



LAWS OF ALASKA

1994

Source

CSSB 286 (RLS) am

Chapter No.

44

AN ACT

Relating to special conditions of mandatory parole; relating to conditions of mandatory and discretionary parole; extending the termination date of the Board of Parole; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

Approved by the Governor: May 16, 1994

Actual Effective Date: May 17, 1994; section 6 is retroactive to January 1, 1986

AN ACT

1 Relating to special conditions of mandatory parole; relating to conditions of mandatory and
2 discretionary parole; extending the termination date of the Board of Parole; and providing for
3 an effective date.

4

5 * Section 1. PURPOSE. The purpose of sec. 2, the portions of sec. 3 relating to a member
6 of the Board of Parole acting on behalf of the board, and secs. 4, 6, and 7 of this Act is to
7 validate and affirm the longstanding practice of the Board of Parole to delegate the setting of
8 special conditions for mandatory parole under AS 33.16.150 to a single board member, subject
9 to a right of review by a quorum of the Board of Parole. It is the intent of the legislature to
10 expressly ratify this practice and to clarify existing statutes to reflect it.

11 * Sec. 2. AS 33.16.050(c) is amended to read:

12 (c) Except when a member of the board imposes special conditions of
13 mandatory parole for the board under AS 33.16.150, decisions [DECISIONS] and
14 orders of the board require the affirmative votes of a majority of the members present.

Chapter 44

1 * Sec. 3. AS 33.16.150 is amended to read:

2 Sec. 33.16.150. CONDITIONS OF PAROLE. (a) As a condition of parole,
3 a prisoner released on discretionary or mandatory parole

4 (1) shall obey all [REFRAIN FROM CONDUCT PUNISHABLE BY
5 IMPRISONMENT UNDER] state, [OR] federal, or local laws or ordinances, and any
6 court orders applicable to the parolee;

7 (2) shall make diligent efforts to maintain steady employment or
8 meet family obligations;

9 (3) shall, if involved in education, counseling, training, or treatment,
10 continue in the program unless granted permission from the parole officer
11 assigned to the parolee to discontinue the program;

12 (4) shall report

13 (A) upon release to the parole officer assigned to the
14 parolee;

15 (B) at other times, and in the manner, prescribed by the
16 board or the parole officer assigned to the parolee;

17 (5) shall reside at a stated place and not change that residence
18 without notifying, and receiving permission from, the parole officer assigned to
19 the parolee;

20 (6) shall remain within stated geographic limits unless written
21 permission to depart from the stated limits is granted the parolee;

22 (7) may not use, possess, handle, purchase, give, distribute, or
23 administer a controlled substance as defined in AS 11.71.900 or under federal law
24 or a drug for which a prescription is required under state or federal law without
25 a prescription from a licensed medical professional to the parolee;

26 (8) may not possess or control a firearm; in this paragraph,
27 "firearm" has the meaning given in AS 11.81.900;

28 (9) may not enter into an agreement or other arrangement with a
29 law enforcement agency or officer that will place the parolee in the position of
30 violating a law or parole condition without the prior approval of the board;

31 (10) may not contact or correspond with anyone confined in a

1 correctional facility of any type serving any term of imprisonment or a felon
2 without the permission of the parole officer assigned to a parolee;

3 (11) shall agree to waive extradition from any state or territory of
4 the United States and to not contest efforts to return the parolee to the state
5 [LAW OR MUNICIPAL ORDINANCE].

6 (b) The board may require as a condition of discretionary or mandatory parole,
7 or a member of the board acting for the board under (e) of this section may
8 require as a condition of mandatory parole, that a prisoner released on parole

9 (1) [MEET FAMILY OBLIGATIONS;

10 (2) PURSUE EMPLOYMENT, EDUCATION, COUNSELING, OR
11 TRAINING;

12 (3) REMAIN WITHIN STATED GEOGRAPHIC LIMITS UNLESS
13 WRITTEN PERMISSION TO DEPART FROM THE STATED LIMITS IS
14 GRANTED THE PAROLEE;

15 (4) REPORT UPON RELEASE TO THE PAROLE OFFICER
16 ASSIGNED TO THE PAROLEE;

17 (5) REPORT AS REQUIRED TO THE PAROLE OFFICER
18 ASSIGNED TO THE PAROLEE;

19 (6) RESIDE AT A STATED PLACE AND NOTIFY THE BOARD OF
20 ANY CHANGE IN PLACE OF RESIDENCE;

21 (7)] not possess or control a defensive weapon, a deadly weapon
22 other than an ordinary pocket knife with a blade three inches or less in length,
23 or ammunition for a firearm, or reside in a residence where there is a firearm
24 capable of being concealed on one's person or a prohibited weapon; in this
25 paragraph, "deadly weapon," "defensive weapon," and "firearm" have the
26 meanings given in AS 11.81.900, and "prohibited weapon" has the meaning given
27 in AS 11.61.200 [FIREARMS OR OTHER DANGEROUS WEAPONS];

28 (2) [(8)] refrain from possessing or consuming alcoholic beverages;

29 (3) [(9)] submit to reasonable searches and seizures by a parole officer,
30 or a peace officer acting under the direction of a parole officer;

31 (4) [(10)] submit to appropriate medical, mental health, or controlled

Chapter 44

1 substance or alcohol examination, treatment, or counseling;

2 (5) [(11)] submit to periodic examinations designed to detect the use
3 of alcohol or controlled substances;

4 (6) [(12)] make restitution ordered by the court according to a schedule
5 established by the board;

6 (7) [(13)] refrain from opening, maintaining, or using a checking
7 account or charge account;

8 (8) [(14)] refrain from entering into a contract other than a prenuptial
9 contract or a marriage contract;

10 (9) [(15)] refrain from operating a motor vehicle;

11 (10) [(16)] refrain from entering an establishment where alcoholic
12 beverages are served, sold, or otherwise dispensed;

13 (11) [(17)] refrain from participating in any other activity or conduct
14 reasonably related to the parolee's offense, prior record, behavior or prior
15 behavior, current circumstances, or perceived risk to the community, or from
16 associating with any other person that the board determines is reasonably likely to
17 diminish the rehabilitative goals of parole, or that may endanger the public.

18 (c) Except for a condition imposed under (b)(1) and (3) - (6) [(b)(4), (7), (9),
19 (11) OR (12)] of this section, the board, or a member of the board acting for the
20 board under (e) of this section, may generally delegate imposition of special
21 conditions under (b) of this section to the discretion of the parole officer.

22 (d) The board, or a member of the board acting for the board under (e) of
23 this section, may require a prisoner released on parole to comply with special
24 conditions imposed under (b) of this section for any period up to the maximum term
25 under which the prisoner is subject to the custody and jurisdiction of the board.

26 * **Sec. 4.** AS 33.16.150 is amended by adding a new subsection to read:

27 (e) The board may designate a member of the board to act on behalf of the
28 board in imposing conditions of mandatory parole under (a) and (b) of this section, in
29 delegating imposition of conditions of mandatory parole under (c) of this section, and
30 in setting the period of compliance with the conditions of mandatory parole under (d)
31 of this section. The decision of a member of the board under this section is the

1 decision of the board. A prisoner or parolee aggrieved by a decision of a member of
2 the board acting for the board under this subsection may apply to the board under
3 AS 33.16.160 for a change in the conditions of mandatory parole.

4 * Sec. 5. AS 44.66.010(a)(3) is amended to read:

5 (3) Board of Parole (AS 33.16.020) -- June 30, 1997 [1993];

6 * Sec. 6. Notwithstanding AS 33.16.050 and 33.16.150 as they read on the day before the
7 effective date of this Act, from January 1, 1986, through the day before the effective date of
8 this Act, one member of the Board of Parole acting for the board may impose special
9 conditions of mandatory parole under AS 33.16.150(b), delegate imposition of special
10 conditions of mandatory parole under AS 33.16.150(c), and set the period of compliance with
11 the special conditions of mandatory parole under AS 33.16.150(d). The decision of a member
12 of the Board of Parole under this section is the decision of the board under AS 33.16.050 and
13 33.16.150. A prisoner or parolee aggrieved by a decision of a member of the Board of Parole
14 acting for the board under this section may apply to the board under AS 33.16.160 for a
15 change in the special conditions of mandatory parole.

16 * Sec. 7. Section 6 of this Act is retroactive to January 1, 1986.

17 * Sec. 8. This Act takes effect immediately under AS 01.10.070(c).