

ALASKA LEGISLATURE COMMITTEE FILES 1901-1902

1693 SJ SB 327 - SB 391

REPORT CONCLUSION

Policy Issues

This review contains policy issues raised as a result of our evaluation of various Board practices. The final policy decisions affecting these practices are not within the scope of this review but require legislative consideration. In debating these issues, the legislative oversight committees should consider the findings and alternatives presented in this report in reaching their decisions.

Report Conclusion

Article III, Section 21, of the Alaska Constitution requires the establishment of a parole system. The current system comprises a parole release program administered by the Alaska State Board of Parole. We found no viable alternative to the present system at this time; therefore, in our opinion, the Board should continue to administer the parole release program.

The parole decision process requires a great deal of dedication of time and effort on the part of each Board member. We commend the members for their service in what is oftentimes a complex and difficult job.

The Board is in the process of establishing a formal set of specific objectives and related measurement criteria so that its performance can be evaluated (Prior Audit Recommendation No. 1).

The Board has made progress in the implementation of our prior audit recommendations. Specifically, they now have an organized case file for each parolee, their filing system is very orderly, they have analyzed trends for past decisions and provided procedures and regulations which should aid in parole release or revocation decisions. However, the Board should continue to develop new data and continuously review the significance and effects of past decisions (Prior Audit Recommendation No. 2).

The Board has prepared and submitted reports as required by AS 37.07.090 and 33.15.130 for fiscal years 1981 and 1982 (Prior Audit Recommendation No. 3).

The Board is aware of the importance of public participation in parole related matters. However, the Board believes current time and budget constraints have precluded them from holding such meetings (Prior Audit Recommendation No. 4).

The Board has compiled and codified all of its regulation information into one manual (Prior Audit Recommendation No. 5).

PRIOR AUDIT RECOMMENDATIONS

Prior Audit Recommendation No. 1

The Board should establish specific objectives and related measurement criteria so that its performance can be evaluated.

The Board's FY 1979 budget documents state that its objective is to maintain a less than 8% rate of felonies committed by parolees within one year after parole release. Measurement of this objective alone, however, is not sufficient to determine the degree of effectiveness experienced by the Board in serving the public. The Board has not established any other specific program objectives through which its performance can be evaluated.

Specific objectives should describe what the Board intends to accomplish during the current period and should be consistent with long range goals. To be capable of measurement, objectives should be well-defined, including a description of methods of measurement. When specific objectives are not identified, both the Governor's office and the Legislature cannot adequately evaluate the Board's performance.

Legislative Audit's Current Position

The Board is in the process of establishing a formal set of specific objectives and related measurement criteria so that its performance can be evaluated. A draft of a formal set of objectives has been prepared for the Board's approval.

Prior Audit Recommendation No. 2

The Board should maintain necessary information to ensure the effective management of Board activities.

The Board keeps case files on parolees and some statistics on types of cases heard. However, the information has not been adequately summarized for purposes of analyzing the parole program.

The Board needs information for purposes of measuring performance and analyzing decisions. It is essential for any decision-making body to review the significance and effects of past decisions to adequately plan for future decisions.

Maintaining complete information will benefit the Board in several ways. Some uses of such information may entail:

1. Scheduling workloads.
2. Analyzing trends. Similar decisions when viewed over time may reveal positive or negative results and support policy changes.
3. Assisting planning efforts and research of other agencies.
4. Controlling risk in parole decisions. Valid statistics may support parole release or revocation decisions and show the degree of risk based upon historical evidence.

With sufficient information, any alternatives to the parole release system or parole procedures can be better analyzed. Procedures should be developed which address what and how information is to be maintained as well as reported.

Legislative Audit's Current Position

The Board has improved the procedures used to collect, analyze, and store information which is necessary for measuring performance and analyzing decisions. However, the Board should continue to develop new data and continuously review the significance and effects of past decisions.

Prior Audit Recommendation No. 3

The Board should prepare and submit reports as required by law.

The Board has not followed statutory reporting requirements, per AS 37.07.090 and AS 33.15.130. AS 37.07.090 requires each State agency to submit a performance report to the Division of Budget and Management no later than September 1, for the preceding fiscal year. AS 33.15.130 requires that annual reports containing various statistical data and a computation and analysis of dispositions in criminal matters by State courts be submitted to the Governor, the Commissioner of the Department of Health and Social Services and the Attorney General.

To contribute to governmental effectiveness, the Board should disseminate the results of its operations to appropriate parties. The report required by AS 33.15.130 is essential for planning and analyzing matters relating to parole. In the 1977 legislative session, the Legislature, in conjunction with sunset legislation, amended the performance reporting statute (AS 37.07.090) to require agencies to

specifically address eight criteria. This report would provide a useful tool for evaluating the Board in relation to performance reviews and other matters.

Legislative Audit's Current Position

The Board has prepared and submitted the reports required per AS 37.07.090 and AS 33.15.130 for fiscal years 1981 and 1982.

Prior Audit Recommendation No. 4

The Board should encourage public participation for consideration in parole related matters.

It is the Board's policy in the conduct of its meetings to allow the presence of only those individuals who are considered necessary under the circumstances. For parole hearings, this is required to secure the confidential nature of the hearings as well as protect the objectivity of hearing decisions. Administrative meetings, however, do not share the same characteristics as case hearings. Administrative meetings are held at irregular times during the year for the purpose of transacting general business of the Board.

We were informed by Board members that the public is sometimes confused about parole and may misconstrue the Board decisions. This has happened despite the Board's efforts to be in contact with various community groups and governmental organizations.

As another avenue in seeking public input, the Board should hold public administrative meetings. Public meetings will provide broad public representation in the development of parole regulations and be a means to formally record public input, which would assist the Board in determining how much "risk" the public is willing to bear regarding parole release.

Further, procedures should be developed to cover the agendas of public meetings and notification of the public as to time, place and nature of each meeting. A formal record should be kept of each meeting which delineates matters acted upon and any changes in Board policy or procedures.

Legislative Audit's Current Position

The Board is aware of the importance of public participation in parole related matters and is interested in holding public administrative meetings. However, the Board believes current time and budget constraints have precluded them from holding such meetings.

We recommend that the Board evaluate the current use of their time and budget to determine if such resources could be more efficiently used.

Prior Audit Recommendation No. 5

The Board should codify its regulations in a clear form readily available to the public, inmates and all others requiring information about the Board's operations.

AS 33.15.100 states: "The board shall adopt rules which it considers necessary or proper with respect to the eligibility of prisoners for parole, the conduct of parole hearings, and conditions of release to be imposed on parolees".

Rules governing the Board's operations should be a clear statement of its procedures and requirements in parole matters. However, the Board's rules are currently contained in two manuals, and an assortment of updating memos and various forms. This creates a situation in which the rules cannot be immediately or clearly identified and may be subject to arbitrary change.

Although the Board members and staff may personally know the rules, it is also important for the rules to be available for anyone requiring them; the present form does not adequately allow for this. A codification of the rules would not only make them readily available to others but also would facilitate making refinements and improvements in the Board's rules and procedures.

Legislative Audit's Current Position

The Board has compiled and codified all of its regulation information into one manual. This manual is readily available to any individual requiring information about the Board's operation.

JAY S. HAMMOND, GOVERNOR

DEPT. OF HEALTH AND SOCIAL SERVICES
OFFICE OF THE COMMISSIONER

POUCH H 01
JUNEAU, ALASKA 99811
PHONE: 465-3030

February 2, 1982

Mr. Gerald Wilkerson, C.P.A.
Legislative Auditor
Division of Legislative Audit
Pouch W
Juneau, AK 99811

RECEIVED

FEB 02 1982

LEGISLATIVE
AUDIT

Dear Mr. Wilkerson:

RE: Parole Board
Preliminary Audit
Report

There are a few comments that we would suggest be made in the "Organization and Function" section on pages 2-3 of the audit report to help clarify a few items.

The Board members are not salaried employees but they are paid \$100 compensation for each full day they are actually conducting parole hearings (AS 33.15.020). Due to a recent Alaska Court decision, the names of the new Board members are no longer sent to the Legislature for confirmation. The Board is also responsible for setting parole conditions and insuring the supervision of those prisoners released on parole supervision by the operation of law pursuant to AS 33.20.040 and the presumptive sentencing provisions of AS 33.15.180. These offenders comprise about 20% of the "parolees" being supervised at a given time and make up a significant percentate of the revocation hearings. The Board staff does the executive clemency investigations and prepares the clemency reports for the Governor's office (AS 33.20.080).

In reference to paragraphs two and three and the data contained therein; the Board conducted an average of 217 parole release hearings per year in 1980 and 1981. An average of 83 paroles were granted per year, with an average of 60 parolees being released in the calendar year in which parole was granted. The Board conducted an average of 31 parole revocation hearings and mandatory parole revocation hearings per year during 1980 and 1981.

Page Two
Mr. Gerald Wilkerson, C.P.A.

Regarding Audit Recommendation No. 1, the draft of the Board's objectives mentioned in your report was approved by the Board members in December 1981 and was amended by them on January 21, 1982. A copy of the objectives is enclosed for your information (Attachment #1). The Board has complied with this recommendation.

Regarding Audit Recommendation No. 2, we agree with you that the Board has improved its collection of data and analysis of that information. We also agree this should continue and be expanded in the future to help everyone understand the significance and effect of past decisions.

We concur in your assessment regarding Audit Recommendation No. 3 that the Board has submitted the reports required by law.

Regarding Audit Recommendation No. 4, we believe the Board will give serious consideration to using the Legislature's teleconference network for the public hearings. It will be possible to conduct public hearings once a year, and more often, depending upon budget limitations.

We concur in your finding (Recommendation No. 5) the Board has adopted and organized its regulations in one manual that is readily available to any individual desiring information about the parole process. The Board has finalized and implemented the parole guidelines procedure that gives specific weights to relevant factors considered by the Board, which helps the members make consistent decisions in similar cases. I might add the Board staff has also compiled a handbook on executive clemency that gives prospective applicants and the public information they might wish about the clemency process.

Sincerely yours,



Helen D. Beirne
Commissioner

Enclosures: See Attached List

Page Three
Mr. Gerald Wilkerson, C.P.A.

LIST OF ATTACHMENTS

Parole Board Audit Report

Parole Board Goals & Objectives; 1982 - 1983
Analysis of 1981 Revocations
Analysis of 1980 Revocations
Calendar of 1981 Parole Board Decisions
Calendar of 1980 Parole Board Decisions
Annual Report; FY-81
Annual Report; FY-80
Annual Report; FY-79
Informational Booklet - Executive Clemency
Parole Board Regulations, September 1980
Parole Progress Report Instruction Booklet, December 1980
Parole Guidelines Coding Manual, October 1980
Parole Guidelines Handbook for Applicant, November 1980
Parole Guidelines Coding Sheet, Revised February 1981
Executive Clemency Application

Previously Hand Carried:

Parole Guidelines for Alaska; Time Served
Component, September 1980

Parole Guidelines for Alaska, December 1979

STATE OF ALASKA

JAY S. HAMMOND, Governor

DEPT. OF HEALTH AND SOCIAL SERVICES

BOARD OF PAROLE

ALASKA BOARD OF PAROLE
POUCH H-01E
JUNEAU, ALASKA 99811
PHONE: (907) 465-3384

February 5, 1982

RECEIVED

FF3 09 1982

LEGISLATIVE
AUDIT

Mr. Gerald Wilkerson, C.P.A.
Legislative Auditor
Division of Legislative Audit
Pouch W
Juneau, Alaska 99811

RE: Parole Board
Preliminary Audit
Report

Dear Mr. Wilkerson:

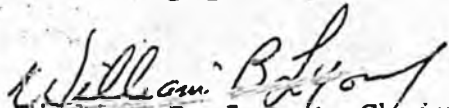
We concur with the recommendations for factual changes as outlined in Commissioner Beirne's letter regarding the Parole Board Audit, at paragraphs two and three. We believe this information will make the audit report more informative and meaningful to legislators.

We concur with the Department's responses to Recommendations one, two and three, noting that they have sent you a copy of our objectives. Regarding Recommendation four, the Board hopes and expects to hold public hearings as soon as funding becomes available. Because of the nature of Board hearings, the members have found it not possible to hold public hearings in conjunction with our regular hearings since we can not accurately predict when we will finish on a given day. Even with the supplemental funding provided during the last fiscal year, the Board only had \$13.70 left over, certainly not sufficient funds to cover even a part of a day's hearing. Although we were making plans for at least one public hearing this year, our financial situation looks worse than last year.

Page Two
Mr. Gerald Wilkerson, C.P.A.
February 5, 1982

In reviewing some of our data, you might note that only 5% of our parolees were returned to custody for a conviction of a new felony. We are proud of this figure understanding that most other jurisdictions have a new felony conviction rate of at least 12-14%. We believe this shows the Board is paying careful attention to its responsibilities.

Sincerely yours,


William B. Lyons, Chairman
Alaska Board of Parole

cc: Helen D. Beirne, Commissioner
Department of Health & Social
Services

SHT/clr

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

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

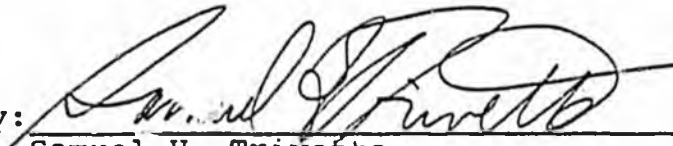
Section .290 also requires that the Commissioner prove by "clear and convincing evidence" that a parolee has violated the terms of his parole. This is a higher standard of proof than the courts have adopted in probation and parole revocation cases in Alaska, and is higher than the standard adopted by 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.

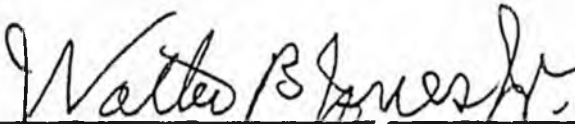
PAROLE ARREST WARRANTS


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 paper-work 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:  Date January 21, 1982
Samuel H. Trivette
Executive Director

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

Approved by:  Date 1/27/82
Helen D. Beirne, Commissioner
Department of Health and
Social Services



Alaska State Legislature

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

March 11, 1980

The Honorable Terry Gardiner
Speaker of the House
Alaska State Legislature
Pouch Y, State Capitol
Juneau, Alaska 99811

Dear Mr. Speaker:

In compliance with AS 44.66.010 - 060 and referral by the Speaker of the House on January 15, 1980, the House Judiciary Committee has conducted a review of the State Board of Parole.

By letter of July 31, the Speaker had notified the Committee of the forthcoming referral, thereby permitting advance work to be done during the interim between legislative sessions.

Committee staff conducted the necessary research. Also available to the Committee were the Executive Summary, Alaska Corrections Master Plan, 1979, and A Performance Review of the Alaska State Board of Parole, Division of Legislative Audit, May 9, 1979.

In addition to receiving testimony during interim hearings, the Committee held three hearings in Juneau. Also, two teleconference hearings were held to receive testimony from Anchorage, Fairbanks, Ketchikan, Dillingham, Kenai, Nome and Bethel.

A total of about 35 witnesses testified, including the Director, Division of Corrections; the present Chairman, a former Chairman, and the Executive Director of the Board. One other member of the Board attended a hearing but did not testify.

Art. III, Sec. 21, of the Alaska Constitution requires that "a parole system shall be provided by law". The Committee received an opinion from the Legislative Affairs Agency to the effect that the Constitution does

not mandate a parole board. One option which was considered would have gone away with the Parole Board and had the sentencing judge retain jurisdiction over the parolee. Once this option was rejected, the choices narrowed to a parole board in some form.

Testimony indicated that the workload of the present Board is heavy. The Chairman estimated that the average member spends 60 days a year on Board duties. The Committee considered the possibility of a full-time, paid board, but rejected it. (The new criminal code which prohibits parole for those convicted of second and succeeding felonies may result in a reduced workload after a few years.)

Also considered was the possibility of establishing a second board and dividing the work between the two. Prisoner reclassification and transfer could, however, result in both boards being involved with the same parolee or potential parolee. This seems undesirable.

Testimony indicates that Parole Board members may rely too heavily on "gut reactions" in deciding whether or not to grant parole. Although no human being can be perfectly objective, and a completely mechanical system would probably be unacceptable, there is need for a proper balance. The Board has recognized this need and is considering objective criteria which have shown a high correlation with successful parole.

A matter of concern to the Committee was the recidivism rate among parolees. Although only about 4% were reincarcerated because they committed a new felony, about 20% went back to prison for technical violations (violating conditions set by the Board at the time parole was granted). Examples of such conditions are (1) that the prisoner have an assured job as part of his parole plan, which may be impossible in a village situation, and (2) that the parolee not associate with other felons, although these may be in some cases his only friends or close acquaintances. In effect, about a fourth of all parolees are returned to prison, a disturbing statistic in view of the present and expected overcrowding in Alaska's correctional institutions. The Judiciary Committee, therefore, spent a significant amount of time considering the parole conditions now being set.

Findings required by AS 44.66.050(d) follow:

(1) an identification of the problems or the needs that the programs and activities of the board, commission or agency are intended to address;

Finding: There is a need to avoid unnecessary incarceration.

(2) a statement, to the extent practicable, of the objectives of the program of the board, commission, or agency program, and its anticipated accomplishments;

Finding: The Parole Board is intended to provide for mitigation of sentence while simultaneously protecting the general public.

(3) an identification of any other programs having similar, conflicting or duplicate objectives;

Finding: There are no similar or conflicting programs.

(4) an assessment of alternative methods of achieving the purposes of the program;

Finding: The program could be handled by the judicial branch but this would remove the element of judgment by one's peers.

(5) an assessment of the consequences of eliminating the board, commission or program and consolidating its activities with another program, or of funding it at a lower level;

Finding: The program is constitutional and cannot be eliminated. Funding it at a lower level would make it very ineffective.

(6) a justification for the recommended continuation or extension of the board, commission or program, and an explanation of the manner in which it avoids duplication of or conflict with other efforts; and

Finding: The program is necessary and no other agency performs similar functions.

(7) any other information which, in the opinion of the committee, would improve the performance of the board, commission or agency with respect to its representation of and responsiveness to the public interest.

Funding: Other information will be contained in legislation to be introduced or in other portions of this report.

The Judiciary Committee finds that:

- (1) The Alaska State Board of Parole is necessary and should be continued.
- (2) Statutory changes are needed to improve the functioning of the Board. The Committee will propose a bill incorporating these changes.
- (3) The chances that parole will be successful, from the standpoints of both society and the parolee, are to some extent dependent on the prisoner's willingness and ability to change while in prison. Educational, alcohol treatment, psychiatric counseling and work programs are generally unavailable or inadequate. The Judiciary Committee recommends approval of additional funds and personnel spaces for the Division of Corrections for programs which can be shown to reduce recidivism.

Charles H. Parr, Chairman

Nels A. Anderson, Jr.

Ramona L. Barnes

Fred E. Brown

Thelma Buchholdt

Hugh Malone

Terry Martin

Patrick M. O'Connell

Randy Phillips

STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL
AFFAIRS

JAY S. HAMMOND, GOVERNOR

POUCH H 01
JUNEAU, ALASKA 99811
PHONE: 465-3030

Document # 21-82

January

The Honorable Charles Parr
Chairperson
Senate HESS Committee
Pouch V
Juneau, Alaska 99811

Dear Senator Parr:

The information you requested from the Department regarding parole revocation statistics is enclosed.

If you have question on these statistics, please do not hesitate to contact me.

Sincerely,



Helen D. Beirne
Commissioner

Enclosure

ALASKA BOARD OF PAROLE

1981 REVOCATIONS

2/7/81

PAROLEES	TOTAL	C.O.P.	R & C	R & RE	R & D
A. New Felony Conviction	1	1	0	0	0
B. In Lieu of Felony Conv.	3	0	2	0	1
C. Abscond	2	0	1	0	1
D. New Misdemeanor Conviction	7	0	0	0	7
E. In Lieu of Misdmmr Conv.	1	0	0	0	1
F. Technical Violation	6	2	1	2	1
Total	20	3	4	2	11

M.R.'s	TOTAL	C.O.P.	R & C	R & RE	R & D
A. New Felony Conviction	2	0	0	0	2
B. In Lieu of Felony Conv.	2	1	0	0	1
C. Abscond	1	0	0	1	0
D. New Misdemeanor Conviction	5	0	0	0	5
E. In Lieu of Misdmmr Conv.	1	0	0	0	1
F. Technical Violation	2	0	0	0	2
Total	13	1	0	1	11

ACTION CODE:

C.O.P. = Continue on Parole

R & C = Revoke & Review Case Again

R & RE = Revoke & Reparole

ALASKA BOARD OF PAROLE

1980 REVOCATIONS

PAROLEES	TOTAL	C.O.P.	R & C	R & RE	R & D
A. New Felony Conviction	4	0	1	0	3
B. In Lieu of Felony Conv.	4	1	0	1	2
C. Abscond	5	0	2	1	2
D. New Misdemeanor Conviction	5	1	2	1	1
E. In Lieu of Misdmr Conv.	2	0	0	1	1
F. Technical Violation	3	1	1	1	0
Total	23	3	6	5	9

M.R.'s	TOTAL	C.O.P.	R & C	R & RE	R & D
A. New Felony Conviction	3	0	0	0	3
B. In Lieu of Felony Conv.	2	0	0	1	1
C. Abscond	1	0	0	0	1
D. New Misdemeanor Conviction	3	0	0	0	3
E. In Lieu of Misdmr Conv.	1	0	0	0	1
F. Technical Violation	3	2	0	0	1
Total	13	2	0	1	10

ACTION CODE:

C.O.P. = Continue on Parole

R & C = Revoke & Review Case Again

R & RE = Revoke & Reparole

ALASKA BOARD OF PAROLE

QUARTER _____, 198__

1981

PAROLED - INTERSTATE	22
PAROLED - ALASKA	65
PAROLED - DETAINER	2
CONTINUED	34
DENIED	86
PAROLE RESCIND & CONTINUED	3
PAROLE RESCIND & REPAROLED	3
PAROLE RESCIND & DENIED	3
PAROLE REVOKED & CONTINUED	4
PAROLE REVOKED & REPAROLED	2
PAROLE REVOKED & DENIED	11
MANDATORY PAROLE REVOKED & CONTINUED	0
MANDATORY PAROLE REVOKED & REPAROLED	1
MANDATORY PAROLE REVOKED & DENIED	11
CONTINUED ON PAROLE	4
REQUEST FOR RECONSIDERATION - GRANTED	0
REQUEST FOR RECONSIDERATION - DENIED	5
REQUEST FOR SPECIAL HEARING - GRANTED	2
REQUEST FOR SPECIAL HEARING - DENIED	2
PRELIMINARY HEARINGS THIS QUARTER	17
OTHER	13
TOTAL CASES HEARD	290

ALASKA BOARD OF PAROLE

QUARTER _____, 198__

1980

PAROLED - INTERSTATE	19
PAROLED - ALASKA	56
PAROLED - DETAINER	1
CONTINUED	57
DENIED	61
PAROLE RESCIND & CONTINUED	1
PAROLE RESCIND & REPAROLED	1
PAROLE RESCIND & DENIED	4
PAROLE REVOKED & CONTINUED	6
PAROLE REVOKED & REPAROLED	4
PAROLE REVOKED & DENIED	9
MANDATORY PAROLE REVOKED & CONTINUED	0
MANDATORY PAROLE REVOKED & REPAROLED	2
MANDATORY PAROLE REVOKED & DENIED	10
CONTINUED ON PAROLE	5
REQUEST FOR RECONSIDERATION - GRANTED	0
REQUEST FOR RECONSIDERATION - DENIED	1
REQUEST FOR SPECIAL HEARING - GRANTED	7
REQUEST FOR SPECIAL HEARING - DENIED	1
PRELIMINARY HEARINGS THIS QUARTER	19
OTHER	12
TOTAL CASES HEARD	275

STATE OF ALASKA

JAY S. HAMMOND, Governor

DEPT. OF HEALTH AND SOCIAL SERVICES

BOARD OF PAROLE

ALASKA BOARD OF PAROLE
POUCH H-01E
JUNEAU, ALASKA 99811
PHONE: (907) 465-3384

May 28, 1981

Honorable Charlie Parr, Chairman
Senate Health, Education & Social
Services Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

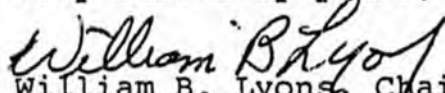
Dear Senator Parr:

Enclosed is a copy of the position paper of the members of the Alaska Parole Board regarding parole board legislation. This position paper with the current amendments was unanimously approved by the Board members at its recent hearings.

As the position paper states, the members of the Board are eager to meet with whatever interim groups or committees the Legislature establishes to review these major policy issues before the start of the next session. We believe that with over 50 years of experience in the criminal justice field by our members and professional staff, we can assist legislators and citizens to better understand some of the intricate workings of the criminal justice system.

Please contact me or the Parole Board office when you are ready to begin work on parole board and related legislature.

Very sincerely yours,


William B. Lyons, Chairman
Alaska Board of Parole

cc: Senate Judiciary
Committee Members

Senate H.E.S.S.
Committee Members

House Judiciary
Committee Members

House H.E.S.S.
Committee Members

Attachments

WBL/clr

POSITION PAPER
PAROLE BOARD LEGISLATION

by

Alaska Parole Board Members

The Parole Board supports House Bill 225 and Senate Bill 217. The Board members believe that these two bills will enable the Board to comply with the national standards established for paroling authorities. The bills more than surpass the legal requirements mandated by various court decisions in Alaska and around the country, and they provide reasonable structure for the equitable and fair handling of all state prisoners who might be eligible for parole. Also, many of the recommendations of the Alaska Corrections Masterplan consultants were incorporated into this legislation.

These bills spell out in detail in the statute all of the various rights of prisoners at hearings. The responsibilities of the Board are more specifically outlined than in the old statute. These bills provide new provisions for:

- a) The recruitment of board members;
- b) The selection criteria for board members;
- c) Five year staggered terms for board members;
- d) A basis for removal of board members;
- e) The procedure for removal of board members;
- f) The adjustment of compensation for board members;
- g) The standards and parameters for parole conditions;
- h) The requirement that regulations be printed in the administrative code;
- i) More detailed and concrete responsibilities for the board;
- j) The requirement that the board advise prisoners in writing the reasons for adverse decisions;
- k) The clarification of a number of old, vague provisions in the statute;
- l) The discharge of parolees from parole;
- m) The requirement that at least one board member interview each parole applicant;
- n) The removal of the statutory inequity in the handling of "legislative parole" and "mandatory release" cases;
- o) A definition of the status "mandatory release";
- p) A minimum correctional experience requirement for the board chairman;
- q) The requirement that the governor designate the board chairman;
- r) A prohibition against a board member seeking or holding a public office during his term;
- s) Clear definitions for the important terms used in the statute;

Although the Board is generally supportive of the direction of SB 327 and HB 261, these two bills (almost identical) also pose some major problem areas. Increasing the number of Board members to seven does not serve any useful function, and will increase the number of Board hearings, resulting in increased costs of the

operation of the Board, and slow down the decision making processes. These bills would result in a greatly increased number of Board hearings in attempting to reward parolees for good behavior by granting or taking away good time while on parole. The two bills supported by the Board do essentially the same by allowing them to be terminated early from parole supervision for good behavior. The Board members do not feel that the additional costs of the good time section is worth the burden it would impose upon the Division of Corrections and the Board. Early termination from supervision in probation cases in Alaska has proven very effective, and the Board feels this is an adequate tool to serve the purpose of rewarding good behavior while on parole.

The two bills supported by the Board require disclosure of all pertinent information on parole applicants and parolees when they are applying for parole or are in jeopardy of having their parole revoked. SB 327 and HB 261 allow the prisoner or parolee a copy of every piece of paper in his file, to refute information presented in his Board hearing, and to present any information he wishes on his own behalf. The methods by which SB 327 and HB 261 accomplish this are very cumbersome and will frequently result in the continuance of cases due to the arrival of material less than 30 days before hearings, which would not be in the best interest of the prisoners or parolees. There is needed clarifying language in SB 327 or HB 261 which are needed to avoid additional litigation in the future.

The Parole Board is opposed to the passage of House Bill 293. House Bill 293 makes all prisoners who commit crimes after July 1, 1981 ineligible for parole release. Instead, prisoners would be eligible to earn good time, some at a slightly higher rate than they can presently, and also they would be eligible for furloughs. Eligibility for furloughs under HB 293 is actually more restrictive than the current practices and policies of the Alaska Division of Corrections.

The administration's commentary on the bill implies that by extending the presumptive sentencing law to encompass all felony offenders, disparity in sentencing will no longer be a problem.

The current presumptive sentencing law nor the extension of presumptive sentencing to all felony offenders under this bill will not wipe out or significantly reduce the disparity in sentencing. The ranges of sentences even with this scheme are so wide that disparity is likely to remain. Much of what happens with presumptive sentencing depends upon the prosecutor's office, which has considerable discretion with that sentencing scheme. An Alaska Judicial Council study on plea bargaining aptly points out that the "local styles of prosecuting and judging were of overriding importance", and neither of these segments of the system, even with presumptive sentencing, should be relied upon to eliminate disparity. The new criminal code sharply increased the influence of the prosecutor while limiting somewhat the power of the judiciary. Except in a small percentage of cases, the presumptive sentencing law in effect does not mandate specific or mandatory sentences. The prosecutor is the person that frequently holds the key to whether

or not most of these presumptive or mandatory sentences will apply to a given case, and with the establishment of a mitigating or aggravating factor, the range of sentences is wide.

EXAMPLE: Mr. Smith has been arrested on an assault charge. He had a prior felony conviction five years ago which you would assume would automatically make Smith subject to presumptive sentencing. Not so. If the prosecutor does not charge the prior felony and prove it in court, Smith is considered a "first felony offender" and therefore not subject to presumptive sentencing.

The facts of his case indicate he could be charged as either a first degree assault or a second degree assault. Assuming the prosecutor charged the prior felony, he knows Smith would have a presumptive term of ten years if charged as first degree assault and if any mitigating and aggravating factors were charged, the judge could sentence Smith to any sentence from 5 to 20 years. Smith would have to be sentenced to the presumptive sentence of ten years only if the prosecuting and defense attorneys did not charge any mitigating or aggravating factors to the court (both tell us it will be unusual not to charge at least some mitigating and aggravating factors). The prosecutor knows if Smith is charged with assault in the second degree, the presumptive term would be 4 years, but could be mitigated down to 0 years or aggravated up to 10 years. Thus he can effectively decide what range the judge will have available at sentencing (5 to 20 years or 0 to 10 years) by what Smith is charged with. Of course if the prosecutor doesn't charge the prior felony, the judge's range of discretion is 0-20 years for the assault I and 0-10 years for the assault II charge. Obviously the prosecutor isn't lacking discretion under the new code, nor is the range of sentencing narrow.

We are told judicial discretion is removed or severely limited by presumptive sentencing. It is limited somewhat but certainly not removed entirely. Example: Two different judges with Mr. Smith's case could sentence him to widely varying sentences on the same circumstances of the crime and background, (assuming an assault II conviction) as long as at least one factor in mitigation and one factor in aggravation was proven, by giving different weights to those factors. For example, Judge A could give strong weight to the mitigating factors and sentence Smith to no jail time or certainly less than four years. Then Judge B could sentence Smith to ten years by giving primary weight to the aggravating factors. The point is, either judge could sentence Smith to 0-10 years, with Judge A usually handing out a sentence of one year to most offenders while Judge B usually sentences offenders to six years for similar crimes and backgrounds, and still be within the constraints of the presumptive sentencing scheme.

These or other examples are not meant to impugn the integrity of either prosecutors or judges around the State of Alaska, but only show that even with presumptive sentencing, disparity in the handling of cases by the criminal justice system is far from being eliminated. Obviously there is a need to develop some specific guidelines about who should go to jail and who should not. Developing these standards is the area that needs to be addressed. (At

least the Parole Board does have specific, concrete, written guidelines for determining how long offenders serve if they are sent to jail, but those guidelines don't help with the more basic question of who should or should not go to jail at all.)

The important point is that discretion has not been severely curtailed or removed from the judge or prosecutor by the establishment of presumptive sentencing, and extending presumptive sentencing to all felony offenders is not likely to accomplish the intended goal of the elimination of disparity in the handling of cases in the criminal justice system.

What House Bill 293 does do is increase the lengths of time that prisoners would serve in jail, as the Division of Corrections has made it very clear they would not attempt to and would not replace the current Alaska parole system with furloughs. This direction of increasing prison terms flies in the face of research which shows that prisoners serving substantially longer periods of time in jail are not deterred at any higher rate than those with shorter sentences, and possibly may do worse after release than prisoners with shorter sentences.

Competent research shows us that involvement in meaningful programs can have some effect on decreasing the recidivism rate of prisoners. The possibility of parole is obviously a motivating factor to offenders for involvement in these programs. Although many offenders initially get involved in programming "for show", many of them also have remarked later on in their incarceration or even after their release that they would not have been aware of any particular problem that contributed to their involvement in criminal behavior were it not for the involvement in the programming.

This bill would also result in the continued incarceration of the offenders when it has been demonstrated that only 6% of the parolees released by the Board with as long as a nine year follow up period have been convicted of a new felony while on supervision. The increased costs of incarceration of these offenders will reach over a million dollars in a few short years if the Parole Board is abolished. It should be pointed out that this new felony conviction rate is less than one-half of the national average. Although it is impossible to pinpoint directly the reasons for this low new felony rate, we think some of the policies adopted by the Board have had some effect. The Board does consider each case carefully, it individualizes parole conditions based upon the offender's background, it requires pre-release planning to insure the parolee had the best possible community and family support, and the Board strongly supports close contact by the supervising parole officer during the early months of parole to monitor and assist the parolee in making a successful reintegration.

This bill abolishes a segment of the criminal justice system that has the proven capability to set reasonable, equitable, and even prison terms on a state-wide basis. Recent parole board research shows that the Board does an excellent job of treating persons of various races almost identically, which of course has been a significant problem in sentencing in previous years. Legislation would shift this discretion back to the prosecutor, and also somewhat

to the Division of Corrections.

Perhaps the most objectionable feature of HB 293 is a constitutional one. Section 21 of Article III of the Alaska Constitution states; "A parole system shall be provided by law." The Department of Law states that the provisions for mandatory good time in HB 293, and the furlough system provide for therein, constitute a parole system. We believe a system of parole necessarily includes a parole board, empowered to release prisoners prior to the time they would otherwise be released under their judgment and good time statutes, empowered to impose conditions of release, to enforce those conditions through parole officers, and to revoke the early release if warranted. Furloughs and good time (already provided for in existing statute) do not constitute a parole system, and the abolition of the parole board in HB 293 violates the Constitution of the State of Alaska.

Part of the intent of this bill is an attempt to replace parole with furloughs by increasing the number of persons placed in community based programs. Furlough decisions are made by the individual classification committees and superintendents of the various correctional facilities around the State of Alaska and by similar groups of people when Alaska prisoners are farmed out on contract to the Federal Bureau of Prisons or other correctional facilities in other states. The effect is that instead of decisions being made by the same group of five people using one set of standards statewide, furlough decisions would be made by nine superintendents, 25 wardens, and the various classification committees in correctional facilities around the State of Alaska and in those facilities in the Federal Prison system. It is highly likely that disparity in handling of prisoners in the granting of furloughs would be quite disparate based upon the knowledge of how furloughs are granted and have been granted throughout the State in previous years. There is no intent to impugn the integrity of any of these professional staff people, but just to point out that it is highly unlikely that these 100 or more people could possibly carry out any policy more uniformly than the same five persons (Parole Board) operating together on all cases statewide.

The Board has compiled research on all cases handled by it from 1970 through 1979 and developed specific time served criteria for various crime categories, considering the offender's prior record and other significant factors. This approach represents a consistent, equitable approach to the handling of offenders that the judiciary sentences to serve time in jail. The parole guidelines system does provide a great deal of certainty about when a prisoner sentenced to jail might expect to be paroled. He can compute his risk score if he wishes even before he goes to jail and get an excellent idea of how much time he can expect to serve, if there are no extenuating aggravating or mitigating circumstances. Furthermore, the Parole Board adopted a policy several years ago to begin seeing all prisoners within six months of their date of sentencing, anticipating that presumptive parole dates would be established on many offenders that do not have extremely long sentences. The parole board has been hampered from implementing this policy because of the lack of information on what prisoners

were in jail and lack of funding to hold additional hearings. We hope this problem will be eliminated in the near future.

With the parole guidelines that are already in effect, and with the parole board seeing most prisoners early in their sentences to establish presumptive parole dates, offenders will know early in their sentences when they can expect to be paroled. The major focus of HB 293 is to introduce certainty into the criminal justice system. The current parole board guidelines with its policy of seeing people shortly after they are sentenced will provide the certainty without the greatly increased costs to the citizens of the State that HB 293 would impose. Current research shows that the parole board operates efficiently, cheaply, and equitably. With the recently completed modifications and those anticipated in the near future, certainty in the parole decisions has become a reality.

The State Constitution states that penal administration shall be based upon the reformation of the offender and protection of the public. Both of these must take into consideration individual information regarding the offender. We know from valid research that factors come to the attention of officials of the system after sentencing that can significantly influence both of these principals, reformation of the offender and protection of the public. Using this information at parole hearings does therefore enhance the protection of the public and reformation of the offender, and for these reasons the system should maintain the parole component that allows structured decision making after the judicial determination of who should go to jail and who should not.

Because of the short time left in this legislative session to deal with all of the various parole board bills, the Board members support House Bill 510 as ammended in the House as the reasonable alternative due to time constraints. The Board strongly urges the Legislature to study the very complex issues involved with the operation of criminal justice system and its relationship to the Parole Board between now and January 1982. Communication with the Board and those working closely with the Board is encouraged. The Board members wish to meet with members of the Legislature between now and next January to carefully explore the information and complex issues involved before a major policy decision is made. We pledge our time and our small staff's time and resources in any way we can assist the Legislature in making an informed, well-reasoned decision.



Alaska State Legislature

Senate

JUNEAU, ALASKA

Lawyer calls for end of state parole board

By The Associated Press

The state parole board should be replaced with a system that rewards inmates for good behavior, a criminal justice lawyer told a House panel Thursday.

In testimony before the House Judiciary Committee, Assistant Attorney General Barry Stern said the parole board should be allowed to die June 30, as it would under current state law. The committee is considering what kind of parole system the state should have.

Rep. Terry Martin, R-Anchorage, has introduced a bill (HB225) that would continue the parole board.

Stern urged lawmakers to adopt a plan that will be submitted by Gov. Jay Hammond next week to replace the parole board with a system that would shorten inmates' sentences for good

behavior and make prison sentences and early releases more consistent.

He said it is important for current disparities be eliminated so that those convicted of crimes will know how long they will have to serve. "Now it's a guessing game," Stern said.

Director of the Division of Adult Corrections Charles Campbell said that there is "a great deal of concern about disparity and discrimination" in the criminal justice system, but the prospect of eliminating the parole board is "discomforting."


In written testimony, Sam Trivette, parole board executive director, said "although the parole function could be handled by the courts or another agency of the state, or by other state employees, the board is the most cost effective while offering fair, consistent and reviewable decisions."

Juneau Empire
2-27-81

HOUSE RESEARCH AGENCY
Pouch Y - State Capitol
Juneau, Alaska 99811
465-3991

MEMORANDUM

February 28, 1980

TO: Representative Nels Anderson
FROM: Christine Johnson, Research Analyst 
THROUGH: Duncan L. Read
RE: Alaska State Parole Board

Earlier this month, you requested that the House Research Agency assemble information for you regarding the Alaska State Parole Board. Attached please find several pages of charts which should address your first concern pertaining to parole board caseloads. The Alaska Parole Board holds an average of 225 parole hearings each year. Additionally, the Board annually considers five or six revocation cases, and may also hold several hearings regarding offenders who have been released from prison according to the "mandatory release" and "legislative release" provisions in State law (AS 33.20.040, 33.15.180), but have violated conditions of their discharge. Board members spend between forty and sixty days each year on Parole Board business.

We have tried to provide you state-by-state statistics which indicate, to some degree, how the Alaska Parole Board functions relative to the other boards throughout the country. As the attached information indicates, sixteen other states have parole boards whose members serve on a part-time basis. There are also five states which have mixed boards, with both full and part-time members (see chart).

While nine states (Hawaii, Maine, Montana, New Hampshire, North Dakota, Rhode Island, South Dakota, Vermont, Wyoming) have smaller institutional populations than Alaska's, only one other state's parole board meets as infrequently as the Alaska Board. This may be one of the Alaska Parole Board's most significant inadequacies. Every offender who is eligible for parole and who applies for it is considered by the Board the next time they meet at his/her institution. However, as the Board only meets once a year at each of the detention facilities in Alaska, an individual who becomes eligible for parole several months after the annual board meeting at his/her institution could wait up to half a year for the board to consider the case.

In your memo to the Agency, you expressed concern that the State Parole Board may hear too many cases each year to treat each one adequately. This is difficult to measure. The State's parole recidivism rate may be an indicator of the quality of the Parole Board's decisions. Since 1975, the average annual parole revocation rate in Alaska has been 31%. However, an average of only 3.9% of the revocations occurred because the parolee committed a new offense. A board's typical daily caseload may also provide some insight into decision quality, indicating the amount of attention each case receives from the board as a whole. The Alaska Parole Board hears an average of 12 cases in a day; only one state board has a lower daily caseload. Parole boards in the eight states which have penal institution populations smaller than Alaska's see an average of 24 parole applicants daily. In a day, boards in Florida, Arizona and Texas may decide as many as a hundred cases.

It can be misleading to compare state parole boards' case disposition statistics. For example, in many states, e.g., Oregon, the court sets only the maximum term an offender must serve, and inmates are eligible for parole anytime after entering an institution. The Oregon Parole Board must see each sentenced offender and determine what amount of time he or she will actually serve. Data pertaining to Oregon would indicate that the Oregon Board paroles proportionately more offenders than the Alaska Parole Board because every inmate who is discharged from an Oregon institution before serving the maximum sentence for his or her type of offense is released by the Parole Board.

Parole Board Policy on Employment

The State Parole Board considers an offender's employment plans when making a decision regarding his/her parole. According to the Board's recently completed policy manual, the Board will review parole applicants' "employment history, including vocational and academic skills and training learned within the institution. Also previous training, job experiences including military training are also factors where appropriate in determining the applicant's employability." Additionally, the policy manual states that the "release plan" which each applicant is required to prepare and submit prior to his hearing should include "employment verification, job training verification, housing verification, and other letters of reference relevant to an applicant's plans." According to the executive director of the Parole Board, Sam Trivette, the Board acknowledges that it is frequently unrealistic to rigidly impose these employment requirements. According to the director, the Board is sensitive to the circumstances of offenders from rural areas who may never have held a typical job, or who are returning to communities whose employment opportunities are limited. Mr. Trivette repeated to us what he told the House Judiciary Committee in a letter dated November 12, 1979:

The Board has released offenders to subsistence plans including fishing, trapping, ivory and wood carving, training others to carve, chopping firewood to heat the home, repair fishing gear for the next season, etc. The Board has even paroled people to subsistence gardening in an appropriate case... The Board does release persons other than native persons to rural Alaska subsistence plans and will continue to do so when the Board members feel the offender's plan is realistic considering his entire life history. Some parole applicants have continually failed in some bush settings and the Board will not release any offender to a remote location so that he can escape supervision or just to get him out of sight.

Mr. Trivette asked us to note the Parole Board cannot release offenders to subsistence hunting as federal law does not permit felons to carry guns (18 USC § 1202).

Although the Parole Board may consider subsistence plans as an alternative to more traditional employment, this is not explicitly stated anywhere in the new Board policy manual which will be distributed through the State institutions. As an anonymous letter which appeared in the Tundra Times on August 15, 1979, indicates, the Board's receptivity to alternative employment plans is not widely understood. The author wrote:

I will state again, it is my firm conviction that the Department of Corrections should lift the stipulation of having a job, a requisite to the Native seeking parole. Simply for the reason there are no jobs in the bush communities.

The Parole Board's policy in this matter could be more clearly expressed so that prospective parolees understand that the Board will consider several kinds of employment options and they can develop their release plans accordingly.

Community Involvement in the Parole Process

You indicated in your letter to us that you would like to expand the role of village councils in the parole process. When contacted, Mr. Gray of your staff said you were specifically interested in the possibility of employing individuals at the village level who would assume parole responsibilities for offenders from the community. In this regard, there is presently a program in existence which, if expanded, could be what you have in mind. The Division of Corrections has employed "probation aides" since 1969. At this time, there is only one aide in Bethel and one in Kotzebue, but in previous years the program has been larger.

According to Walt Jones of the Division of Corrections, the difference between probation aides and professional probation/parole officers is the degree of administrative responsibility. Probation/parole officers in rural areas must also be regional office managers, and perform personnel and budget-related functions not required of probation aides. Aides have most of the same duties and powers with respect to probationers and parolees as professional officers. They have the power to enforce conditions of parole and probation and may make arrests when necessary. Aides and officers receive very similar training. The requirements for a probation aide position include the equivalent of eighth grade reading ability, sixth grade mathematic skills, maturity, and suitable character. The Division of Corrections budgets \$34,800 for each aide position. This amount includes the aide's salary and necessary support costs, i.e., transportation, administrative assistance. (Each professional probation/parole officer position requires \$68,200, according to the Division. This figure includes the officer's salary, transportation and the cost of renting space for a regional office.)

The State Parole Board encourages comment from parole applicants' home communities, and maintains that a community's comments and receptivity to the applicants' return will impact the parole decisions. However, according to the Parole Board's executive director, the Board does not presently have the necessary personal contacts or resources to directly request information from rural communities. Any information the Board receives from village councils, or other organizations, comes unsolicited, or in response to an applicant's efforts to have a community spokesperson recommend his/her release. Additionally, in the director's opinion, the Parole Board believes there should be someone in the offender's home community to provide assistance and supervision, and to report back to the parole officer and the Board.

With some modifications, the probation aide program, could address both these concerns. Parole Board members would be assured that they were not releasing a parolee into a completely unstructured setting, and through the aide, could determine communities' willingness to have offenders returned. Although the village councils would not be directly supervising parolees responsibility for parolees would be at the village level and the councils could participate to a greater extent in decisions regarding the parolees' presence and behavior in the communities.

We have not done a thorough analysis of what modifications would be necessary in order to expand the existing aide program. However, we have considered the possibility of creating part-time aide positions, having fulltime aides serving several villages, or the State contracting with village councils to train and employ parole aides when there will be parolees returning to the community.

Representative Nels Anderson
February 28, 1980
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We would be happy to provide further information if it would be useful to you. Please don't hesitate to contact us if we can be of more assistance.

CJ/dp

ALASKA BOARD OF PAROLE
STATISTICS

	1975		1976		1977		1978		1979 (First Half)	
Parole Hearings	252		214		212		226		91	
Paroled	93		53		75		64		34	
Continued	133		92		78		72		30	
Denied	22		61		52		78		27	
Other	4		8		7		12			
Revocations	Technical / New Felony Violation / Committed		Technical / New Felony Violation / Committed		Technical / New Felony Violation / Committed		Technical / New Felony Violation / Committed		Technical / New Felony Violation / Committed	
1-3 Months	10	3	5	1	5		3	1		
4-6 Months	7		6		6	2	8			
7-12 Months	7		4	2	4		1			
13-18 Months	3				4	1				
19-24 Months	.1									
25 or More Months	2		1			1				
TOTAL	30	3	16	3	19	4	12	1		
Revocation Rates	3-1/2 yr. - 4-12/yr. Follow up 35%		2-1/2 yr. - 3-1/2 yr. Follow up 36%		1-1/2 yr. - 2-1/2 yr. Follow up 31%		6 Mo. - 18 Mo. Follow up 20%			
Felony Revocation Rate	3.2%		5.6%		5.3%		1.6%			

STATE	INSTITUTIONAL POPULATION	PAROLE POPULATION	FULL- TIME BOARD	NUMBER OF BOARD MEMBERS	FREQUENCY OF BOARD HEARINGS	NUMBER OF CASES HEARD BY BOARD IN A TYPICAL DAY
Alabama	3,293	1,963	Yes	3	Monthly	30
Alaska	766	240	No	5	Quarterly; once a year at each major state facility	12
Arizona	3,122	1,832	Yes	5	Monthly	20-25
Arkansas	2,485	1,852	No	5	Monthly	150 at larger institutions 75-80 at smaller facilities
California	21,220	17,880	Yes	9	Monthly	12-16
Colorado	2,375	2,946	Yes	5	Monthly	20
Connecticut	3,271	1,564	No ^a	11	At least monthly	12-15
Delaware	1,007	500	No ^a	5	Semimonthly	20
Florida	14,152	44,530	Yes	7	Whenever there are applicants eligible for parole	75-100
Georgia	11,373	3,374	Yes	5	Whenever there are applicants eligible for parole	30
Hawaii	594	n/a	No ^a	3	Monthly	20

^aThe chairman serves fulltime; members serve part-time

^bThe chairman and two members serve fulltime; two members serve part-time

1978 information

STATE	INSTITUTIONAL POPULATION	PAROLE POPULATION	FULL- TIME BOARD	NUMBER OF BOARD MEMBERS	FREQUENCY OF BOARD HEARINGS	NUMBER OF CASES HEARD BY BOARD IN A TYPICAL DAY
Idaho	855	293	No	5	Monthly	30
Illinois	10,847	10,971	Yes	10	Monthly	12-15
Indiana	4,846	2,028	Yes	5	Monthly	50
Iowa	1,999	1,093	No	5	4 times a year at women's facility; bimonthly elsewhere	30
Kansas	2,263	1,931	No	5	Monthly	25
Kentucky	3,372	2,307	Yes	5	Monthly	40
Louisiana	7,270	1,936	Yes	5	Monthly	35
Maine	747	349	No	5	biweekly at major institutions; monthly at smaller facilities	15-25
Maryland	8,028	5,296	Yes	7	monthly at major institutions; as necessary at local jails	15
Massachusetts	2,543	2,788	Yes	7	Monthly	12-16 at state prison; 15-30 at county facilities
Michigan	13,487	5,624	Yes	7	varies among facilities; semiweekly to semimonthly	25-30

^aThe chairman serves fulltime; members serve part-time

^bThe chairman and two members serve fulltime; two members serve part-time

STATE	INSTITUTIONAL POPULATION	PAROLE POPULATION	FULL- TIME BOARD	NUMBER OF BOARD MEMBERS	FREQUENCY OF BOARD HEARINGS	NUMBER OF CASES HEARD BY BOARD IN A TYPICAL DAY
Minnesota	1,813	2,250	Yes	5	Several times a month	15
Mississippi	1,949	1,631	No ^a	5	Monthly	30
Missouri	5,229	1,586	Yes	5	Bimonthly at women's institution; monthly elsewhere	15-18
Montana	360	518	No	3	Monthly	25
Nebraska	1,320	427	No ^b	5	Semimonthly	30-35
Nevada	1,351	683	Yes	3	Bimonthly	60-75
New Hampshire	263	1,190	No	3	Monthly	25-35
New Jersey	5,626	7,300	Yes	3	Monthly	10-30
New Mexico	1,582	566	Yes	3	Weekly	3-10
New York	20,174	6,851	Yes	12	Monthly	80
North Carolina	13,924	6,980	Yes	5	Monthly at eight locations in State	20-40
North Dakota	284	298	No	3	Bimonthly	20-25

^aThe chairman serves fulltime; members serve part-time

^bThe chairman and two members serve fulltime; two members serve part-time

STATE	INSTITUTIONAL POPULATION	PAROLE POPULATION	FULL- TIME BOARD	NUMBER OF BOARD MEMBERS	FREQUENCY OF BOARD HEARINGS	NUMBER OF CASES HEARD BY BOARD IN A TYPICAL DAY
Ohio	12,968	6,351	Yes	7	Monthly	20-25 ^{1r}
Oklahoma	3,687	1,366	No	5	Monthly rotating between two locations	60-70
Oregon	2,626	1,310	Yes	5	Monthly at women's facility; 4 times a week at state penitentiary; weekly at other institutions	15
Pennsylvania	7,598	8,920	Yes	5	Monthly	20-40
Rhode Island	667	280	No	5	Monthly	35
South Carolina	7,364	2,132	No	7	Semimonthly	50
South Dakota	565	589	No	3	Monthly	40
Tennessee	5,568	4,080	Yes	3	Monthly	25
Texas	24,396	13,915	Yes	3	no hearings held; cases reviewed as necessary	80-100
Utah	956	570	No	3	three to four times a month	40
Vermont	411	407	No	5	Monthly	15

^aThe chairman serves fulltime; members serve part-time

^bThe chairman and two members serve fulltime; two members serve part-time

STATE	INSTITUTIONAL POPULATION	PAROLE POPULATION	FULL- TIME BOARD	NUMBER OF BOARD MEMBERS	FREQUENCY OF BOARD HEARINGS	NUMBER OF CASES HEARD BY BOARD IN A TYPICAL DAY
Virginia	8,147	3,008	Yes	5	Quarterly	15-25
Washington	4,000	2,463	Yes	7	Varies among facilities; weekly, semimonthly, monthly	16-20
West Virginia	1,142	650	Yes	3	Monthly	15
Wisconsin	3,286	2,414	Yes	10	Monthly	12-18
Wyoming	410	201	No	3	Quarterly	15-20

^aThe chairman serves fulltime; members serve part-time

^bThe chairman and two members serve fulltime; two members serve part-time.

1978 information

GOALS AND OBJECTIVES OF
THE ALASKA PAROLE BOARD FOR 1982 - 1983

GOALS

Enhance the safety and security of the citizens of Alaska by only releasing to parole supervision those offenders that will, in reasonable probability, live and remain at liberty without violating the laws or without violating the conditions imposed by the Board (AS 33.15.080).

Enhance the criminal justice system by releasing to parole only those offenders whose release is not incompatible with the welfare of society (AS 33.15.080).

Provide the Governor with a comprehensive report of an investigation on each executive clemency applicant, along with all other information the Board has regarding the applicant (AS 33.15.080).

Conduct hearings as necessary pursuant to the Interstate Compact on Probationers and Parolees (AS 33.10.010).

OBJECTIVES

1. Operate the Board to insure that less than 8% of parolees released are returned to custody within one year of release with a new felony conviction.
2. Operate the Board to insure that less than 20% of the parolees are returned to custody within one year of release.
3. Operate all Board hearings in a timely manner in compliance with federal and State laws, applicable court decisions, and Board regulations to:
 - a) Prevent offenders from being released or parolees from remaining in the community because of technical errors made by the Board.
 - b) Prevent any monetary judgment against the State because of improper Board action or activity.
4. Operate the Board to insure the most cost effective expenditure of State funds.

5. Make consistent case decisions based upon researched, written guidelines and provide a written record in each case so that interested parties can be informed of the reasons for any case decision upon inquiry.
6. Handle all administrative appeals of Parole Board or Parole officer decisions in accordance with Board regulations.
7. Support the enactment of legislation to modify and update Parole Board laws to retain a constitutionally-viable parole system that would meet the standards established by the Commission on Accreditation for Corrections.
8. Once legislation has passed, apply for accreditation through the Commission on Accreditation for Corrections and strive to become accredited.
9. Hold hearings on all offenders eligible for discretionary parole within six months after the date of sentence on those sentenced to terms of 5 years or less, or within 2 years of parole eligibility on those sentenced to terms in excess of 5 years.
10. Have Division of Adult Corrections employees complete parole progress reports on all offenders applying for parole.
11. Provide professional training for all Board members and staff involved in conducting parole hearings.
12. Improve, expand, and update the research on parole applicants and parolees to insure accuracy of data and improve the information on which individual case decisions are made pursuant to the parole guidelines.
13. Meet with other criminal justice system employees in the State to coordinate activities and discuss problem areas.
14. Meet with other State officials to seek solutions to the overcrowding in Division of Adult Corrections institutions.
15. Continue long range planning of Parole Board and Board related activities.
16. Continue to support and assist with the implementation of OBSCIS (Offender Based State Correctional Information System).
17. Hold more frequent revocation and rescission hearings to decrease the time violators are held in custody before final action is taken by the Board.
18. Revise and update the Board's regulations and other working documents as necessary.

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSSB 327 (HESS)

Title "An Act relating to parole of offenders."

Requested by Senator Parr

Date March 8, 1982

II. FISCAL DETAIL

Agency Affected Health and Social Services

Program Category Affected Offender Confinement, Reformation & Supervision

SRU, Program, Or Subprogram(s) Affected Adult Confinement - Probation

(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						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

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

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

The changes incorporated into Committee Substitute for Senate Bill No. 327 (HESS) have removed the fiscal impact which would have been experienced with enactment of the original bill.

It has been assumed that all parolees will cooperate with the probation officers and waive a formal hearing when a change of parole condition is considered necessary by Department staff. The alternative for a parolee is to be incarcerated for the period until the hearing could be scheduled.

IV. DATE March 9, 1982

PREPARED BY Roger C. Lange

AGENCY Division of Adult Corrections

PHONE 465-3376

Original: Legislative Finance
cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)

Roger C. Lange
JCC

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS for SS for Senate Bill 327

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

Requested by Senator Parr

Date _____

II. FISCAL DETAIL

Agency Affected Department of Health & Social Services

Program Category Affected Offender Confinement Reformation & Supervision

SRU, 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	-	-0-	-0-	-0-	-0-	-0-
200 TRAVEL		10.3	5.1	8.5	6.5	15.9
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						
700 GRANTS, CLAIMS, ETC.						
800 COMPENSATION		33.0	35.5	38.8	41.0	62.1
TOTAL		44.6	40.6	48.8	47.5	62.1

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND		44.6	40.6	48.8	47.5	62.1
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

NONE

	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 Sheets

IV. DATE March 8, 1982

PREPARED BY _____

Samuel H. Trivette

AGENCY _____

H & S.S. Parole Board

Original: Legislative Finance

PHONE _____

465-3384

cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)

JCC

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

Budget one trip by one staff to Anchorage, Fairbanks, Nome, Bethel, Kenai, Ketchikan and Sitka to meet with organizations to recruit for Board members and administer member assessment. Two additional one day trips to two locations to do final interviews and train on member responsibilities. Budget every fourth year.

Travel & Per Diem 3.9

Total 3.9

B. 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 7 members = 16.1

b) Phone log shows average of 30 calls/quarter to the office x 4 quarters/year = 120 calls for handling appeals, requests for special hearings, mandatory release conditions, etc. = 12.0

c) Pay full days compensation for those days holding preliminary hearings, 1/2 day parole hearings, etc. Guess 35 member days x \$50 = 1.8

Total 29.9

D. 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.

Contractual 1.3
Travel & Per Diem 2.0
Compensation .4

Total 3.7

D. Section .180, Change in Conditions

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

Transportation 1.6
Per Diem 1.3
Compensation 1.5

Total 4.4

E. 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".

Per Diem	1.6
Compensation	<u>2.0</u>

Total 3.6

F. Assumption for FY-84 Through FY-87

- a) Travel = 15% in FY-84 and FY-85; 10% thereafter.
- b) Compensation = Consumer Price Index will increase by 9% in FY-84; 8% in FY-85; 7% in FY-86 and FY-87.
- c) Contractual = 8%

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COMMITTEE REPORT

SENATE

3/25/81

FURTHER: None

Date: May 15, 1981

Mr. President:

The Committee on JUDICIARY has had SB 331
disqualification, suspension, removal, retirement, and censure of judges

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

- do ~~pass~~ INDIVIDUAL do not pass
- do pass with attached amendments(s) RECOMMENDATIONS
- 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

[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature] - NO RECS

[Signature] Mr. Hill

[Signature]
CHAIRMAN

SENATE AMENDMENT

By SEN ELLI

To: _____ SENATE BILL No. 331

To: _____ HOUSE BILL No. _____

PAGE:

LINE:

Page 1, LINE 28: AMEND TO READ:

(4) HABITUALLY ABUSES CONTROLLED SUBSTANCES.

PAGE 3, LINE 17:

DELETE THE WORD "INTEMPERANCE" AND INSERT "ABUSE OF CONTROLLED SUBSTANCES" IN ITS PLACE

PAGE 3, LINE 19: ADD A NEW SECTION TO READ:

* SEC. 5. AS 22.30.80 IS AMENDED BY ADDING A NEW PARAGRAPH TO READ:

(3) "CONTROLLED SUBSTANCE" MEANS A DRUG PROHIBITED UNDER AS 17.10, AS 17.12 OR ANY ALCOHOLIC BEVERAGE

(3) "INTEMPERANCE" MEANS HABITUAL OVER CONSUMPTION OF ALCOHOLIC BEVERAGES OR DRUGS PROHIBITED UNDER AS 17.10 OR AS 17.12.

REACHABLE
IRREACHABLE

1 of this section. A hearing under this section is a hearing under
2 AS 44.62.310(c)(2) and is private unless a public hearing is requested
3 by the judge.

4 (c) A judge appearing before the commission at the hearing is
5 entitled to counsel, may present evidence, and may cross-examine wit-
6 nesses.

7 (d) The commission may, after a hearing held under (b) of this
8 section,

9 (1) exonerate the judge of the charges;

10 (2) reprimand the judge privately;

11 (3) refer the matter to the supreme court with a recommen-
12 dation that the judge be suspended, removed, or retired from office or
13 censured by the supreme court.

14 (e) A decision by the commission to reprimand a judge privately
15 may be appealed by the judge to the supreme court.

16 (f) If the commission decides to reprimand a judge privately, the
17 commission shall forward the reprimand to the judge. A copy of the
18 reprimand shall be sent to the chief justice of the supreme court. The
19 reprimand is confidential.

20 (g) If the commission exonerates a judge, a copy of the proceed-
21 ings and report of the commission may be made public on the request of
22 the judge.

23 * Sec. 2. AS 22.30 is amended by adding a new section to read:

24 Sec. 22.30.066. INQUIRY. The commission may subpoena witnesses,
25 administer oaths, take the testimony of any person under oath, and
26 require the production for examination of documents or records relating
27 to its inquiry under AS 22.30.011.

28 * Sec. 3. AS 22.30.070(b) is amended to read:

29 (b) On recommendation of the commission or after an appeal under

1 AS 22.30.011(e) [ON ITS OWN MOTION], the supreme court may suspend a
2 judge from office without salary when in the United States he pleads
3 guilty or no contest or is found guilty of a crime punishable as a
4 felony under state [ALASKA] or federal law or of a [ANY OTHER] crime
5 that involves moral turpitude under state or federal [THAT] law. If his
6 conviction is reversed, suspension terminates, and he shall be paid his
7 salary for the period of suspension. If he is suspended and his conviction
8 becomes final, the supreme court shall remove him from office.

9 * Sec. 4. AS 22.30.070(c) is amended to read:

10 (c) On recommendation of the commission or after an appeal under
11 AS 22.30.011(e), the supreme court may (1) retire a judge for disability
12 that seriously interferes with the performance of his duties and that
13 is or may [IS LIKELY TO] become permanent, and (2) censure or remove a
14 judge for action occurring not more than six years before the commencement
15 of his current term which constitutes wilful misconduct in the
16 office, wilful and persistent failure to perform his duties, habitual
17 ~~ABUSE OF CONTROLLED SUBSTANCES~~ or conduct prejudicial to the administration of
18 justice, or conduct that brings the judicial office into disrepute.

19
20 * SEC. 5 AS 22.30.80 IS AMENDED BY ADDING A NEW PARAGRAPH
21 TO READ:

22
23 (3) "CONTROLLED SUBSTANCE" MEANS A DRUG PROHIBITED
24 UNDER AS 17.10 ~~OR~~, AS 17.12 OR ANY
25 ALCOHOLIC BEVERAGE
26
27
28
29

INTEMPERANCE. Habitual intemperance is that degree of intemperance from the use of intoxicating drinks which disqualifies the person a great portion of the time from properly attending to business, or which would reasonably inflict a course of great mental anguish upon an innocent party. *Hope v. The Maccabees*, 91 N.J.L. 148, 102 A. 689, 691, 1 A.L.R. 455; *Andrews v. United States Casualty Co.*, 154 Wis. 82, 142 N.W. 487, 490.

BLACKS LAW DICTIONARY

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COMMITTEE REPORT

SENATE

FURTHER: Finance

5/13/81

Date: May 20

Mr. President:

The Committee on JUDICIARY has had 2d SSSB 366

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

- do pass with amendments [] 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:

Edwin P. ...

CHAIRMAN



Alaska State Legislature

Senate

Official Business

Judiciary Committee

Pouch V
State Capitol
Juneau, Alaska 99811

A G E N D A

CALL TO ORDER

LEGISLATION BEFORE COMMITTEE:

- SB 366 "An Act relating to corporations organized pursuant to PL92-203."
HB 287 "An Act relating to domestic violence."
HB 214 "An Act relating to payment of proceeds due under life insurance policies."

HEARING OF SCHEDULED TESTIMONY:

- SB 366 Roy Huhndorf
~~George Christie~~
Bob Denham
- HB 287 Representative Don Clocksin
Jennette Hieb, Commissioner's Office,
Public Safety
Betsy McGuire, Department of Health & Social
Services
~~Ted Berns, Municipality of Anchorage~~
~~Grant Callow/Cindy McBurney~~
Karen Robinson, Juneau AWARE
KARLA HUNNINGTON
- WITCH GRAVUS
- HB 214 Representative Brown
Don Koch, Division of Insurance
Dwayne Carlson, AFL-CIO

ADJOURN

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. SB 366
 Title An Act relating to corporations organized pursuant to P.L. 92-203.
 Requested by _____ Date 4/7/81

II. FISCAL DETAIL
 Agency Affected Department of Commerce & Economic Development
 Program Category Affected Consumer Protection
 BRU, Program, or Subprogram(s) Affected Banking & Securities
 (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						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

IV. DATE 4/7/81 PREPARED BY Willis F. Kirkpatrick, Director of Banking
 AGENCY Department of Commerce & Economic Development
 PHONE 465-2521
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

Sec. 10.05.005. Corporations organized pursuant to P.L. 92-203. (a) A corporation organized pursuant to the Alaska Native Claims Settlement Act (P.L. 92-203; 85 Stat. 688), except a village corporation which may be incorporated under either this chapter or AS 10.20, shall be incorporated under and is subject to this chapter except

(1) each corporation shall issue without further consideration such number of shares of common stock, as may be necessary to comply with the requirements of the Alaska Native Claims Settlement Act and all stock so issued is considered fully paid and nonassessable when issued;

(2) unless otherwise provided in the articles of incorporation approved by the secretary of the interior,

(A) the capital is considered the consideration for the initial issuance of shares; and

(B) the capital of a corporation organized under P.L. 92-203 includes

(i) the land or interests in it conveyed to the corporation by the United States under the federal Act, except that which is required to be conveyed under §§ 14(c) (1), (3) and (4) of that Act, entered at its fair value to the corporation upon receiving the conveyance of it; and

(ii) the money, when received under §§ 6, 7(i) and 9 of that Act, which is retained by the corporation and which is not immediately distributed or required to be distributed under § 7(j) of that Act.

(b) Notwithstanding the provisions of AS 10.05.207, no payment from the funds of a corporation organized pursuant to P.L. 92-203 which is required by the language of P.L. 92-203 to be distributed to shareholders or to other corporations so organized shall be considered to be a distribution in partial liquidation.

(c) Notwithstanding the provisions of AS 10.05.390, a plan of merger or consolidation in which each merging or consolidating corporation either (1) was organized under the Alaska Native Claims Settlement Act (P.L. 92-203; 85 Stat. 688), within the same one of the 12 regions of Alaska established under the Alaska Native Claims Settlement Act, or (2) resulted from the prior merger or consolidation of other similarly organized corporations within the same region, is approved if it receives the affirmative vote of the holders of at least a majority of the outstanding shares of each corporation. If a class of shares of a corporation specified in this subsection is entitled to vote as a class, the plan of merger or consolidation is approved if it receives the affirmative vote of the holders of at least a majority of the outstanding shares of each class of shares entitled to vote as a class and of the total outstanding shares. (§ 2 ch 193 SLA 1972; am § 1 ch 29 S.A. 1975)

ALASKA NATIVE CLAIMS SETTLEMENT ACT

Sec 7

(i) Seventy per centum of all revenues received by each Regional Corporation from the timber resources and subsurface estate patented to it pursuant to this Act shall be divided annually by the Regional Corporation among all twelve Regional Corporations organized pursuant to this section according to the number of Natives enrolled in each region pursuant to section 5. The provisions of this subsection shall not apply to the thirteenth Regional Corporation if organized pursuant to subsection (c) hereof.

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB 366

Title An Act relating to corporations organized pursuant to P.L. 92-203.

Requested by _____ Date 4/7/81

II. FISCAL DETAIL

Agency Affected Department of Commerce & Economic Development

Program Category Affected Consumer Protection

BRU, Program, or Subprogram(s) Affected Banking & Securities

(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						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

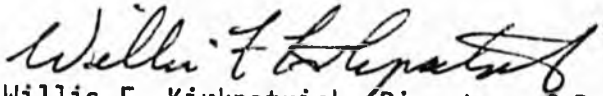
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

IV. DATE 4/7/81


 PREPARED BY Willis F. Kirkpatrick, Director of Banking
 AGENCY Department of Commerce & Economic Development
 PHONE 465-2521

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

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/

OF COUNSEL
M. E. MONAGLE

ROBERTSON, MONAGLE, EASTAUGH & BRADLEY

ROBERT B. BAKER
LEROY J. BARKER
L. G. BERRY
C. R. RICH
CARL W. WINNER

R. E. ROBERTSON (1885-1981)
F. O. EASTAUGH
J. B. BRADLEY
WILLIAM G. RUDDY
L. B. JACOBSON
MICHAEL T. THOMAS
JAMES F. CLARK
PAUL M. HOFFMAN
J. P. TANGEN
D. ELIZABETH CUADRA
HAROLD E. SNOW, JR.
PAMELA L. FINLEY

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW
POST OFFICE BOX 1211
JUNEAU, ALASKA 99802

RECEIVED

MAY 15 1981

ANCHORAGE OFFICE

801 WEST FIFTH, SUITE 510
ALASKA MUTUAL BANK BLDG.
POST OFFICE BOX 679
ANCHORAGE, ALASKA 99510
PHONE (907) 277-6693
CABLE: ROMEA
TELEX: 090-26-486

JUNEAU OFFICE

210 FERRY WAY, 2ND FLOOR
POST OFFICE BOX 1211
JUNEAU, ALASKA 99802
PHONE (907) 588-3340
CABLE: ROMEA
TELEX: 099-45-376

May 14, 1981

The Honorable Patrick Rodey
Chairman, Senate Judiciary Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

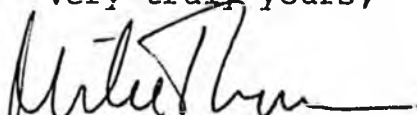
Re: Senate Bills 287 and 391

Dear Senator Rodey:

The American Insurance Association is interested in the above bills. This letter is to request that someone in your Committee notify my office when the above-referenced bills are to be heard.

Thank you for your courtesy.

Very truly yours,


M. T. Thomas

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



Alaska State Legislature

Senate

Judiciary Committee

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811

May 14, 1981

Ski Boot Hill
Fairbanks, Alaska 99701

Dear Sir or Madam:

Thank you for your comments on SB 391, "An Act relating to civil liability on claims arising from skiing; and providing for an effective date."

On Friday, May 8, the Senate Judiciary Committee conducted hearings on this legislation. No action was taken by the committee at that time, and I am very doubtful that we will conduct further hearings during this session.

Again, I appreciate your comments and will make them a part of the committee's permanent file for any future consideration.

Sincerely,

Pat

Senator Patrick M. Rodey
Chairman

PMR/ods

TELEGRAM

ALSCOM, INC.
PHONE: 586-6442
DUNEAU, AK 99602

RECEIVED

MAY 08 1981

MAY 8 AM 11 46

#

12006 NL FAIRBANKS ALASKA 50 05-07 421P ADT

PMS SEN PAT RODEY

JUN

0684

WE ARE AGAINST SB391

SKI FOOT HILL FAIRBANKS



Official Business

Alaska State Legislature

Senate

Judiciary Committee

Pouch V
State Capitol
Juneau, Alaska 99811

May 14, 1981

Mr. Thomas McCann
Vice President and Mountain Manager
Cleary Summit Ski Area
719 2nd Avenue
Fairbanks, Alaska 99701

Dear Mr. McCann:

Thank you for your comments on SB 391, "An Act relating to civil liability on claims arising from skiing; and providing for an effective date."

On Friday, May 8, the Senate Judiciary Committee conducted hearings on this legislation. No action was taken by the committee at that time, and I am very doubtful that we will conduct further hearings during this session.

Again, I appreciate your comments and will make them a part of the committee's permanent file for any future consideration.

Sincerely,

A handwritten signature in cursive script that reads "Pat".

Senator Patrick M. Rodey
Chairman

PMR/ods

TELEGRAM

ALASCOM, INC.
PHONE: 588-6442
JUNEAU, AK 99802

#

1981 MAY 8 AM 11 40

RECEIVED

MAY 08 1981

12003 POM FAIRBANKS ALASKA 15 05-07 425P ADT

PMS PAT RODEY JUDICIARY COMMITTEE PLSE DLR BY 130PM

BUTROVICH ROOM 2ND FLOOR CAPITOL BLDG

JUN

WE ADVISE AGAINST REPEAL OF INHERENT RISK BILL AND SUPPORT

MR VON IMHOF COMPLETELY

THOMAS MCCANN

VICE PRESIDENT AND MOUNTAIN MANAGER CLEARLY SUMMIT SKI AREA

719 2ND AVE FAIRBANKS AK 99701



Official Business

Alaska State Legislature

Senate

Judiciary Committee

Pouch V
State Capitol
Juneau, Alaska 99811

May 14, 1981

Gary King, Jr.
1658 E. 59th Avenue
Anchorage, Alaska 99507

Dear Gary:

Thank you for your comments on SB 391, "An Act relating to civil liability on claims arising from skiing; and providing for an effective date."

On Friday, May 8, the Senate Judiciary Committee conducted hearings on this legislation. No action was taken by the committee at that time, and I am very doubtful that we will conduct further hearings during this session.

Again, I appreciate your comments and will make them a part of the committee's permanent file for any future consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Pat".

Senator Patrick M. Rodey
Chairman

PMR/ods

LA11 2919 18.16 JAO1 0023 18.16 05/07/81

3 RECEIVED

MAY 11 1981

TO: JUN P.O.M.

FR: EFFIE

TO: SENATOR RODEY, REP. HAYES

FR: GARY KING, JR.
1658 E. 59TH AVE.
ANCHORAGE, AK 99507
344-9314

RE: SB 291

INCL A NO VOTE, LIMITED LIABILITY OF THE SKI INDUSTRY IS MUCH HELPED.

Handwritten notes:
Ker Kitchell
TO
POINT'S
1 DO
SB 291
THANKS
MAY 11 1981
PICK UP ON 11 FEB.
COMMUNICATE
FOR
ANNOUNCE TO
MAY 11 1981



Alaska State Legislature

Senate

Judiciary Committee

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811

May 14, 1981

Mr. Harland Davis
610 West 2nd Avenue
Anchorage, Alaska 99501

Dear Mr. Davis:

Thank you for your comments on SB 391, "An Act relating to civil liability on claims arising from skiing; and providing for an effective date."

On Friday, May 8, the Senate Judiciary Committee conducted hearings on this legislation. No action was taken by the committee at that time, and I am very doubtful that we will conduct further hearings during this session.

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Sincerely,

Pat

Senator Patrick M. Rodey
Chairman

PMR/ods

2
MSG 81-00015978 PRTY 1 05/08/81 16:53:26 ORIG: LA02 IN= 0002 OUT= 0038
FROM: ROBERTA TO: JUNO INFO
TARGET: LJH? SUBJ: POMS PAGE 0004

TO: SENATOR RODEY
FROM: HARLAND DAVIS, 610 W 2ND, ANC. 99501; 277-0111

I OPPOSE AND URGE YOU TO OPPOSE SB 391 REGARDING REPEAL OF THE
ASSUMPTION OF INHERENT RISK OF SKIING.

RECEIVED
MAY 11 1981



Official Business

Alaska State Legislature

Senate

Judiciary Committee

Pouch V
State Capitol
Juneau, Alaska 99811

May 14, 1981

Mr. James A. Oviatt
6425 E. 14th Avenue
Anchorage, Alaska 99504

Dear Mr. Oviatt:

Thank you for your comments on SB 391, "An Act relating to civil liability on claims arising from skiing; and providing for an effective date."

On Friday, May 8, the Senate Judiciary Committee conducted hearings on this legislation. No action was taken by the committee at that time, and I am very doubtful that we will conduct further hearings during this session.

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Sincerely,

Pat

Senator Patrick M. Rodey
Chairman

PMR/ods



Alaska State Legislature

Senate

Judiciary Committee

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811

May 14, 1981

Mr. Larry Foster
Member, Denali Ski Patrol
1502 Turpin
Anchorage, Alaska 99504

Dear Mr. Foster:

Thank you for your comments on SB 391, "An Act relating to civil liability on claims arising from skiing; and providing for an effective date."

On Friday, May 8, the Senate Judiciary Committee conducted hearings on this legislation. No action was taken by the committee at that time, and I am very doubtful that we will conduct further hearings during this session.

Again, I appreciate your comments and will make them a part of the committee's permanent file for any future consideration.

Sincerely,

A handwritten signature in cursive script that reads "Pat".

Senator Patrick M. Rodey
Chairman

PMR/ods

MSG 81-00015630 PRTY 1 05/06/81 15:05:39 ORIG: LA00 IN= 0002 OUT= 0010
FROM: LDU TO: JNU INFO
TARGET: LJH2 SUBJ: POM PAGE 0003

TO: SENATOR RODEY

FROM: JAMES A. OVIATT, 6425 E 14TH AVE., ANCHORAGE, ALASKA 99504 374-8531

I URGE YOU TO WORK AGAINST PASSAGE OF SD-391.

MSG 81-00015630 PRTY 1 05/06/81 15 05-39 ORIG: LA00 IN= 0002 OUT= 0010
FROM: LDU TO: JNU INFO
TARGET: LJH2 SUBJ: POM PAGE 0003

TO: SENATOR RODEY

FROM: LARRY FOSTER, MEMBER- DENALI SKI PATROL, 4500 TURPIN, ANCHORAGE, ALASKA 99503 4417

IN THE BEST INTEREST OF SKIING, I OPPOSE SD-391.



Official Business

Alaska State Legislature

Senate

Judiciary Committee

Pouch V
State Capitol
Juneau, Alaska 99811

May 14, 1981

Mr. Gregory Nilsson
2221 North Star Drive #3
Anchorage, Alaska 99503

Dear Mr. Nilsson:

Thank you for your comments on SB 391, "An Act relating to civil liability on claims arising from skiing; and providing for an effective date."

On Friday, May 8, the Senate Judiciary Committee conducted hearings on this legislation. No action was taken by the committee at that time, and I am very doubtful that we will conduct further hearings during this session.

Again, I appreciate your comments and will make them a part of the committee's permanent file for any future consideration.

Sincerely,

Pat

Senator Patrick M. Rodey
Chairman

PMR/ods



Alaska State Legislature

Senate

Judiciary Committee

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

May 14, 1981

Mr. Roger Hyde
880 K Street
Anchorage, Alaska 99501

Dear Mr. Hyde:

Thank you for your comments on SB 391, "An Act relating to civil liability on claims arising from skiing; and providing for an effective date."

On Friday, May 8, the Senate Judiciary Committee conducted hearings on this legislation. No action was taken by the committee at that time, and I am very doubtful that we will conduct further hearings during this session.

Again, I appreciate your comments and will make them a part of the committee's permanent file for any future consideration.

Sincerely,

A handwritten signature in cursive script that reads "Pat".

Senator Patrick M. Rodey
Chairman

PMR/ods

LA11 1509 12.36 JAU1 0028 12.36 05/08/81

TO BUREAU INFO FROM MARCIE, ANC INFO RE: POM

TO: SENATOR RODEY, CHAIRMAN, SENATE JUDICIARY COMMITTEE
FROM: GREGORY NILSSON, 2221 NORTH STAR DRIVE H3, ANC 99503
(278-2256)

I OPPOSE SENATE BILL 391.

RECEIVED
MAY 11 1981

2
TO: SENATOR RODEY
FROM: ROGER HYDE, 880 "K" SREET, ANC 99501 (277-6505)

I AM OPPOSED TO SENATE BILL 391 RELATING TO RISKS OF SKIING.

LA11 1537 12.42 JAU1 0029 12.42 05/08/81



Official Business

Alaska State Legislature

Senate

Judiciary Committee

Pouch V
State Capitol
Juneau, Alaska 99811

May 14, 1981

Mr. Edwin Blair
334 E. 9th
Anchorage, Alaska 99501

Dear Mr. Blair:

Thank you for your comments on SB 391, "An Act relating to civil liability on claims arising from skiing; and providing for an effective date."

On Friday, May 8, the Senate Judiciary Committee conducted hearings on this legislation. No action was taken by the committee at that time, and I am very doubtful that we will conduct further hearings during this session.

Again, I appreciate your comments and will make them a part of the committee's permanent file for any future consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Pat".

Senator Patrick M. Rodey
Chairman

PMR/ods

2

MSG 31-00015648 PRTY 1 05/07/01 18:46:13 ORIG: LA00 IN= 0000 OUT= 0075
FROM: ROBERTA TO: JUND INFO
TARGET: LJH2 SUBJ: FOMS PAGE 0003

TO: SENATOR RODEY

FROM: EDWIN BLAIR, 334 E 9TH, ANC 99501, 277-1325

I AM OPPOSED TO SB 391.



Official Business

Alaska State Legislature

Senate

Judiciary Committee

Pouch V
State Capitol
Juneau, Alaska 99811

May 14, 1981

Mr. Jim King
308 E. Northern Lights
Anchorage, Alaska 99503

Dear Mr. King:

Thank you for your comments on SB 391, "An Act relating to civil liability on claims arising from skiing; and providing for an effective date."

On Friday, May 8, the Senate Judiciary Committee conducted hearings on this legislation. No action was taken by the committee at that time, and I am very doubtful that we will conduct further hearings during this session.

Again, I appreciate your comments and will make them a part of the committee's permanent file for any future consideration.

Sincerely,

Pat

Senator Patrick M. Rodey
Chairman

PMR/ods