

1 HB400
2 128203-1
3 By Representative Wood
4 RFD: Judiciary
5 First Read: 31-MAR-11

2
3
4
5
6
7
8 SYNOPSIS: Under existing law, the Board of Pardons and
9 Paroles must unanimously vote in the affirmative to
10 grant a parole to any prisoner who has not served
11 at least one third or 10 years of his or her
12 sentence.

13 This bill would delete this requirement.

14
15 A BILL
16 TO BE ENTITLED
17 AN ACT
18

19 To amend Section 15-22-28, Code of Alabama 1975, to
20 eliminate the requirement that the Board of Pardons and
21 Paroles must unanimously vote in the affirmative to grant a
22 parole to any prisoner who has not served a certain amount of
23 a sentence.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Section 15-22-28, Code of Alabama 1975,
26 is amended to read as follows:

27 "§15-22-28.

1 "(a) It shall be the duty of the Board of Pardons
2 and Paroles, upon its own initiative, to make an investigation
3 of any and all prisoners confined in the jails and prisons of
4 the state with a view of determining the feasibility of
5 releasing the prisoners on parole and effecting their
6 reclamation. Reinvestigations shall be made from time to time
7 as the board may determine or as the Board of Corrections may
8 request. The investigations shall include ~~such~~ reports and
9 other information as the board may require from the Board of
10 Corrections or any of its officers, agents or employees.

11 "(b) It shall be the duty of the Board of
12 Corrections to cooperate with the Board of Pardons and Paroles
13 for the purpose of carrying out the provisions of this
14 article.

15 "(c) Temporary leave from prison, including
16 Christmas furloughs, may be granted only by the Commissioner
17 of Corrections to a prisoner for good and sufficient reason
18 and may be granted within or without the state; provided, that
19 Christmas furloughs shall not be granted to any prisoner
20 convicted of drug peddling, child molesting or rape, or to any
21 maximum security prisoner. A permanent, written record of all
22 ~~such~~ temporary leaves, together with the reasons therefor,
23 shall be kept by ~~such~~ the commissioner. He or she shall
24 furnish the Pardon and Parole Board with a record of each ~~such~~
25 leave granted and the reasons therefor, and the same shall be
26 placed by the board in the prisoner's file.

1 "(d) No prisoner shall be released on parole except
2 by a majority vote of the board, nor unless the board is
3 satisfied that he or she will be suitably employed in
4 self-sustaining employment or that he or she will not become a
5 public charge if so released. The board shall not parole any
6 prisoner for employment by any official of the State of
7 Alabama, nor shall any parolee be employed by an official of
8 the State of Alabama and be allowed to remain on parole;
9 provided, however, that this provision shall not apply in the
10 case of a parolee whose employer, at the time of the parolee's
11 original employment, was not a state official.

12 "~~(e) The board shall not grant a parole to any~~
13 ~~prisoner who has not served at least one third or 10 years of~~
14 ~~his sentence, whichever is the lesser, except by a unanimous~~
15 ~~affirmative vote of the board."~~

16 Section 2. This act shall become effective on the
17 first day of the third month following its passage and
18 approval by the Governor, or its otherwise becoming law.