

	<b>State of Alaska Department of Corrections Policies and Procedures</b>	<b>Index #:</b> 808.08	<b>Page 1 of 4</b>	
		<b>Effective:</b> 9/2/2010	<b>Reviewed:</b>	
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<b>Chapter:</b>	Prisoner Rights			
<b>Subject:</b>	Notification of Restoration of Voting Rights			

I. Authority

In accordance with AS 44.28.030, AS 33.30.021, and 22 AAC 05.155, the Department of Corrections shall develop and adopt policies and procedures that are consistent with laws for the guidance, government and administration of correctional facilities, programs and field services.

II. References

Alaska Statutes

AS 15.05.030

AS 15.60.010 (8)

Standards for Adult Correctional Institutions, 4th Edition 2003

Standards for Adult Local Detention Facilities, 3<sup>rd</sup> Edition 1991

III. Purpose

To ensure that all individuals who have been convicted of a felony involving moral turpitude are advised prior to an unconditional discharge of the restoration of their right to register to vote.

IV. Application

To all employees.

V. Definitions

As used in this policy, the following definitions shall apply:

A. Felony Involving Moral Turpitude

Includes those crimes which are immoral or wrong in and of themselves, such as, but not limited to, murder, sexual assault, robbery, kidnapping, incest, arson, burglary, theft and forgery per AS 15.60.010(8); any completed offense, or any felony attempt or solicitation to commit:

1. Arson in the First Degree;
2. Arson in the Second Degree;
3. Assault in the First Degree;
4. Assault in the Second Degree;
5. Assault in the Third Degree;
6. Bribery;
7. Burglary in the First Degree;
8. Burglary in the Second Degree;
9. Criminal Mischief in the First Degree;
10. Criminal Mischief in the Second Degree;
11. Criminal Possession of a Forgery Device;
12. Criminal Simulation;
13. Criminal Use of a Computer;
14. Criminally Negligent Homicide;
15. Coercion;

16. Commercial Bribe Receiving;
17. Commercial Bribery;
18. Concealment of Merchandise;
19. Criminal Possession of Explosives;
20. Defrauding Creditors;
21. Distribution of Child Pornography;
22. Endangering the Welfare of a Minor;
23. Escape in the First Degree;
24. Escape in the Second Degree;
25. Escape in the Third Degree;
26. Extortion;
27. False Accusation;
28. Falsifying Business Records;
29. Felonies Involving Imitation Controlled Substance;
30. Felonies Involving Interference with Voting, Elections, or Voter Misconduct;
31. Felonies Relating to Title, Registration, etc. of Motor Vehicle;
32. Forgery in the First Degree;
33. Forgery in the Second Degree;
34. Fraudulent Use or Obtaining a Credit Card;
35. Harming a Police Dog in the First Degree;
36. Hindering Prosecution in the First Degree;
37. Incest;
38. Interference with Official Proceedings;
39. Issuing a Bad Check;
40. Jury Tampering;
41. Kidnapping;
42. Manslaughter;
43. Misapplication of Property;
44. Misconduct by a Juror;
45. Misconduct Involving Controlled Substances in the First Degree;
46. Misconduct Involving Controlled Substances in the Second Degree;
47. Misconduct Involving Controlled Substances in the Third Degree;
48. Misconduct Involving Controlled Substances in the Fourth Degree;
49. Murder in the First Degree;
50. Murder in the Second Degree;
51. Offering a False Instrument for Recording;
52. Perjury;
53. Perjury by Inconsistent Statements;
54. Permitting an Escape;
55. Promoting Contraband in the First Degree;

56. Promoting Prostitution in the First Degree;
57. Promoting Prostitution in the Second Degree;
58. Receiving a Bribe;
59. Receiving a Bribe by a Witness or Juror;
60. Riot;
61. Removal of Identification Marks or Unlawful Possession;
62. Robbery in the First Degree;
63. Robbery in the Second Degree;
64. Scheme to Defraud;
65. Sexual Abuse of a Minor in the First Degree;
66. Sexual Abuse of a Minor in the Second Degree;
67. Sexual Abuse of a Minor in the Third Degree;
68. Sexual Assault in the First Degree;
69. Sexual Assault in the Second Degree;
70. Sexual Assault in the Third Degree;
71. Tampering with a Witness in the First Degree;
72. Tampering with Physical Evidence;
73. Tampering with Public Records in the First Degree;
74. Terroristic Threatening;
75. Theft in the First Degree;
76. Theft in the Second Degree;
77. Unlawful Exploitation of a Minor; and
78. Unlawful Furnishing of Explosives.
79. Possession of Child Pornography
80. Promoting Gambling
81. Possession of Gambling Records

B. Unconditional Discharge

An individual is released from all supervision arising from a conviction and sentence, including court, probation and parole jurisdiction.

VI. Policy

An individual convicted of a felony involving moral turpitude who is unconditionally discharged from confinement shall receive written notification prior to release of the restoration of the right to register to vote.

VII. Procedures

- A. Institutional personnel shall determine if probation, parole or mandatory release supervision will follow release of a felon from incarceration. Community Corrections staff shall be notified in accordance with 818.01, Prisoner Pre-Release Planning, if any continued formal supervision is required. When probation supervision does follow incarceration, the supervising probation officer shall act as discharging agent and make formal notification in accordance with 902.13, Notification of Restoration of Voting Rights and Suspended Imposition of Sentence Relief, at the time of unconditional discharge.

- B. If post-incarceration supervision is not indicated, the prisoner shall be unconditionally discharged as regards this policy upon release.
- C. When unconditional discharge takes place, the following will be completed:
  - 1. Each individual convicted of a felony involving moral turpitude will receive written notification from the discharging agent stating that, pursuant to AS 15.05.030, the right to register to vote is restored following unconditional discharge. A Notification of Restoration of the Right to Register to Vote (form 20-808.08) will be provided by name at the time of discharge, or mailed to the address of record at discharge;  
Note: The title, official address and phone number of the officer issuing the Notice must be entered on the form under his or her signature to facilitate Division of Elections' verification of unconditional discharge.
  - 2. A copy of the Notification of restoration of Voting Rights will be mailed to the Director of the Division of Elections, Box 110017, Juneau, Alaska 99811-0017, by the discharging agent; and
  - 3. A copy of the Notification will be placed in the subject's permanent case record prior to closure.

VIII. Implementation

This policy and procedure is effective as of the date signed by the Commissioner. Each Manager shall incorporate the contents of this document into local policy and procedure within 14 days. All local policies and procedures must conform to the contents of this document and any deviation from the contents of this document must be approved in writing by the Commissioner or designee.

9/1/2010



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Date

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Joseph D. Schmidt, Commissioner  
Department of Corrections

Form Applicable to this Policy.

808.08a

Notification of Restoration of Voting Rights