

Byron Mallott
Lieutenant Governor
State Capitol
Juneau, Alaska 99811
907.465.3520
WWW.LTGOV.ALASKA.GOV




530 West 7th Ave, Suite 1700
Anchorage, Alaska 99501
907.269.7460
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: April Wilkerson
Department of Corrections

FROM: Scott Meriwether, Office of the Lieutenant Governor 
465.4081

DATE: March 27, 2018

RE: Filed Permanent Regulations: Department of Corrections
Department of Corrections regulations re: prerelease furlough (22 AAC 05.321(c))

Attorney General File:	JU2017200242
Regulation Filed:	3/23/2018
Effective Date:	4/22/2018
Print:	226, July 2018

cc with enclosures: Linda Miller, Department of Law
Judy Herndon, LexisNexis

ORDER ADOPTING CHANGES TO REGULATIONS
OF THE DEPARTMENT OF CORRECTIONS

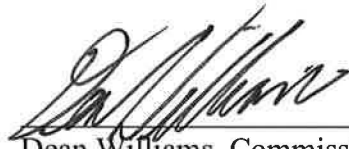
The attached one page of regulations, dealing with Prerelease Furlough is adopted and certified to be a correct copy of the regulation changes that the Department of Corrections adopts under the authority of AS 33.30.101 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

Although no public comments were received, the Department of Corrections paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date: 3/21/18



Dean Williams, Commissioner

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that¹ on

March 23, 2018, at 3:00p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.



Lieutenant Governor

Effective: April 22, 2018

Register: 226, July 2018

22 AAC 05.321(c)(3) ~~Prerelease furlough~~ is amended to read: } *no bold*

(c) To be eligible for consideration for a prerelease furlough, the prisoner **[must]**

[must]

(1) be classified at the community custody level;

[must]

(2) if the sentence is more than one year, have served at least one-third of the

← sentence and be within three years or less of the firm release date;

[may]

[may]

(3) not have a pending disciplinary action, and **[must]** not have been found guilty of

← a major or high-moderate infraction, within the past 120 days, unless the commissioner of corrections has made a written finding that the past or pending disciplinary action does not affect the prisoner's suitability for community placement; and *no bold or underline*

[must]

← (4) agree in writing to abide by the conditions established for the prisoner's behavior while on furlough.

(Eff. 1/9/87, Register 101; and 4/22/2018, Register 226)

Authority:

no bold

AS 33.30.011

AS 33.30.111

AS 33.30.021

AS 33.30.101

AS 44.28.030

Publisher: Please delete the publisher's note that follows 22 AAC 05.321.

MEMORANDUM


State of Alaska Department of Law

To: Hon. Byron Mallott
Lieutenant Governor

Date: March 23, 2018

File No.: JU2017200242

Tel. No.: 465-3600

From: Steven C. Weaver 
Sr. Assistant Attorney General
and Assistant Regulations Attorney
Legislation and Regulations Section

Re: Department of Corrections regulations
re: prerelease furlough (22 AAC
05.321(c))

We have reviewed the attached regulations from the Department of Corrections against the statutory standards of the Administrative Procedure Act. I have reviewed this project under a specific delegation dated March 23, 2018 from the Regulations Attorney. The regulations update provisions regarding prerelease furlough of prisoners so that, under certain circumstances, the commissioner may make a written finding that a past or pending disciplinary action does not affect the prisoner's suitability for community placement.

We find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations.

The November 15, 2017 public notice and the March 21, 2018 adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

Hon. Byron Mallott, Lieutenant Governor
Our file: JU2017200242

March 23, 2018
Page 2

We have made some technical corrections to the regulations, in accordance with AS 44.62.125 and as shown on the attached copy.

SCW

cc w/enc: (via email)

Dean Williams, Commissioner
Department of Corrections

April Wilkerson, Regulations Contact
Department of Corrections

Leslie Houston
Office of the Commissioner
Department of Corrections

Matthias Cicotte, Assistant Attorney General
Criminal Division Central Office

MEMORANDUM

State of Alaska Department of Law

TO: Hon. Byron Mallott
Lieutenant Governor

DATE: March 23, 2018

FILE NO.: JU2017200242

TELEPHONE NO.: (907) 465-3600

FROM: Susan R. Pollard *SRP*
Chief Assistant Attorney General
and Regulations Attorney
Legislation/Regulations Section

SUBJECT: Specific delegation of authority
regarding regulations review on
Department of Corrections
regulations re: prerelease
furlough (22 AAC 05.321(c))

By this memorandum, I am delegating my authority as Regulations Attorney under AS 44.62 to Assistant Attorney General Steven C. Weaver for the above-referenced regulations project. Under this delegation of authority, Steven Weaver has my full authority under AS 44.62 to conduct the legal review under AS 44.62 and take necessary actions on this regulations project.

If you have questions, please let me know.

SCW

cc w/enc: Scott C. Meriwether, AAC Coordinator
Office of the Lieutenant Governor

Steven C. Weaver
Sr. Assistant Attorney General and
Assistant Regulations Attorney
Legislation/Regulations Section

NOTICE OF PROPOSED CHANGES ON PRE-RELEASE FURLOUGH IN THE REGULATIONS OF THE
DEPARTMENT OF CORRECTIONS

The Department of Corrections proposes to adopt regulation changes in 22 AAC 05.321 of the Alaska Administrative Code, dealing with Pre-release Furlough, including the following:

- (1) 22 AAC 05.321 is proposed to be changed to give the Commissioner discretion to deem offenders that have been found guilty of a major or high moderate infraction within the past 120 days eligible for pre-release furlough if the commissioner finds that the disciplinary action does not affect the prisoner's suitability for community placement.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Department of Corrections Regulations Writer, PO Box 112000, Juneau AK 99811-2000. Additionally, the Department of Corrections will accept comments by facsimile at (907) 465-3315 and by electronic mail at doc.admin.comments@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System, by accessing this notice on the system and using the comment link. The comments must be received not later than 5:00 PM AST December 15, 2017.

You may submit written questions relevant to the proposed action to the Department of Corrections Regulations Writer, doc.admin.comments@alaska.gov and 802-3rd Street, Douglas AK 99824. The questions must be received at least 10 days before the end of the public comment period. The Department of Corrections will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and the Department of Corrections website.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Department of Corrections Regulations Writer at doc.admin.comments@alaska.gov or call 907-465-3480 not later than December 5, 2017 to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting DOC Regulations Writer doc.admin.comments@alaska.gov or call 907-465-3480.

After the public comment period ends, the Department of Corrections will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected.

Statutory authority: AS 33.30.011; AS 33.30.111; AS 33.30.021; AS 33.30.101; AS 44.28.030

Statutes being implemented, interpreted, or made specific: AS 33.30.011; AS 33.30.111;

Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

ADDITIONAL REGULATION NOTICE INFORMATION

(AS 44.62.190(d))*

1. Adopting agency: Department of Corrections
2. General subject of regulation: Pre-release Furlough
3. Citation of regulation: 22 AAC 05.321
4. Department of Law file number: JU2017200242
5. Reason for the proposed action: allows the commissioner to apply discretion to deem a prisoner's suitability for community placement
6. Appropriation/Allocation: Institution Directors Office
7. Estimated annual cost to comply with the proposed action to:

A private person: \$0
Another State Agency: \$0
A municipality: \$0
8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY 2018	Subsequent Years
Operating Cost	\$0	\$0
Capital Cost	\$0	\$0
1002 Federal Receipts	\$0	\$0
1003 General Fund Match	\$0	\$0
1004 General Fund	\$0	\$0
1005 General Fund/Program	\$0	\$0
Other (identify)	\$0	\$0
9. The name of the contact person for the regulation:

Name: Leslie Houston
Title: Regulations Writer
Address: 802-3rd Street, Douglas AK 99824
Telephone: (907) 465-3480
E-mail address: leslie.houston@alaska.gov
10. The origin of the proposed action: Staff of state agency

11. Date: November 13, 2017

Prepared by:



Name: Leslie Houston

Title: Regulations Writer

Telephone: 907-465-3480

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION

I, Leslie Houston, of the Department of Corrections, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 22 AAC 05.321(c)(3) Pre-release furlough has been given by being

- (1) published in a newspaper or trade publication;
- (2) furnished to interested persons;
- (3) furnished to appropriate state officials;
- (4) furnished to the Department of Law, along with a copy of the proposed regulation;
- (5) furnished electronically to incumbent State of Alaska legislators;
- (6) furnished to the Legislative Affairs Agency, Division of Legal and Research Services;
- (7) posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1);
- (8) furnished electronically, along with a copy of the proposed regulation, to the Legislative Affairs Agency, the chair of the Corrections Subcommittee Committee of the Alaska Senate and House of Representatives, the Administrative Regulation Review Committee, and the legislative council.

As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

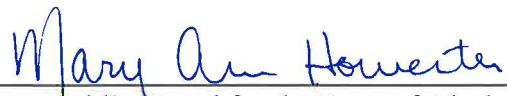
Date: 5 FEB 18



Leslie Houston, Regulations Writer

Subscribed and sworn to before me at February 5 on
2/5/18

(date)



Notary Public in and for the State of Alaska

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Leslie Houston, Regulations Writer for the Department of Corrections, being duly sworn, state the following:

In compliance with AS 44.62.215, the Department of Corrections did not receive any factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Department of Corrections regulation on Prerelease Furlough.

Date: 20 Mar 2018



Leslie Houston, Regulations Writer

Subscribed and sworn to before me at Dept of Corrections, Douglas AK on
3/20/18

(date)



Notary Public in and for the State of Alaska

268973
0001413064
\$1,100.60

AFFIDAVIT OF PUBLICATION

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Joleesa Stepetin
being first duly sworn on oath deposes and
says that he/she is a representative of the
Alaska Dispatch News, a daily newspaper.
That said newspaper has been approved
by the Third Judicial Court, Anchorage,
Alaska, and it now and has been published
in the English language continually as a
daily newspaper in Anchorage, Alaska, and
it is now and during all said time was
printed in an office maintained at the
aforesaid place of publication of said
newspaper. That the annexed is a copy of
an advertisement as it was published in
regular issues (and not in supplemental
form) of said newspaper on

November 15, 2017, November 22,
2017, November 29, 2017, December
06, 2017

and that such newspaper was regularly
distributed to its subscribers during all of
said period. That the full amount of the fee
charged for the foregoing publication is not
in excess of the rate charged private
individuals.

Signed Joleesa Stepetin

Subscribed and sworn to before me
this 6th day of December, 2017

Britney Thompson

Notary Public in and for
The State of Alaska.
Third Division
Anchorage, Alaska
MY COMMISSION EXPIRES

2/23/2019

NOTICE OF PROPOSED CHANGES ON PRE-RELEASE FURLOUGH IN THE REGULATIONS OF THE DEPARTMENT OF CORRECTIONS

The Department of Corrections proposes to adopt regulation changes
in 22 AAC 05.321 of the Alaska Administrative Code, dealing with Pre-
release Furlough, including the following:

- (1) 22 AAC 05.321 is proposed to be changed to give the
Commissioner discretion to deem offenders that have been
found guilty of a major or high moderate infraction within the
past 120 days eligible for pre-release furlough if the
commissioner finds that the disciplinary action does not affect
the prisoner's suitability for community placement.

You may comment on the proposed regulation changes, including the
potential costs to private persons of complying with the proposed
changes, by submitting written comments to Department of
Corrections Regulations Writer, PO Box 112000, Juneau AK 99811-2000.
Additionally, the Department of Corrections will accept comments by
facsimile at (907) 465-3315 and by electronic mail at
doc.admin.comments@alaska.gov. Comments may also be submitted
through the Alaska Online Public Notice System, by accessing this
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You may submit written questions relevant to the proposed action to
the Department of Corrections Regulations Writer,
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99824. The questions must be received at least 10 days before the end
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doc.admin.comments@alaska.gov or call 907-465-3480 not later than
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be provided.

A copy of the proposed regulation changes is available on the Alaska
Online Public Notice System and by contacting DOC Regulations Writer
doc.admin.comments@alaska.gov or call 907-465-3480.

After the public comment period ends, the Department of Corrections
will either adopt the proposed regulation changes or other provisions
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no action. The language of the final regulation may be different from
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Statutory authority: AS 33.30.011; AS 33.30.111; AS 33.30.021; AS
33.30.101; AS 44.28.030

Statutes being implemented, interpreted, or made specific: AS
33.30.011; AS 33.30.111;

Fiscal Information: The proposed regulation changes are not
expected to require an increased appropriation.

Published: November 15, 22, 29 & December 6, 2017



NOTARY PUBLIC
M. BURNELL
STATE OF ALASKA
My commission Expires December 7, 20____

AFFP

Department of Corrections

Affidavit of Publication

UNITED STATES OF AMERICA }
STATE OF ALASKA } SS.
FOURTH DISTRICT }

Before me, the undersigned, a notary public, this day personally appeared Tameka Ambersley, who, being first duly sworn, according to law, says that he/she is an Advertising Clerk of the Fairbanks Daily News-Miner, a newspaper (i) published in newspaper format, (ii) distributed daily more than 50 weeks per year, (iii) with a total circulation of more than 500 and more than 10% of the population of the Fourth Judicial District, (iv) holding a second class mailing permit from the United States Postal Service, (v) not published primarily to distribute advertising, and (vi) not intended for a particular professional or occupational group. The advertisement which is attached is a true copy of the advertisement published in said paper on the following day(s):

November 15, 2017, November 22, 2017, November 29, 2017,
December 06, 2017

and that the rate charged thereon is not excess of the rate charged private individuals, with the usual discounts.



Advertising Clerk

Subscribed to and sworn to me this 6th day of December 2017.



Marena Burnell, Notary Public in and for the State Alaska.

My commission expires: December 07, 2021

00009714 00043697

Leslie Houston
DOC
Anchorage , AK

43697

NOTICE OF PROPOSED CHANGES ON PRE-RELEASE FURLOUGH IN THE REGULATIONS OF THE DEPARTMENT OF CORRECTIONS

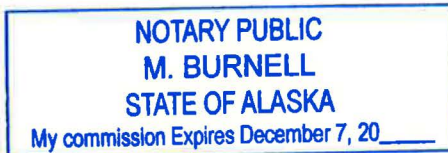
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Statutes being implemented, interpreted, or made specific: AS 33.30.011; AS 33.30.111;
Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.
Publish: 11-15, 11-22, 11-29 & 12-06-2017

PENINSULA CLARION

PO Box 3009, Kenai, AK 99611 - (907) 283-7551 - Fax (907) 283-3299

PUBLISHER'S AFFIDAVIT

UNITED STATES OF AMERICA, }
STATE OF ALASKA } SS:

Elizabeth A. Ulricksen being first duly sworn, on oath
deposes and says:

That I am and was at all times here in this affidavit
mentions, Supervisor of Legals of the Gatehouse/Peninsula
Clarion, a newspaper of general circulation and published
at Kenai, Alaska, that the advertisement, a printed copy of
which is hereto annexed was published in said paper on the
dates listed below:

Account No. 1000686539

SOA/CORRECTIONS ANCHORAGE
550 West 7th Avenue, Suite 1800 ANCHORAGE AK 99501 US

Ad # 8186009

Pub Date	Edition	Section
11/15/2017	KEN PENINSULA CLARION	LEGAL NOTICES
11/22/2017	KEN PENINSULA CLARION	LEGAL NOTICES
11/29/2017	KEN PENINSULA CLARION	LEGAL NOTICES
12/06/2017	KEN PENINSULA CLARION	LEGAL NOTICES

X [Signature]
SUBSCRIBED AND SWORN to me before
this 12th day of December 2017

[Signature]
NOTARY PUBLIC in favor for the State of Alaska.

My commission expires October 9, 2019

NOTICE OF PROPOSED CHANGES ON PRE-RELEASE FURLOUGH IN THE REGULATIONS OF THE DEPARTMENT OF CORRECTIONS

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