentence shall be released as provided in the bill

p.14, lines 3-9: same except deletes reference to maximum term minus 180 days

p.12, lines 9-12: rewrites AS 33.20.040(a) to reflect optional fine of good time parole

Walker
12-1412

see attached amendment
passed M HESS 4-16-81

Introduced: 4/16/81
Referred: Health, Education &
Social Services

1 IN THE HOUSE

BY CLOCKSIN AND MARTIN

2

HOUSE BILL NO. 510

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TWELFTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act continuing the existence of the State Board of
7 Parole; and providing for an effective date."

8

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

9

* Section 1. AS 44.66.010(a)(3) is amended to read:

10

(3) State Board of Parole (AS 33.15.010) -- June 30, 1981

11

[1980];

12

* Sec. 2. This Act takes effect immediately in accordance with AS 01.10.-

13

070(c).

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COMMITTEE COPY

-1-

HB 510

A M E N D M E N T

Offered in the HOUSE

By Clocksin

TO:

Page 1, lines 6 - 7:

Delete all material and insert the following:

"An Act relating to the State Board of Parole; continuing the existence of the board and amending the law relating to the board's responsibilities; and providing for an effective date."

Page 1, after line 11:

Add a new bill section to read:

"* Sec. 2. AS 33.15.060 is amended by adding a new subsection to read:

(b) The board shall determine whether there was unjustified disparity in the sentence imposed on a prisoner in relation to other sentences imposed under similar circumstances. The determination made under this subsection shall be considered by the board in determining a prisoner's eligibility for parole under (a) of this section."

Page 1, line 12:

Change "Sec. 2" to "Sec. 3"

PLEASE NOTE: THE FOLLOWING PAGES WERE TREATED
AS A UNIT IN THE ORIGINAL DOCUMENT

INTRODUCTION OF BILLS (House)(cont'd)

Appropriation
(special)
(auto repair
abuse study)

HOUSE BILL NO. 292, by Reps. Hayes, Abood, Anderson, Beirne, Bettisworth, Brown, Martin and Metcalfe. Appropriates \$65,000 from the general fund to the Dept. of Law, Consumer Protection Section, for investigation of abuses related to automobile repairs. Appropriation lapses June 30, 1982. Provides Act effective July 1, 1981

Introduced March 9 and referred to Labor & Commerce and Finance.

Parole of
Offenders/
Executive
Clemency

HOUSE BILL NO. 293, by the Rules Committee by request of the Governor. Governor's bill revamping the parole system in the state. Outline of bill is as follows:

--Sec. 1 adds new chapter to AS 33, Ch. 16 "PAROLE OF OFFENDERS AND EXECUTIVE CLEMENCY."

--Sec. 2 repeals AS 33.30.010 - 090 (Prison Facilities: Establishment, Control & Management) and AS 33.30.250 - 320 (portion of General Provisions). Sections of AS 33.30 which remain intact are Secs. 100 - 190, and Sec. 225.

--Sec. 3 adds new sections to AS 33.30 relating to the establishment, control and management of correctional facilities and programs; to the procedure for commitment; to programs and furloughs; and to miscellaneous provisions.

--Sec. 3 (misnumbered in bill--should be 4) repeals and reenacts AS 33.30.200, the definitions for AS 33.30.

--Secs. 4 & 5 repeal and reenact AS 11.56.340 & 350 (unlawful evasion in the first degree; unlawful evasion in the second degree).

--Sec. 6 repeals and reenacts 12.55.080 (Suspension of Sentence and Probation).

--Sec. 7 amends 12.55.090(b)(Grant of Probation); Sec. 8 amends 12.55.100 (Conditions of Probation); and Sec. 9 amends 12.55.110 (Notice and Grounds for Revocation of Suspension).

--Secs. 10 - 13 amend subsections of 12.55.125 (Sentences of Imprisonment for Felonies).

--Sec. 14 amends 12.55.155(a) (Factors in aggravation and mitigation--of presumptive sentencing).

--Sec. 15 amends 12.55.165 (Extraordinary Circumstances--in sentencing).

--Sec. 16 repeals AS 33.15 and AS 33.20 (Parole Administration Act and Pardons and Paroles).

--Sec. 17 terminates the Interim Sentence Review and Parole Commission established in Sec. 1 of bill on July 1, 1983.

--Sec. 18 states that Secs. 10 - 15 do not apply to or govern the punishment for any offense committed before July 1, 1981. Offenses committed before that date shall be punished according to the law existing at the time the offense was committed.

--Sec. 19 provides effective date of July 1, 1981.

INTRODUCTION OF BILLS (House)(cont'd)

HB 293 (cont'...)

Introduced March 9 and referred to Health, Education and Social Services, then to Finance.

In his message transmitting the bill to the House for consideration, Governor Hammond stated:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill pertaining to the treatment of prisoners. It allows the Alaska Board of Parole to "sunset" as provided by law on July 1, 1981, and establishes a parole system whereby a prisoner's release date is set at the time of sentencing. The bill also sets presumptive sentences for first time felony offenders and constitutes a complete revision of AS 33.30 pertaining to correctional facilities. It clarifies ambiguous provisions in existing law pertaining to the custody of prisoners, and provides for the establishment of comprehensive furlough programs by the Department of Health and Social Services designed to facilitate an offender's reintegration into society before his final release after serving a term of imprisonment.

This bill should be viewed as the next logical step in the revision and modernization of Alaska's statutes pertaining to crimes and sentencing that began with passage of the revised criminal code in 1978. That legislation, in part, established presumptive sentences for repeat felony offenders and eliminated those offenders from consideration for early release by the parole board. This bill sets presumptive sentences for first-time felony offenders and makes that class of offenders ineligible for early release by the parole board.

To satisfy the requirements of art. III, sec. 21, of the Alaska Constitution, the bill establishes a parole system that allows for release of offenders before the expiration of their term of imprisonment through the earning of a deduction from their sentences for good conduct while in prison and by permitting their participation in furlough programs established by the Department of Health and Social Services. The furlough programs are intended to foster successful reintegration of the offender into society by encouraging him to obtain employable skills, education, and appropriate counselling or treatment while serving the last part of his term of imprisonment.

This legislation also establishes a two-year interim sentence review and parole commission to set release dates for prisoners who commit crimes before July 1, 1981, the date the new parole system established by this bill takes effect. In setting a parole release date, the commission is specifically authorized to consider whether there was unjustified disparity in the sentence imposed when compared to other sentences imposed under similar circumstances. This provision of the bill will provide an appropriate mechanism to remedy any unjustified disparity in sentencing that may have occurred in the past that can be attributed to the race of the defendant or to any other reason. It is also responsive to the findings and recommendations of the Advisory Committee on Minority Sentencing Practices and the Anchorage Native Caucus arising out of the studies by the Alaska Judicial Council that first highlighted the problem of sentencing disparity in the state.

The central premise of this bill is that certainty in punishment, and certainty regarding the term of imprisonment a prisoner is required to serve, should be the central considerations applicable in establishing penalties for criminal conduct. This legislation insures certainty in sentencing of offenders by providing presumptive sentences for all felonies. Additionally, it also insures certainty in the correctional process by putting all offenders on an equal footing in terms of early release and participation in rehabilitative programs.

HB 293 (cont'd)

At sentencing, a judge will be required to impose a legislatively determined presumptive sentence, allowing for adjustment for aggravating and mitigating factors. The defendant will be informed of his earliest possible release date from prison calculated under the assumption that he will earn the maximum possible deduction from his sentence for good conduct while in prison. If the prisoner subsequently fails to comply with the rules of the correctional facility where he is incarcerated, his release date is automatically adjusted, within prescribed limitations reflecting the seriousness of his violation.

Certainty in sentencing provides benefits to both the prisoner and the public. By knowing the length of his imprisonment at the time he is sentenced, the prisoner can immediately begin to participate in rehabilitative programs that can be structured around the length of his sentence. The uncertainty created in the prisoner's mind by the current parole system is eliminated. The prisoner will participate in rehabilitative programs because he is motivated to benefit himself, as opposed to participation undertaken for the primary purpose of gaining favorable consideration by the parole board.

Certainty in the criminal justice system also benefits the public. The possibilities for unjustified disparity in the length of sentence imposed and served will be minimized through requiring presumptive sentences for all felonies and by setting release dates based on a fixed formula applying to all offenders. Additionally, the public has a fundamental interest in knowing, at the time of sentencing, the term of imprisonment the prisoner will be required to serve.

Appropriation
(supplemental)
(Dept. of Law)

HOUSE BILL NO. 294, by the Rules Committee by request of the Governor. Appropriates \$956,000 from the general fund to the Dept. of Law, Civil Division, for the purpose of paying miscellaneous judgments against the state. Appropriation lapses June 30, 1981. Effective immediately.

Introduced March 9 and referred to Judiciary and Finance.

In his message transmitting the bill to the House for consideration, Governor Hammond stated:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill which would make a supplemental appropriation to the Department of Law, Civil Division, to pay miscellaneous judgments against the state.

Miscellaneous judgments against the state have exceeded the \$15,000 appropriated for that purpose for FY 81. The FY 81 appropriation was fully spent by September 1980, and since that time nine additional judgments have been made against the state. This appropriation would cover the costs of legal action and court awards in those nine cases.

The amount needed for one of the cases is \$881,400 (92 percent of the total appropriation request), and arose from the Hidden Falls hatchery project. Erroneous site condition information caused delays in the construction of the hatchery. This resulted in increased construction costs above the original amount of the contract, and the court approved a settlement between the parties awarding money to the contractor.

The interest being paid for these judgments varies from 8 percent to 10 3/4 percent. I urge immediate enactment of this bill.

WHAT HB 293 DOES

I. Establishes New Parole System.

II. Sets Release Dates for Offenders
Who Committed a Crime before
July 1, 1981.

WHY CHANGE CURRENT SYSTEM

- I. Certainty in length of sentence served.
- II. "Just Desserts" theory of punishment.
- III. Rehabilitative programs are more effective.
- IV. Public's "right to know."

HIGHLIGHTS OF HB 293

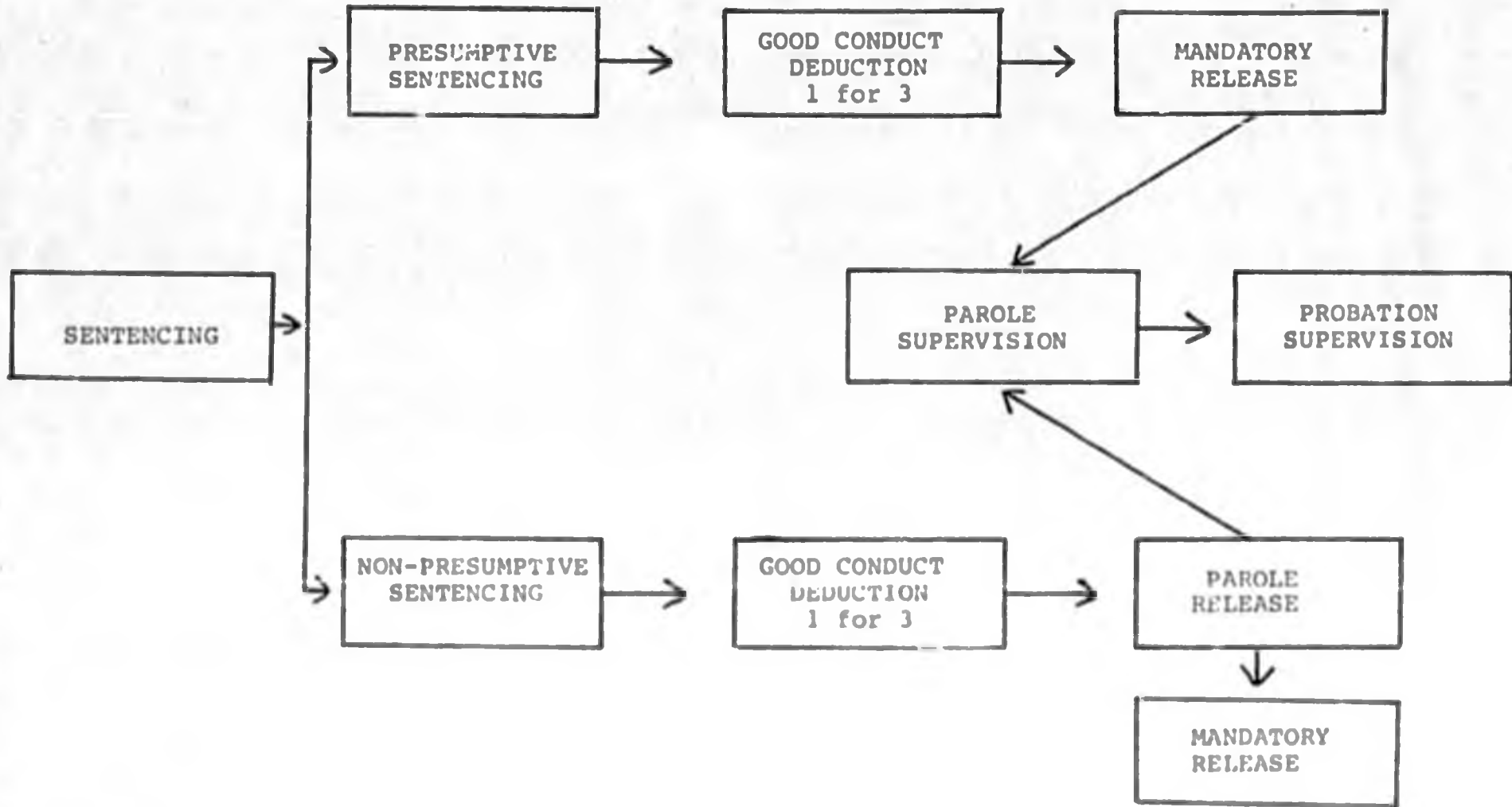
- I. Parole Board Sunsets July 1, 1981.

- II. Interim Sentence Review and Parole Commission
For Offenders Who Committed a Crime Before
July 1, 1981.

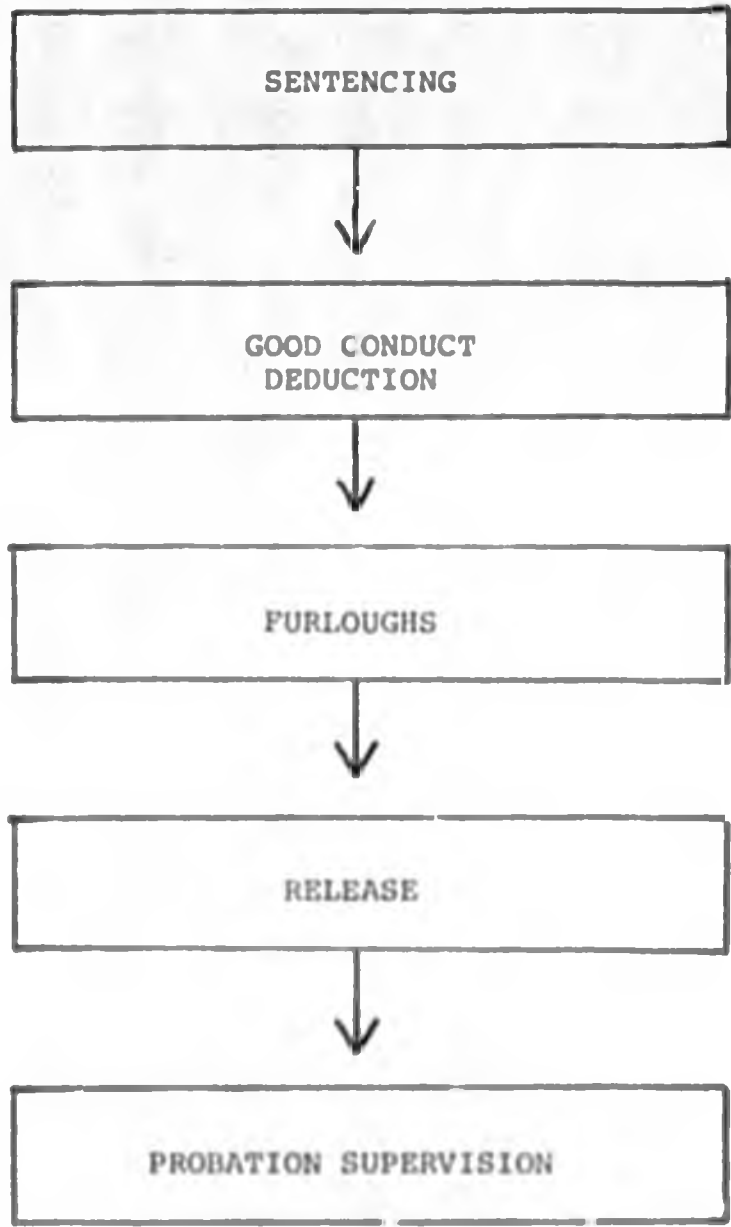
- III. New Parole System -- Good Conduct Deductions
Plus Furlough Programs.

- IV. Presumptive Sentencing for First Felony Offenders.

CURRENT PAROLE SYSTEM



PAROLE SYSTEM - HB 293



SUMMARY OF HB 293

I. AS 33.16. PAROLE OF OFFENDERS AND EXECUTIVE CLEMENCY.

- A. Interim Sentence Review and Parole Commission.
- B. Parole of persons who commit crimes after 7/1/81.
- C. Supervision of prisoners released = probation.
 - 1. Length
 - 2. Conditions
 - 3. Formal/Open
- D. Defendant informed of release date at sentencing.

II. AS 33.30. CORRECTIONAL FACILITIES AND PROGRAMS.

- A. Establishment, Control and Management.
 - 1. Duties of Commissioner
 - 2. Custody of offenders
- B. Programs and Furloughs.
 - 1. Designation of facilities
 - 2. Designation of programs
 - 3. Furloughs
 - a. Types
 - i. Pre-release
 - ii. Short-durational
 - b. Eligibility
- C. General Provisions - Permanent fund dividend eligibility.

III. AS 12.55. SENTENCING.

- A. Probation amendments.
- B. Presumptive sentencing.

INTERIM SENTENCE REVIEW AND
PAROLE COMMISSION

- A. Three member commission lasts two years.
- B. Sets parole release dates for prisoners who are or will be eligible for parole; and
 - 1. committed a crime before 7/1/81; and
 - 2. sentenced before 1/1/83.
- C. Hearing required where prisoner has a right to present evidence and cross-examine witnesses.
- D. Considerations in setting parole release date include:
 - 1. Whether there was unjustified disparity in sentence imposed; and
 - 2. Whether sentence deviated substantially from sentence under revised criminal code.

GOOD CONDUCT DEDUCTION

I. Computation

- A. One-quarter of sentence if
 - 1. Presumptive sentence for repeat felony; or
 - 2. Murder I, II, or Kidnapping;
 - 3. Life Sentence = 99 years.
- B. One-third of sentence for all other crimes.

II. Forfeiture of Deduction

- A. 90 days maximum for major incidents of bad conduct.
- B. 30 days maximum for minor incidents of bad conduct.
- C. Vesting of 90 days per year for incident-free conduct.

PRE-RELEASE FURLOUGH ELIGIBILITY

- I. If sentence of 5 years or less, eligible after serving one-third of sentence.

- II. If sentence of more than 5 years, eligible after serving one-third of sentence, or within 3 years of release, whichever is later.

TYPES OF FURLOUGHS

1. Obtain drug or alcohol treatment or counselling.
2. Vocational training.
3. Secure or engage in employment.
4. Attend school.
5. Prepare for release.
6. Other rehabilitative programs.

PRESUMPTIVE SENTENCING

FIRST

SECOND

THIRD

A

2-1/2 - (5) - 20

5 - (10) - 20

7-1/2 - (15) - 20

4 - (8) - 20

B

0 - (2) - 10

0 - (4) - 10

3 - (6) - 10

C

0 - (1) - 5

0 - (2) - 5

0 - (3) - 5

**PLEASE NOTE: THE PRECEDING PAGES WERE TREATED
AS A UNIT IN THE ORIGINAL DOCUMENT.**

1. Good Time Differences

2 Confidentiality - pre parole report
Mental health reports

3 Conditions - statutory escape clause

4 Notification of Δ's in conditions
7 days
~~Notification of~~

5 Provide Pre Parole Report
14 days

Clear: training - hard to
define.

HB 213 page 22 - Dept of Law - Civil Rights

HB 194 - Prison Industries

Behavioral Model - Does work
Over term of Supervision - 23-25 months

Good time ↑ 19 months.

Better Alternative to ~~remove~~ remove parolees are
then 2 yrs.

Good time would help control
Recidivism

Good
time only
work w/
inmate

CHANGES MADE BY SENATE JUDICIARY TO SB 327 (HESS)

33.16.010 (c). Removed requirement that presiding officer have criminal justice experience. Presiding officer now has no set term. (was 2 years)

33.16.040 (a). Allows removal of Board for "crime involving moral turpitude" rather than "a felony".

33.16.050. Two changes. Took out the section that raised compensation as reflected in the Anchorage C.P.I., and increased the amount of compensation from \$100/day to \$150/day.

33.16.140. Included a new sentence clarifying the Board does not have to parole a person who is unsuitable for parole because of 33.16.120 (a) —

Conditions of parole.

**PLEASE NOTE: THE FOLLOWING PAGES WERE TREATED
AS A UNIT IN THE ORIGINAL DOCUMENT**



Official Business

Alaska State Legislature

Senate

Committee on

Health, Education & Social Services

Charlie Parr, Chairman
Terry Stimson, Vice-Chairman
Vic Fischer
Tim Kelly
Mike Colletta

Pouch V
State Capitol
Juneau, Alaska 99811

465-4907
465-4908

February 26, 1982

LETTER OF INTENT

ON

COMMITTEE SUBSTITUTE (HESS) FOR SPONSOR SUBSTITUTE SB 327

It is the intent of the Health, Education and Social Services Committee, in passing out CS for SS for Senate Bill No. 327, that:

- 1 - Good behavior while on parole should be rewarded by earlier release. The Committee considered "good time" allowances but because of costs and administrative burden opted for another alternative. The parole board is allowed to release parolees from parole after a minimum of 20 months of good behavior. This allowance is intended to provide the parole board with a means of rewarding good behavior of parolees.
- 2 - The parole board should meet more frequently than the required minimum of 4 times per year. Although SB 327 does not require that the board meet a minimum of 6 times a year, the members believe that the board should be given the funds to do so. More frequent hearings would allow for an initial parole hearing early in the prisoner's incarceration. This hearing may encourage the prisoner to better prepare himself for rehabilitation while in jail, and may possibly reduce the period of incarceration.

A handwritten signature in cursive script, appearing to read "Charles H. Parr".

Senator Charles H. Parr
Chairman

POSITION PAPER
SENATE BILL NO. 327

Senate Bill 327 replaces the current Parole Board laws with a more comprehensive statute that includes the following provisions:

- 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's regulations to be promulgated pursuant to the Alaska Administrative Code.
- e. Allows the Board to discharge parolees from supervision after two years as recommended by the Corrections Masterplan consultants.

The changes listed in sections a), b), d), and e) above are supported by the Commission on Accreditation for Corrections and by the Alaska Corrections Masterplan Consultants.

EXECUTIVE DIRECTOR

For section .090 the Department recommends the executive director be hired by the Department and serve at the pleasure of the Department to provide better coordination within the Department.

"PAROLE RIGHTS"

Section .150 of 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. Many hearings would be continued 90 days because of later arrival of material. 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. Section .150 of SB 327 also allows the offender a copy of all mental health records. Controversy surrounds the release of these records. Many clinicians and therapists are opposed to the release of patient records without benefit of medical interpretation.

GOOD TIME PROVISIONS

Section .170 of SB 327 requires parolees be given good time for good behavior while on parole, but this good time earned is subject to forfeiture by the Board. There is no way to avoid an enormous amount of staff time, red tape, paperwork, more policies and procedures, and hearings to implement this section. Considerable additional travel expense will be incurred on interstate parole cases. The good time system in the correctional facilities has proven to produce a high error rate causing serious problems, and a similar

POSITION PAPER
SENATE BILL NO. 327

system for parolees is expected to produce similar results. Although the concept of parole good time is a unique approach, we recommend a more simple and less costly solution for the earlier release of parolees from supervision. Instead, the Committee might consider giving the Board 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, in lieu of the good time provisions of this bill.

PAROLE CONDITIONS

Section .180 unduly restricts the imposition of necessary parole conditions by the Board. The courts allow any reasonable condition that relates to the prisoner's crime and background. Where the Board determines that there is clear evidence, some parolees need to be restricted from associating with victims or their crime partners. The Board cannot require restitutions during parole nor establish other conditions normally imposed by other parole agencies or the courts, such as having the car license numbers of drug dealers.

MODIFYING CONDITIONS OF PAROLE

Section .190 of SB 327 requires 30 days written notice be given the parolee before a parole conditions can be changed. This is impractical. Currently, conditions of parole are discussed with parolees at the release hearing. New conditions of parole are imposed only when immediate intervention is needed because of risk to the community or to the parolee. This section will not allow the Board to deal with a parolee's problems when they surface, posing a risk to the community and to the parolee.

DISCHARGE OF PAROLEE

Section .250 of the bill 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. An additional phrase is recommended to be inserted in line 19, "or has not violated parole by absconding supervision". Without this phrase, 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. This would not be conducive toward assisting the parolee to live by the rules of society.

REVOCAION OF PAROLE

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, and is higher than the standard adopted by any other court or paroling agency in this country. The "preponderance of the evidence" standard is more appropriate, providing adequate safeguards for the parolee and protection for the public.

POSITION PAPER
SENATE BILL NO. 327

PAROLE ARREST WARRANTS

Section .300 of SB 327 requires that a parole violation warrant 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 warrant would increase their workload, and the Alaska Supreme Court has already ruled this an unnecessary burden on the parole officers. It is standard procedure in all other states to have a warrant issued by the Board, member of the Board or a corrections staff person.

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 SB 327 the average number of days spent by each current Board member on Board business will increase from the current 45 to 60 days per year, to a minimum of 138 to 153 days per year. Considering there are 251 work days in a year, being a Parole Board member would be more than a half time job. A full time Board would probably become a necessity in the near future due to the increased workload mandated by SB 327.

Recommended by: Samuel N. Trivette Date January 21, 1982
Samuel N. Trivette
Executive Director

Recommended by: Walter B. Jones Date 1/21/82
Walter B. Jones, Acting Director
Division of Adult Corrections

Approved by: Helen D. Boirno Date 1/22/82
Helen D. Boirno, Commissioner
Department of Health and
Social Services