

22 AAC 20.015 is repealed:

22 AAC 20.015. Group A eligibility. Repealed. (Eff. 1/30/91, Register 117; repealed _____/_____/_____, Register _____)

22 AAC 20 is amended by adding a new section to read:

22 AAC 20.017. Parole eligibility for felony sentences. (a) Under former AS 33.15.180, former AS 33.15.230 and former AS 33.15.240, a prisoner who committed a felony before May 16, 1974, is eligible for discretionary parole at any time, subject to 22 20.080.

(b) Under former AS 33.15.080, former AS 33.15.180, and former AS 33.15.230, a prisoner who committed a felony after May 15, 1974 but before January 1, 1980, and was sentenced before January 1, 2017 is eligible for discretionary parole as follows, subject to 22 AAC 20.080:

(1) a prisoner sentenced to a term of imprisonment other than for life is eligible for discretionary parole after serving one-third of the term of imprisonment;

(2) a prisoner sentenced to a term of life is eligible for discretionary parole after serving 15 years of imprisonment.

(c) Under AS 12.55.125, former AS 33.15.080, and former AS 33.15.180, a prisoner who committed a felony after December 31, 1979 but before October 1, 1982, and was sentenced before January 1, 2017 is eligible for discretionary parole as follows, subject to 22 AAC 20.080:

(1) a prisoner sentenced for murder in the first degree is eligible for discretionary parole after serving 20 years of imprisonment or one-third of the term of imprisonment, whichever is greater;

(2) a prisoner sentenced for murder in the second degree is eligible for discretionary parole after serving five years of imprisonment or one-third of the term of

imprisonment, whichever is greater;

(3) a prisoner sentenced for the unclassified felony of kidnapping under AS 11.41.300 is eligible for discretionary parole after serving five years of imprisonment or one-third of the term of imprisonment, whichever is greater; a prisoner sentenced for the class A felony of kidnapping under AS 11.41.300 is eligible for discretionary parole as set out in (4) and (5) of this subsection;

(4) a prisoner sentenced for a class A felony, class B felony, or class C felony to a non-presumptive term is eligible for discretionary parole after serving one-third of the term of imprisonment;

(5) a prisoner sentenced to a presumptive term under AS 12.55.125(c)(1) - (3), (d)(1) and (2), or (e)(1) and (2) is not eligible for discretionary parole except as set out in 22 AAC 20.050, 22 AAC 20.055, and 22 AAC 20.070.

(d) Under AS 12.55.125, former AS 33.15.080, and former AS 33.15.180, a prisoner who committed a felony after September 30, 1982 but before January 1, 1986, and was sentenced before January 1, 2017 is eligible for discretionary parole as follows, subject to 22 AAC 20.080:

(1) a prisoner sentenced for murder in the first degree is eligible for discretionary parole as set out in (c)(1) of this section;

(2) a prisoner sentenced for murder in the second degree is eligible for discretionary parole as set out in (c)(2) of this section;

(3) a prisoner sentenced for kidnapping under AS 11.41.300 is eligible for discretionary parole as set out in (c)(3) - (5) of this section;

(4) a prisoner sentenced for a class B felony or a class C felony to a non-presumptive term is eligible for discretionary parole as set out in (c)(4) of this section;

(5) a prisoner sentenced to a presumptive term under AS 12.55.125(c)(1) - (4),

(d)(1) - (3), (e)(1) - (3), or (i)(1) - (4) is not eligible for discretionary parole except as set out in 22 AAC 20.050, 22 AAC 20.055, and 22 AAC 20.070.

(e) A prisoner who committed a felony after December 31, 1985 but before September 13, 1987, and was sentenced before January 1, 2017 is eligible for discretionary parole as follows, subject to 22 AAC 20.080:

(1) a prisoner sentenced for murder in the first degree is eligible for discretionary parole as set out in (c)(1) of this section;

(2) a prisoner sentenced for murder in the second degree or misconduct involving a controlled substance in the first degree is eligible for discretionary parole as set out in (c)(2) of this section;

(3) a prisoner sentenced for kidnapping under AS 11.41.300 is eligible for discretionary parole as set out in (c)(3) - (5) of this section;

(4) a prisoner sentenced for a class B felony or a class C felony to a non-presumptive term is eligible for discretionary parole after serving one-fourth of the term of imprisonment;

(5) a prisoner sentenced to a presumptive term under AS 12.55.125(c)(1) - (4), (d)(1) - (3), (e)(1) - (3), or (i)(1) - (4) is eligible for discretionary parole as set out in 22 AAC 20.055 and 22 AAC 20.070; if the prisoner is eligible for discretionary parole under 22 AAC 20.055 or 22 AAC 20.070, the prisoner shall serve one-fourth of the term of imprisonment on the eligible sentence or eligible portion of the sentence.

(f) A prisoner who committed a felony after September 12, 1987 but before March 22, 2005, and was sentenced before January 1, 2017 is eligible for discretionary parole as follows, subject to 22 AAC 20.080:

(1) except as provided in (2) and (3) of this subsection, a prisoner sentenced for a

term under AS 12.55.125(a), (b), (c), or (i) is eligible for discretionary parole after serving the greatest of

- (A) the mandatory minimum term under AS 12.55.125(a), (b), (c), or (i);
- (B) the presumptive term less good time credited under AS 33.20.010;
- (C) at least one-third of the period of confinement imposed; or
- (D) any minimum term set under AS 12.55.115 at sentencing;

(2) a prisoner sentenced to a mandatory 99-year term under AS 12.55.125(a) is not eligible for discretionary parole during the entire term;

(3) a prisoner who committed a felony after June 26, 1996 and was sentenced to a definite term under AS 12.55.125(l) is not eligible for discretionary parole during the entire term;

(4) a prisoner sentenced for a class B or class C felony to a non-presumptive term is eligible for discretionary parole as set out in (e)(4) of this section;

(5) a prisoner sentenced to a presumptive term for a class B or a class C felony is not eligible for discretionary parole except as set out in 22 AAC 20.050, 22 AAC 20.055, and 22 AAC 20.070.

(g) A prisoner who committed a felony after March 21, 2005 but before January 1, 2017, and was sentenced before January 1, 2017 is eligible for discretionary parole as follows, subject to 22 AAC 20.080:

(1) except as provided in (2) and (3) of this subsection, a prisoner sentenced for a term under AS 12.55.125(a) or (b) is eligible for discretionary parole after serving the greatest of

- (A) the mandatory minimum term under AS 12.55.125(a) or (b);
- (B) at least one-third of the active term of imprisonment imposed; or
- (C) any minimum term set under AS 12.55.115 at sentencing;

(2) a prisoner sentenced to a mandatory 99-year term under AS 12.55.125(a) is

not eligible for discretionary parole during the entire term;

(3) a prisoner who committed a felony after June 26, 1996 and was sentenced to a definite term under AS 12.55.125(l) is not eligible for discretionary parole during the entire term;

(4) a prisoner sentenced within or below a presumptive range under AS 12.55.125(c), (d)(2) - (4), (e)(3) and (4), or (i) is not eligible for discretionary parole except as set out in

(A) 22 AAC 20.050 if sentenced by a three-judge panel;

(B) 22 AAC 20.055 if the term is an aggravated presumptive term; or

(C) 22 AAC 20.070 if the term is a consecutive presumptive term;

(5) a prisoner sentenced under AS 12.55.125(d)(1) for a first felony conviction that is a class B felony is eligible for discretionary parole after serving one-fourth of the active term of imprisonment imposed;

(6) a prisoner sentenced under AS 12.55.125(e)(1) for a first felony conviction that is a class C felony is eligible for discretionary parole after serving one-fourth of the active term of imprisonment imposed;

(7) a prisoner sentenced under AS 12.55.125(e)(2) for a second felony conviction that is a class C felony is eligible for discretionary parole after serving one-fourth of the active term of imprisonment imposed.

(h) A prisoner who committed a felony before July 9, 2019 and was sentenced after December 31, 2016 is eligible for discretionary parole as follows, subject to 22 AAC 20.080:

(1) except as provided in (2) and (3) of this subsection, a prisoner sentenced for a term under AS 12.55.125(a) or (b) is eligible for discretionary parole after serving the greatest of

(A) the mandatory minimum term under AS 12.55.125(a) or (b);

(B) at least one-third of the active term of imprisonment imposed; or

(C) any minimum term set under AS 12.55.115 at sentencing;

(2) a prisoner sentenced to a mandatory 99-year term under AS 12.55.125(a) is not eligible for discretionary parole during the entire term;

(3) a prisoner who committed a felony after June 26, 1996 and was sentenced to a definite term under AS 12.55.125(l) is not eligible for discretionary parole during the entire term;

(4) a prisoner sentenced within or below a presumptive range under AS 12.55.125(i)(1) and (2) is not eligible for discretionary parole except as set out in

(A) 22 AAC 20.050 if sentenced by a three-judge panel;

(B) 22 AAC 20.055 if the term is an aggravated presumptive term; or

(C) 22 AAC 20.070 if the term is a consecutive presumptive term;

(5) a prisoner sentenced for a term under AS 12.55.125(i)(3) and (4) is eligible for discretionary parole after serving one-half of the active term of imprisonment imposed after a deduction for the good time earned under AS 33.20.010;

(6) a prisoner sentenced for a term under AS 12.55.125(c), (d), or (e) is eligible after serving one-fourth of the active term of imprisonment imposed.

(i) A prisoner who committed a felony after July 8, 2019 is eligible for discretionary parole as follows, subject to 22 AAC 20.080:

(1) except as provided in (2) and (3) of this subsection, a prisoner sentenced for a term under AS 12.55.125(a) or (b) is eligible for discretionary parole after serving

(A) for a conviction under AS 11.41.100 or 11.41.110, the greatest of

(i) the mandatory minimum term under AS 12.55.125(a) or (b);

(ii) at least two-thirds of the active term of imprisonment imposed;

or

(iii) any minimum term set under AS 12.55.115 at sentencing; or

(B) for a conviction not listed under (A) of this paragraph, the greatest of

(i) the mandatory minimum term under AS 12.55.125(a) or (b);

(ii) at least one-half of the active term of imprisonment imposed;

or

(iii) any minimum term set under AS 12.55.115 at sentencing;

(2) a prisoner sentenced to a mandatory 99-year term under AS 12.55.125(a) is not eligible for discretionary parole during the entire term;

(3) a prisoner who committed a felony after June 26, 1996 and was sentenced to a definite term under AS 12.55.125(l) is not eligible for discretionary parole during the entire term;

(4) a prisoner sentenced under AS 12.55.125(i) and ineligible for a statutory good time deduction under AS 33.20.010(a)(3) is not eligible for discretionary parole during the entire term except as set out in 22 AAC 20.050 if sentenced by a three-judge panel;

(5) a prisoner sentenced under AS 12.55.125(d) for a conviction under AS 11.71.030(a)(2) or (9) is eligible for discretionary parole after serving one-half of the term of imprisonment;

(6) except as provided in (4) of this subsection, a prisoner sentenced within or below a presumptive range under AS 12.55.125(c), (d)(2) - (4), (e)(3) and (4), or (i) is not eligible for discretionary parole except as set out in

(A) 22 AAC 20.050 if sentenced by a three-judge panel;

(B) 22 AAC 20.055 if the term is an aggravated presumptive term; or

(C) 22 AAC 20.070 if the term is a consecutive presumptive term;

(7) except as provided in (5) of this subsection, a prisoner sentenced under AS 12.55.125(d)(1) for a first felony conviction that is a class B felony is eligible for discretionary parole after serving one-fourth of the active term of imprisonment imposed;

(8) except as provided in (5) of this subsection, a prisoner sentenced under AS 12.55.125(e)(1) for a first felony conviction that is a class C felony is eligible for discretionary parole after serving one-fourth of the active term of imprisonment imposed;

(9) except as provided in (5) of this subsection, a prisoner sentenced under AS 12.55.125(e)(2) for a second felony conviction that is a class C felony is eligible for discretionary parole after serving one-fourth of the active term of imprisonment imposed.

(Eff. ___/___/_____, Register _____)

Authority: AS 01.10.100 AS 33.16.060 AS 33.16.090

22 AAC 20.020 is repealed:

22 AAC 20.020. Group B eligibility. Repealed. (Eff. 1/30/91, Register 117; repealed ___/___/_____, Register _____)

22 AAC 20 is amended by adding a new section to read:

20 AAC 20.023. Geriatric parole eligibility. A prisoner who is eligible for parole under AS 33.16.090(a)(2) may be considered for geriatric parole. Geriatric parole eligibility is not subject to 22 AAC 20.080. A prisoner who is eligible for geriatric parole may also be separately eligible for discretionary parole under 22 AAC 20.017. If a prisoner is eligible for both geriatric and discretionary parole, the board may consider the eligible prisoner for each parole type. If the board denies one parole type, the prisoner may still be considered for the other parole type. (Eff. ___/___/_____, Register _____)

Authority: AS 01.10.100 AS 12.55.125 AS 33.16.090
AS 11.41.300 AS 33.16.060 AS 33.16.100
AS 12.55.115

22 AAC 20.025 is repealed:

22 AAC 20.025. Group C eligibility. Repealed. (Eff. 1/30/91, Register 117; repealed ____/____/_____, Register _____)

22 AAC 20.030 is repealed:

22 AAC 20.030. Group D eligibility. Repealed. (Eff. 1/30/91, Register 117; repealed ____/____/_____, Register _____)

22 AAC 20.035 is repealed:

22 AAC 20.035. Group E eligibility. Repealed. (Eff. 1/30/91, Register 117; repealed ____/____/_____, Register _____)

22 AAC 20.040 is repealed:

22 AAC 20.040. Group F eligibility. Repealed. (Eff. 1/30/91, Register 117; am 3/29/2003, Register 165; repealed ____/____/_____, Register _____)

22 AAC 20.050 is repealed and readopted to read:

22 AAC 20.050. Eligibility on sentence by a three-judge panel. (a) Except as provided in (b) of this section, a prisoner who was sentenced by a three-judge panel under AS 12.55.175 may be eligible for discretionary and geriatric parole as set under 22 AAC 20.017 and 22 AAC 20.023, subject to 22 AAC 20.005, 22 AAC 20.010, and 22 AAC 20.080.

(b) Notwithstanding (a) of this section, a three-judge panel may grant discretionary parole eligibility to a prisoner who was sentenced within or below a presumptive term of imprisonment as follows, subject to AS 12.55.115, 22 AAC 20.005, 22 AAC 20.010, and 22 AAC 20.080:

(1) an eligible prisoner who committed an offense before January 1, 1986 is eligible for discretionary parole under former AS 33.15.080 after serving one-third of the term of imprisonment;

(2) an eligible prisoner who committed an offense after December 31, 1985 but before September 13, 1987 is eligible for discretionary parole after serving one-fourth of the term of imprisonment;

(3) an eligible prisoner who committed an offense after September 12, 1987 but before July 1, 1992 and was sentenced to

(A) an unclassified felony or a Class A felony is eligible for discretionary parole after serving the greatest of the following:

(i) one-third of the term of imprisonment;

(ii) the mandatory minimum term under AS 12.55.125(a), (b), (c), or (i);

(iii) the presumptive term less good time credited under AS 33.20.010;

(B) a class B felony or class C felony is eligible for discretionary parole after serving one-fourth the term of imprisonment;

(4) an eligible prisoner who committed an offense after June 30, 1992 may be eligible for discretionary parole during the second half of the term of imprisonment once all rehabilitative programs ordered by the three-judge panel under AS 12.55.175(e)(2) have been completed, subject to 22 AAC 20.080;

(5) notwithstanding (4) of this subsection, a prisoner who committed an offense after June 26, 1996 and was sentenced to a definite term under AS 12.55.125(l) is not eligible for

discretionary parole during the entire term of imprisonment. (Eff. 1/30/91, Register 117; am 3/29/2003, Register 165; am ____/____/_____, Register _____)

Authority: AS 33.16.010 AS 33.16.090 AS 33.16.100
AS 33.16.060

22 AAC 20.055(b) is amended to read:

(b) Except as provided in **22 AAC 20.017(f)(1) and (3)** [22 AAC 20.040(1) AND (3)], a prisoner who committed a felony [ON OR] after **December 31, 1985, was sentenced before January 1, 2017** [JANUARY 1, 1986], and **was** [IS] sentenced to an aggravated presumptive term under AS 12.55.155(c) [,] is eligible for discretionary parole, subject to 22 AAC 20.080. To be eligible, a prisoner **shall** [MUST] serve

(1) [FIRST,] the unaggravated portion of the sentence; [FOR THE PURPOSES OF THIS PARAGRAPH, THE UNAGGRAVATED PORTION OF THE SENTENCE CONSISTS OF THE TIME EQUAL TO THE PRESUMPTIVE TERM LESS GOOD TIME CREDITED UNDER AS 33.20.010;] and

(2) [SECOND,] one-fourth of the aggravated portion of the **sentence** [TERM OF IMPRISONMENT, DEPENDING UPON THE ELIGIBILITY FOR THE OFFENSE AS SET OUT IN 22 AAC 20.035(5)].

22 AAC 20.055 is amended by adding new subsections to read:

(c) A prisoner who committed an offense before July 9, 2019, was sentenced after December 31, 2016, and was sentenced to an aggravated presumptive sentence under

(1) AS 12.55.125(c), (d), or (e) is eligible for discretionary parole as set out in 22 AAC 20.017(h)(6);

(2) AS 12.55.125(i)(3) or (4) is eligible for discretionary parole as set out in 22 AAC 20.017(h)(5); or

(3) AS 12.55.125(i)(1) or (2) is eligible after serving

(A) the unaggravated portion of the sentence; and

(B) one-fourth of the aggravated portion of the sentence.

(d) Except as provided in 22 AAC 20.017(i)(4) or (5), a prisoner who committed an offense after July 8, 2019 and was sentenced to an aggravated presumptive sentence shall serve

(1) the unaggravated portion of the sentence; and

(2) one-fourth of the aggravated portion of the sentence.

(e) For purposes of this section,

(1) "aggravated portion of the sentence" means the portion that has been imposed in addition to the presumptive term or upper end of the presumptive range of the sentence, due to aggravators found by the court under AS 12.55.155(c);

(2) "unaggravated portion of the sentence" means the time equal to the presumptive term or upper end of the presumptive range of the sentence, less good time credited under AS 33.20.010. (Eff. 1/30/91, Register 117; am 3/29/2003, Register 165; am _____/_____/_____, Register _____)

Authority: AS 33.16.060 AS 33.16.090 AS 33.16.100

22 AAC 20.065(b) is amended to read:

(b) If a prisoner is sentenced to concurrent sentences, one [OR MORE] of which is less than 181 days or **otherwise ineligible for discretionary parole under AS 33.16.090** [IS PRESUMPTIVE], the prisoner is eligible for discretionary parole when

(1) the parole-ineligible sentence has been served [,] less good time credited under

AS 33.20.010; [,] and

(2) the prisoner has reached parole eligibility on the parole-eligible sentence as set out in this chapter. (Eff. 1/30/91, Register 117; am ____/____/_____, Register _____)

Authority: AS 33.16.010 AS 33.16.090 AS 33.16.100
AS 33.16.060

22 AAC 20.070(b) is amended to read:

(b) If a prisoner is sentenced to consecutive sentences, one [OR MORE] of which is less than 181 days or **otherwise ineligible for discretionary parole under AS 33.16.090** [IS PRESUMPTIVE], the prisoner is eligible for discretionary parole when

(1) the **parole-ineligible** [INELIGIBLE] sentence has been served less good time credited under AS 33.20.010; [,] and

(2) the prisoner has reached parole eligibility on the parole-eligible sentence, as set out in this chapter.

22 AAC 20.070(c) is amended to read:

(c) If a prisoner is sentenced to consecutive presumptive terms or partially consecutive presumptive terms, discretionary parole eligibility is computed as follows, subject to 22 AAC 20.080:

(1) if a prisoner committed a felony before January 1, 1986, the prisoner **shall** [MUST] serve

(A) [FIRST,] the initial presumptive term [; FOR PURPOSES OF THIS SUBPARAGRAPH, THE INITIAL PRESUMPTIVE TERM CONSISTS OF THE TIME EQUAL TO THE PRESUMPTIVE TERM] less good time credited under AS 33.20.010;

and

(B) [SECOND,] one-third of the second or subsequent presumptive terms;

(2) except as provided in **22 AAC 20.017(f)(1) and (3)** [22 AAC 20.040(1) AND (3)], if a prisoner committed a felony after December 31, 1985 **but before March 22, 2005, and was sentenced before January 1, 2017,** the prisoner **shall** [MUST] serve

(A) [FIRST,] the initial presumptive **term,** [TERM; FOR PURPOSES OF THIS SUBPARAGRAPH, THE INITIAL PRESUMPTIVE TERM CONSISTS OF THE TIME EQUAL TO THE PRESUMPTIVE TERM] less good time credited under AS 33.20.010; and

(B) [SECOND] one-fourth of the **active term of imprisonment for any aggravated portion of the sentence and subsequent presumptive sentences** [SECOND OR SUBSEQUENT PRESUMPTIVE TERMS], depending upon the eligibility for the offense as set out in **22 AAC 20.017(e)(5);** [22 AAC 20.035(5).]

(3) except as provided in (d) of this section, if a prisoner committed a felony after March 21, 2005 but before January 1, 2017, and was sentenced before January 1, 2017, the prisoner shall serve

(A) the presumptive term of the primary crime, less good time credited under AS 33.20.010; and

(B) one-fourth of the active term of imprisonment for any aggravated portion of the sentence for the primary crime and subsequent presumptive sentences;

(4) except as provided in (B) of this paragraph or (d) of this section, if a prisoner committed a felony before July 9, 2019 and was sentenced after December 31, 2016,

(A) the prisoner's presumptive sentence is eligible for discretionary parole and the prisoner shall serve the time required to be computed as provided in 22 AAC 20.017(h) and (a) of this section; and

(B) if the primary crime was sentenced under AS 12.55.125(i)(1) or (2), the prisoner shall serve the required time as provided under (3) of this subsection;

(5) except as provided in (d) of this section, if a prisoner committed a felony after July 8, 2019, the prisoner must serve the time as provided in (3) of this subsection.

22 AAC 20.070 is amended by adding new subsections to read:

(d) If a prisoner committed a felony after March 21, 2005 and was sentenced to consecutive or partially consecutive terms that include presumptive sentences and terms with mandatory minimums under AS 12.55.125(a) or (b), the prisoner shall serve the greatest of

(1) the composite total of any mandatory minimum sentences;

(2) any term set under 22 AAC 20.080; or

(3) the time required to be served for the primary crime had it been the only sentence imposed, plus one-quarter of the composite total of the active term of imprisonment for sentences imposed as consecutive or partially consecutive sentences eligible for all crimes eligible for discretionary parole under AS 33.16.090 other than the primary crime.

(e) For purposes of this section,

(1) "active term of imprisonment" means the unsuspended portion of the sentence imposed by the sentencing court for a crime;

(2) "initial presumptive term" means the presumptive term of the most serious offense for which the prisoner was sentenced;

(3) "primary crime" means the crime

(A) for which the sentencing court imposes the longest active term of imprisonment; or

(B) that is designated by the sentencing court as the longest primary crime when no single crime has the longest active term of imprisonment. (Eff. 1/30/91, Register 117; am 3/29/2003, Register 165; am ___/___/___, Register _____)

Authority: AS 33.16.060 AS 33.16.090 AS 33.16.100

The section heading of 22 AAC 20.105 is changed to read:

22 AAC 20.105. Appearance by victim and submission of oral and written material by victim at [DISCRETIONARY] parole [RELEASE] hearings.