

1 HB303
2 136698-1
3 By Representative Hill
4 RFD: Public Safety and Homeland Security
5 First Read: 14-FEB-12

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SYNOPSIS: Under existing law, if a parolee violates parole, the Board of Pardons and Parole may either reinstate parole or require the parolee to serve the remainder of his or her sentence in prison.

This bill would provide that if the revocation is based on the commission of a new crime, except for certain traffic offenses, the parolee may be required to serve out his or her sentence in prison. This bill would provide that for technical violations, the parolee may be required to serve not more than 90 days in prison before parole is reinstated. This bill would be retroactively applied to individuals whose parole was revoked due to a technical violation.

A BILL
TO BE ENTITLED
AN ACT

1 To amend Section 15-22-32 of the Code of Alabama
2 1975, relating to the revocation of parole; to provide for
3 alternative punishment options for parole revocations that are
4 not based on the commission of a new crime; and to provide for
5 retroactive application to an individual whose parole was
6 revoked due to a technical violation prior to the effective
7 date of this act.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. Section 15-22-32 of the Code of Alabama
10 1975, is amended to read as follows:

11 "§15-22-32.

12 "(a) (1) Whenever there is reasonable cause to
13 believe that a prisoner who has been paroled has violated his
14 or her parole, the Board of Pardons and Paroles, at its next
15 meeting, shall declare the prisoner to be delinquent, and time
16 owed shall date from the delinquency. The warden of each
17 prison shall promptly notify the board of the return of a
18 paroled prisoner charged with violation of his or her parole.
19 Thereupon, the board, a single member of the board, a parole
20 revocation hearing officer, or a designated parole officer
21 shall, as soon as practicable, hold a parole court at the
22 prison or at another place as it may determine and consider
23 the case of the parole violator, who shall be given an
24 opportunity to appear personally or by counsel before the
25 board or the parole court and produce witnesses and explain
26 the charges made against him or her. The board member, parole
27 revocation hearing officer, or a designated parole officer,

1 acting as a parole court, shall, within a reasonable time,
2 conduct the parole revocation hearing to determine guilt or
3 innocence of the charges and may recommend to the board
4 revocation or reinstatement of parole. Upon revocation of
5 parole, except as provided herein, if the revocation is based
6 on the commission of a new crime, the board may require the
7 prisoner to serve out in prison the balance of the term for
8 which he or she was originally sentenced, calculated from the
9 date of delinquency or the part thereof as it may determine.
10 All other revocations that are not based on the commission of
11 a new crime, including non-serious traffic offenses as defined
12 under Chapter 5A of Title 32, shall be considered as a
13 technical violation of parole. If the revocation is based on a
14 technical violation, the parolee may be required to serve a
15 term of not more than 90 days in prison, and at the end of 90
16 days, parole shall be automatically reinstated, except in the
17 case of a parolee with three or more prior revocations for
18 technical violations, reinstatement shall be at the discretion
19 of the board. The delinquent parolee shall be deemed to have
20 begun serving the balance of the time required on the date of
21 his or her rearrest as a delinquent parolee.

22 "(2) Any technical violator who has served more
23 than 90 days in prison due to a parole revocation for a
24 technical violation of parole prior to the effective date of
25 the act adding this subdivision shall be entitled to
26 reinstatement of parole within a reasonable time of the
27 effective date of the act amending this subsection.

1 "(b) The position of Parole Revocation Hearing
2 Officer is created and established, subject to provisions of
3 the state Merit System.

4 "(c) The board may appoint or employ, as the board
5 deems necessary, three hearing officers who shall conduct a
6 parole court with authority to determine guilt and recommend
7 revocation of parole or reinstatement of parole to the board.
8 The first three appointments shall be provisional appointments
9 made by the board pending job analysis and compilation of the
10 examination for the state Merit System classification, or a
11 licensed practicing attorney with a minimum of 3 years'
12 experience practicing criminal law.

13 "(d) A hearing officer shall receive an annual
14 salary to be determined by the board but not exceeding the
15 maximum salary now or hereafter established for Probation and
16 Parole Officer V. The salary and expenses of the hearing
17 officers shall be paid from the State Treasury in the same
18 manner that the salary and expenses of the state Merit System
19 employees are paid."

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