

1 SB217  
2 127262-1  
3 By Senators Williams, Ward, Bussman, Waggoner, Bedford,  
4 Fielding, Coleman, Beasley, Irons, Ross, Singleton, Brewbaker,  
5 Pittman and Orr  
6 RFD: Judiciary  
7 First Read: 22-MAR-11

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8 SYNOPSIS: This bill would authorize the establishment  
9 of Honor and Opportunity Probation with Enforcement  
10 programs in each judicial circuit in the State of  
11 Alabama and provide for the terms and conditions  
12 for operation of the programs.

13  
14 A BILL  
15 TO BE ENTITLED  
16 AN ACT

17  
18 To authorize Honor and Opportunity Probation with  
19 Enforcement programs in the State of Alabama.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. This act shall be cited as the Honor and  
22 Opportunity Probation with Enforcement Act of 2011.

23 Section 2. As used in this act, the following words  
24 shall have the following meanings:

25 (1) HOPE. Honor and Opportunity Probation with  
26 Enforcement.

1 (2) KEY PROCESS AND OUTCOME MEASURES. These measures  
2 include individual and aggregate data on the following:

- 3 a. Individuals enrolled in the program.
- 4 b. The frequency of drug testing.
- 5 c. The number and type of violations and sanctions  
6 imposed.
- 7 d. The number of jail stays imposed.
- 8 e. The period of time between detection of a  
9 violation and the issuance of a sanction.
- 10 f. The number and cause of revocations.
- 11 g. The number and cause of arrests.
- 12 h. Participants who successfully completed or failed  
13 the program or otherwise did not complete the program.
- 14 i. Participants referred to drug treatment.
- 15 j. Participants regularly employed and the type of  
16 employment.
- 17 k. The amount of cost savings, if any, resulting  
18 from the reduced incarceration achieved through the program.

19 (3) SYSTEM ACTORS. All individuals who are or will  
20 be involved in the operation of the HOPE program, including  
21 but not limited to:

- 22 a. Probation officers.
- 23 b. The sheriff, jailer, or jail administrator as  
24 provided in Section 14-6-1, Code of Alabama 1975.
- 25 c. The district attorney or his or her designee.
- 26 d. The public defender and other members of the  
27 criminal defense bar in the circuit.

1 e. The sheriff of each county in the circuit or his  
2 or her designee.

3 f. The chief of police of each municipality in the  
4 circuit or his or her designee.

5 Section 3. The Legislature makes the following  
6 findings:

7 (1) The Legislature recognizes the important role  
8 that probation supervision plays in the state's criminal  
9 justice system.

10 (2) The HOPE initiative is an offender supervision  
11 program aimed at reducing probation violations by moderate to  
12 high-risk offenders as determined by a recognized risk and  
13 needs assessment recommended for use in Alabama, by using  
14 clearly articulated sanctions applied in a manner that is  
15 certain, swift, consistent, and proportionate.

16 Section 4. The goals of this act are to provide the  
17 judicial circuits and local jurisdictions with standards and  
18 guidelines with which to initiate a HOPE program. These  
19 standards and guidelines are intended to:

20 (1) Enhance public safety by reducing recidivism.

21 (2) Reduce substance abuse.

22 (3) Increase the accountability and personal  
23 responsibility of offenders on probation supervision.

24 (4) Help probation officers mete out fair,  
25 consistent, and proportionate sanctions.

1           (5) Encourage probation officers and the courts to  
2 sanction those probationers in the program for each and every  
3 violation.

4           (6) Reduce the costs of incarceration.

5           Section 5. The presiding judge of each judicial  
6 circuit, with the consent of the chief probation officers of  
7 the circuit, may establish a HOPE program. The structure and  
8 operation of each HOPE program may differ and should be based  
9 on the specific needs of and resources available to the  
10 judicial circuit where the program will operate, but shall be  
11 created and operated pursuant to this act and in compliance  
12 with the guidelines contained herein.

13           Section 6. A HOPE program established within a  
14 judicial circuit in the State of Alabama shall comply with the  
15 following standards:

16           (1) In developing, launching, and operating the  
17 program, the presiding judge or the judge assigned by the  
18 presiding judge to operate the program shall involve and  
19 receive a commitment of involvement from all system actors who  
20 will participate in the operation of the program. Regular  
21 coordination meetings shall be held between the relevant  
22 system actors. The presiding judge or the judge assigned by  
23 the presiding judge to operate the program may authorize a  
24 court employee or system actor to handle administrative  
25 matters concerning the program.

26           (2) The program must target individuals who are  
27 serving a term of probation and who are at higher risk of

1 failing to observe the conditions of probation and of being  
2 returned to incarceration as a result of such failure.

3 (3) The judge overseeing the program shall notify  
4 the selected probationers of the rules of the program,  
5 consequences of violating such rules, and the sanctions that  
6 will be imposed.

7 (4) Regular, random, and rapid-result drug tests  
8 shall be a part of any program created.

9 (5) Probationers shall be monitored to ensure that  
10 their conditions of probation are being met, including, but  
11 not limited to, reporting to the probation officer as  
12 scheduled, abstaining from drug use, and paying court-ordered  
13 financial obligations such as restitution or child support.

14 (6) The judge and the probation officer shall  
15 respond to every violation of the conditions of probation with  
16 immediate arrest of the violating probationers, and swift and  
17 certain modification of the conditions of probation, including  
18 imposition of short periods of confinement. The imposition of  
19 short periods of confinement may be graduated to longer  
20 periods of confinement with each additional violation and  
21 modification.

22 (7) The judge shall immediately respond to a  
23 probationer who has removed, absconded, or secreted himself or  
24 herself from probation with the issuance of bench warrants and  
25 immediate sanctions.

1           (8) The probation officer shall provide incentives  
2 to probationers who comply with the rules, including less  
3 frequent drug testing and reporting.

4           (9) Referral to substance abuse treatment shall be  
5 provided to probationers who repeatedly fail to refrain from  
6 the use of illicit drugs.

7           (10) Procedures shall be established to terminate  
8 program participation and initiate revocation to a term of  
9 incarceration for probationers who habitually fail to abide by  
10 the program rules and pose a threat to public safety.

11           Section 7. Any HOPE program established within the  
12 State of Alabama shall collect key process and outcome  
13 measures and report such measures to the Alabama Sentencing  
14 Commission on an ongoing and at least annual basis, as  
15 directed by the Alabama Sentencing Commission.

16           Section 8. 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.