

1 HB215  
2 126040-1  
3 By Representative Poole  
4 RFD: Public Safety and Homeland Security  
5 First Read: 10-MAR-11

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8 SYNOPSIS: Under current law, an individual  
9 incarcerated in the custody of the Department of  
10 Corrections may end his or her sentence and be  
11 released from custody without supervision from the  
12 Board of Pardons and Paroles or other supervisory  
13 agencies.

14 This bill would establish mandatory  
15 supervised reentry for certain nonviolent  
16 offenders. The bill would provide that an  
17 individual convicted of a nonviolent offense and  
18 incarcerated in the custody of the Department of  
19 Corrections for more than 365 days but less than  
20 545 days would be released from the custody of the  
21 Department of Corrections and placed under the  
22 jurisdiction and supervision of the Board of  
23 Pardons and Paroles on the 366th day of his or her  
24 confinement by the Department of Corrections.

25 This bill would provide that if an  
26 individual convicted of a nonviolent offense is  
27 incarcerated in the custody of the Department of

1 Corrections for 545 days or more, he or she would  
2 be released from the custody of the Department of  
3 Corrections and placed under the jurisdiction and  
4 supervision of the Board of Pardons and Paroles 180  
5 days prior to the end of his or her sentence as  
6 determined by the Department of Corrections.

7 This bill would provide that if an  
8 individual convicted of a nonviolent offense has  
9 been incarcerated for more than 365 days of a  
10 sentence that is 545 days or less, more than 545  
11 days of a sentence that is 725 days or less, or has  
12 served more than 545 days and the end of his or her  
13 sentence is less than 180 days after the effective  
14 date of this act, he or she would be released from  
15 the custody of the Department of Corrections and  
16 placed under the supervision of the Board of  
17 Pardons and Paroles on the effective date of this  
18 act.

19 This bill would establish certain duties of  
20 the Board of Pardons and Paroles in assisting an  
21 individual released in accomplishing a successful  
22 reentry into the community and would also require  
23 individuals released to comply with the conditions  
24 of release or have their release revoked or receive  
25 some other sanction for failure to comply. This  
26 bill would further provide that if an individual's  
27 release is revoked, the remaining portion of the

1 individual's sentence would be computed with credit  
2 for any time the individual served under supervised  
3 release.

4 This bill would provide for a conditional  
5 appropriation from the General Fund for the Board  
6 of Pardons and Paroles to hire additional personnel  
7 to adequately supervise the individuals placed into  
8 its custody by the bill.

9  
10 A BILL  
11 TO BE ENTITLED  
12 AN ACT

13  
14 Establishing early release and mandatory reentry  
15 supervision by the Board of Pardons and Paroles for  
16 individuals convicted of nonviolent crimes incarcerated in the  
17 custody of the Department of Corrections.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. (a) Each individual who has been or is  
20 convicted of an offense against the laws of this state which  
21 is not enumerated as a violent offense in Section  
22 12-25-32(13), Code of Alabama 1975, and who is confined, in  
23 execution of the judgment or sentence upon any conviction, in  
24 the penitentiary shall be released from the custody of the  
25 Department of Corrections and placed under the jurisdiction  
26 and supervision of the Board of Pardons and Paroles on the

1 later of the following dates, as determined by the actual  
2 calendar time the inmate has served:

3 (1) If the individual has served more than 365 days  
4 of a sentence that is less than 545 days, the 366th day of his  
5 or her sentence.

6 (2) If the individual has served a minimum of 545  
7 days, 180 days prior to the end of his or her sentence date as  
8 determined by the Department of Corrections.

9 (3) If, on the effective date of this act, an  
10 individual has served more than 365 days of a sentence that is  
11 545 days or less, has served more than 545 days of a sentence  
12 that is 725 days or less, or has served more than 545 days  
13 under subdivision (2) and the end of his or her sentence as  
14 determined by the Department of Corrections is less than 180  
15 days after the effective date of this act, on the effective  
16 date of this act.

17 (b) If the individual has been placed on probation  
18 or has been paroled during his or her sentence and his or her  
19 probation or parole has been revoked, the computation in  
20 subsection (a) of the date of release from the custody of the  
21 Department of Corrections and into the supervision and  
22 jurisdiction of the Board of Pardons and Paroles shall apply  
23 as calculated from the date the individual is returned to the  
24 custody of the Department of Corrections.

25 Section 2. An individual who is first paroled or  
26 placed on probationary supervision under Chapter 22, Title 15,  
27 Code of Alabama 1975, or has received a split sentence

1 pursuant to Section 15-18-8, Code of Alabama 1975, shall not  
2 be eligible for mandatory supervised reentry under this act.

3 Section 3. The Board of Pardons and Paroles shall  
4 have the same duties relating to individuals placed into its  
5 jurisdiction and custody under this act as are set forth in  
6 Section 15-22-24(a), Code of Alabama 1975. In addition, the  
7 board shall assist the inmate in securing or locating the  
8 following requisites for a successful reentry into the  
9 community:

10 (1) Appropriate housing.

11 (2) Employment, if the individual is capable of  
12 holding employment.

13 (3) Any necessary social service programs.

14 (4) Any program or educational program which will  
15 equip the individual with skills necessary to ensure the  
16 successful reentry into the community, including, but not  
17 limited to, appropriate substance abuse treatment and  
18 counseling.

19 Section 4. An individual released from the custody  
20 of the Department of Corrections and into the supervision and  
21 jurisdiction of the Board of Pardons and Paroles under this  
22 act shall comply with all conditions for release placed upon  
23 him or her by the Board of Pardons and Paroles. An individual  
24 who fails to comply with a condition imposed under this act is  
25 subject to revocation or other sanctions in the same manner  
26 and under the same procedures as an individual who fails to  
27 comply with the conditions of parole.

1           Section 5. If the participation of an individual in  
2 the supervised reentry program under this act is revoked, the  
3 remaining portion of the sentence of the individual is  
4 computed with credit for any time the individual served under  
5 supervised reentry.

6           Section 6. There is hereby conditionally  
7 appropriated from the State General Fund such additional funds  
8 as may be required, as determined by the Director of Finance,  
9 to permit the Board of Pardons and Paroles to hire additional  
10 personnel to adequately supervise the individuals placed in  
11 the jurisdiction and supervision of the Board of Pardons and  
12 Paroles under this act. These appropriations are conditioned  
13 upon the availability of funds in the State General Fund, the  
14 recommendation of the Director of Finance, and the approval of  
15 the Governor. Implementation of this act is contingent upon  
16 release of the applicable conditional appropriation required  
17 by this act.

18           Section 7. This act shall become effective 90 days  
19 from the date of passage and approval by the Governor, or its  
20 otherwise becoming law.