

1 SB155
2 180776-3
3 By Senator Ward
4 RFD: Judiciary
5 First Read: 09-FEB-17

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8 SYNOPSIS: Under existing law, there are certain
9 periods of confinement that may be imposed for
10 parolees and probationers who violate the terms of
11 parole or probation, with exceptions. Furthermore,
12 significant revisions were made to the criminal
13 justice, corrections, and probation and parole
14 systems during the 2015 Regular Session (Act
15 2015-185).

16 This bill would further clarify certain
17 provisions of Act 2015-185, 2015 Regular Session,
18 including clarification of the periods of
19 confinement that may be imposed for violations and
20 would specify that, prior to the imposition of
21 confinement, the parolee or probationer must be
22 presented with a written violation report.

23 This bill would modify the predicate
24 monetary values of theft of property in the third
25 degree, theft of lost property in the third degree,
26 theft of services in the third degree, and
27 receiving stolen property in the third degree.

1 This bill would also modify the criminal
2 penalties for criminal solicitation, attempt, and
3 criminal conspiracy for consistency with Class D
4 felony offenses.

5 This bill would further clarify that the
6 Board of Pardons and Paroles may impose periods of
7 confinement of two to three twenty-four hour
8 periods and would indicate that judges may impose
9 periods of confinement of two to three twenty-four
10 hour periods for violations and that the limits
11 imposed on the supervising officer apply to the
12 offender's current supervision term.

13 This bill would extend the deadline in which
14 the Board of Pardons and Paroles must train
15 probation and parole officers regarding new
16 requirements.

17 This bill would clarify that the Department
18 of Corrections is responsible for the release of
19 defendants sentenced to certain periods of
20 confinement and would specify that individuals
21 released would be supervised as parolees.

22 This bill would specify that the Department
23 of Veterans Affairs is the responsible agency for
24 identifying referral and other services to
25 veterans, including any operating Veterans
26 Treatment Courts.

1 This bill would also extend the current
2 reporting deadline of April 20, 2016, of the
3 legislative committee assisting the Legislative
4 Prison Joint Task Force to April 20, 2017.

5 Amendment 621 of the Constitution of Alabama
6 of 1901, now appearing as Section 111.05 of the
7 Official Recompilation of the Constitution of
8 Alabama of 1901, as amended, prohibits a general
9 law whose purpose or effect would be to require a
10 new or increased expenditure of local funds from
11 becoming effective with regard to a local
12 governmental entity without enactment by a 2/3 vote
13 unless: it comes within one of a number of
14 specified exceptions; it is approved by the
15 affected entity; or the Legislature appropriates
16 funds, or provides a local source of revenue, to
17 the entity for the purpose.

18 The purpose or effect of this bill would be
19 to require a new or increased expenditure of local
20 funds within the meaning of the amendment. However,
21 the bill does not require approval of a local
22 governmental entity or enactment by a 2/3 vote to
23 become effective because it comes within one of the
24 specified exceptions contained in the amendment.

25
26 A BILL
27 TO BE ENTITLED

AN ACT

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2
3 Relating to crimes and offenses, corrections, and
4 pardons and paroles; to amend Sections 12-25-32, 12-25-36,
5 13A-4-1, 13A-4-2, and 13A-4-3, 13A-5-6, 13A-8-4.1, 13A-8-8.1,
6 13A-8-10.25, 13A-8-18.1, 15-18-8, 15-18-172, 15-22-24,
7 15-22-26.2, 15-22-29, 15-22-29.1, 15-22-32, 15-22-52,
8 15-22-54, and 29-2-20, Code of Alabama 1975, to clarify the
9 definition of truth-in-sentencing standards; to modify the
10 predicate monetary values of theft of property in the third
11 degree, theft of lost property in the third degree, theft of
12 services in the third degree, and receiving stolen property in
13 the third degree; to modify the criminal penalties for
14 criminal solicitation, attempt, and criminal conspiracy for
15 consistency with Class D felony offenses; to clarify the
16 periods of confinement that may be imposed for violations; to
17 specify that, prior to the imposition of confinement, a
18 parolee or probationer must be presented with a violation
19 report; to clarify that the Board of Pardons and Paroles may
20 impose periods of confinement of two to three 24-hour periods;
21 to indicate that judges may impose periods of confinement up
22 to two to three 24-hour periods for violations; to clarify
23 that the Department of Corrections is responsible for the
24 release of defendants sentenced to certain periods of
25 confinement and releasees are subject to supervision like a
26 parolee; to extend the deadline in which the Board of Pardons
27 and Paroles must train probation and parole officers regarding

1 new requirements; to include in the requirement that the
2 Department of Corrections identify alternatives in local
3 jurisdictions to community corrections programs; to specify
4 the Department of Veterans Affairs as the responsible agency
5 for identifying referral and other services to veterans; to
6 remove release ranges to provide for a mandatory release date;
7 to extend the current reporting deadline of the legislative
8 committee assisting the Legislative Prison Joint Task Force;
9 and in connection therewith would have as its purpose or
10 effect the requirement of a new or increased expenditure of
11 local funds within the meaning of Amendment 621 of the
12 Constitution of Alabama of 1901, now appearing as Section
13 111.05 of the Official Recompilation of the Constitution of
14 Alabama of 1901, as amended.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. Sections 12-25-32, 12-25-36, 13A-4-1,
17 13A-4-2, and 13A-4-3, 13A-5-6, 13A-8-4.1, 13A-8-8.1,
18 13A-8-10.25, 13A-8-18.1, 15-18-8, 15-18-172, 15-22-24,
19 15-22-26.2, 15-22-29, 15-22-29.1, 15-22-32, 15-22-52,
20 15-22-54, and 29-2-20, Code of Alabama 1975, are amended to
21 read as follows:

22 "§12-25-32.

23 "For the purposes of this article, the following
24 terms have the following meanings:

25 "(1) COMMISSION. The Alabama Sentencing Commission,
26 established as a state agency under the Supreme Court by this
27 chapter.

1 "(2) CONTINUUM OF PUNISHMENTS. An array of
2 punishment options, from probation to incarceration, graduated
3 in restrictiveness according to the degree of supervision of
4 the offender including, but not limited to, all of the
5 following:

6 "a. Active Incarceration. A sentence, other than an
7 intermediate punishment or unsupervised probation, that
8 requires an offender to serve a sentence of imprisonment. The
9 term includes time served in a work release program operated
10 as a custody option by the Alabama Department of Corrections
11 or in the Supervised Intensive Restitution program of the
12 Department of Corrections pursuant to Article 7, commencing
13 with Section 15-18-110, of Chapter 18 of Title 15.

14 "b. Intermediate Punishment. A sentence that may
15 include assignment to any community based punishment program
16 or may include probation with conditions or probation in
17 conjunction with a period of confinement. Intermediate
18 punishments include, but are not limited to, all of the
19 following options:

20 "1. A split sentence pursuant to Section 15-18-8.

21 "2. Assignment to a community punishment and
22 corrections program pursuant to the Alabama Community
23 Punishment and Corrections Act or local acts.

24 "3. Assignment to a community based manual labor
25 work program pursuant to Sections 14-5-30 to 14-5-37,
26 inclusive.

1 "4. Intensive probation supervision pursuant to
2 Section 15-22-56.

3 "5. Cognitive and behavioral training.

4 "6. Community service work.

5 "7. County probation.

6 "8. Day fines or means-based fines.

7 "9. Day reporting.

8 "10. Drug or alcohol testing.

9 "11. Drug court programs.

10 "12. Educational programs.

11 "13. Electronic monitoring.

12 "14. Home confinement or house arrest.

13 "15. Ignition interlock.

14 "16. Intermittent confinement.

15 "17. Jail and prison diversion programs.

16 "18. Job readiness and work.

17 "19. Literacy and basic learning.

18 "20. Pretrial diversion programs.

19 "21. Residential drug treatment.

20 "22. Residential community based punishment programs
21 in which the offender is required to spend at least eight
22 hours per day, or overnight, within a facility and is required
23 to participate in activities such as counseling, treatment,
24 social skills training, or employment training, conducted at
25 the residential facility or at another specified location.

26 "23. Restorative justice as established in Section
27 12-17-226.6.

1 "(i) Victim impact panels.
2 "(ii) Voluntary victim offender conferencing.
3 "(iii) Voluntary victim offender mediation.
4 "24. Self-help groups.
5 "25. Sobriety or breath alcohol remote monitoring.
6 "26. Substance abuse education and treatment.
7 "27. Treatment alternatives to street crime (TASC).
8 "28. Voice recognition, curfew restriction, or
9 employment monitoring.

10 "29. Work release, other than those work release
11 programs operated by the Alabama Department of Corrections, as
12 a custody option.

13 "c. Unsupervised Probation. A sentence in a criminal
14 case that includes a period of probation but does not include
15 supervision, active incarceration, or an intermediate
16 punishment.

17 "d. Post-release Supervision. A mandatory period of
18 supervision following sentences of active incarceration as
19 defined in paragraph a. that may include one or more
20 intermediate punishment options.

21 "(3) COURT. Unless otherwise stated, a district or
22 circuit court exercising jurisdiction to sentence felony
23 offenders.

24 "(4) EVIDENCE-BASED PRACTICES. Policies, procedures,
25 programs, and practices proven by widely accepted and
26 published research to reliably produce reductions in
27 recidivism.

1 "(5) FELONY OFFENSE. A noncapital felony offense.

2 "(6) INITIAL VOLUNTARY STANDARDS. The voluntary
3 sentencing standards effective on October 1, 2006. These
4 standards were based on statewide historic sentences imposed
5 with normative adjustments designed to reflect current
6 sentencing policies.

7 "(7) NONVIOLENT OFFENSE. All offenses which are not
8 violent offenses.

9 "(8) NONVIOLENT OFFENDER. Any offender who does not
10 qualify as a violent offender pursuant to subdivision (14).

11 "(9) OFFENDER. A person convicted of a noncapital
12 felony offense.

13 "(10) RELEASE AUTHORITY. Any public official,
14 agency, or other entity authorized by law to release a
15 sentenced offender from incarceration or other conditions of a
16 sentence.

17 "(11) SENTENCING EVENT. A sentencing event includes
18 all convictions sentenced at the same time, whether included
19 as counts in one case or as multiple cases, regardless of
20 whether each offense is a sentencing standards offense.

21 "~~(11)~~(12) VALIDATED RISK AND NEEDS ASSESSMENT. An
22 actuarial tool that has been validated and established by
23 administrative rule in Alabama to determine the likelihood of
24 an offender engaging in future criminal behavior. The Board of
25 Pardons and Paroles and the Department of Corrections shall
26 adopt compatible tools to conduct a validated risk and needs
27 assessment upon offenders within the jurisdiction of the

1 state. A validated risk and needs assessment shall include,
2 but not be limited to, an offender's prior criminal history,
3 the nature and severity of the present offense, and potential
4 for future violence.

5 ~~"(12)~~ (13) TRUTH-IN-SENTENCING STANDARDS. Truth in
6 sentencing ~~is scheduled to become effective October 1, 2020~~
7 standards that provide transparency and minimum periods of
8 incarceration that must be served, to be developed by the
9 Alabama Sentencing Commission.

10 ~~"(13)~~ (14) UNDER SUPERVISION. All offenders under the
11 supervision of any criminal justice agency or program
12 including, but not limited to, any of the following entities:

13 "a. The Alabama Department of Corrections.

14 "b. State or county probation offices.

15 "c. Community corrections programs pursuant to
16 Alabama Community Corrections Act.

17 "d. Jails.

18 "e. State or local law enforcement agencies.

19 "f. Any court.

20 ~~"(14)~~ (15) VIOLENT OFFENDER. A violent offender is an
21 offender who has been convicted of a violent offense, or who
22 is determined by the trial court judge or a release authority
23 to have demonstrated a propensity for violence, aggression, or
24 weapons related behavior based on the criminal history or
25 behavior of the offender while under supervision of any
26 criminal justice system agency or entity.

27 ~~"(15)~~ (16) VIOLENT OFFENSE.

1 "a. For the purposes of this article, a violent
2 offense includes each of the following offenses, or any
3 substantially similar offense to those listed in this
4 subdivision created after June 20, 2003:

5 "1. Capital murder pursuant to Sections 13A-6-2 and
6 13A-5-40.

7 "2. Murder pursuant to Section 13A-6-2.

8 "3. Manslaughter pursuant to Section 13A-6-3.

9 "4. Criminally negligent homicide pursuant to
10 Section 13A-6-4.

11 "5. Assault I pursuant to Section 13A-6-20.

12 "6. Assault II pursuant to Section 13A-6-21.

13 "7. Compelling street gang membership pursuant to
14 Section 13A-6-26.

15 "8. Kidnapping I pursuant to Section 13A-6-43.

16 "9. Kidnapping II pursuant to Section 13A-6-44.

17 "10. Rape I pursuant to Section 13A-6-61.

18 "11. Rape II pursuant to Section 13A-6-62.

19 "12. Sodomy I pursuant to Section 13A-6-63.

20 "13. Sodomy II pursuant to Section 13A-6-64.

21 "14. Sexual torture pursuant to Section 13A-6-65.1.

22 "15. Sexual abuse I pursuant to Section 13A-6-66.

23 "16. Enticing a child to enter a vehicle for immoral
24 purposes pursuant to Section 13A-6-69.

25 "17. Stalking pursuant to Section 13A-6-90.

26 "18. Aggravated stalking pursuant to Section
27 13A-6-91.

1 "19. Soliciting a child by computer pursuant to
2 Section 13A-6-110.

3 "20. Domestic violence I pursuant to Section
4 13A-6-130.

5 "21. Domestic violence II pursuant to Section
6 13A-6-131.

7 "22. Burglary I pursuant to Section 13A-7-5.

8 "23. Burglary II pursuant to Section 13A-7-6.

9 "24. Burglary III pursuant to subdivision (1) or
10 subdivision (2) of subsection (a) of Section 13A-7-7.

11 "25. Arson I pursuant to Section 13A-7-41.

12 "26. Criminal possession of explosives pursuant to
13 Section 13A-7-44.

14 "27. Extortion I pursuant to Section 13A-8-14.

15 "28. Robbery I pursuant to Section 13A-8-41.

16 "29. Robbery II pursuant to Section 13A-8-42.

17 "30. Robbery III pursuant to Section 13A-8-43.

18 "31. Pharmacy robbery pursuant to Section 13A-8-51.

19 "32. Terrorist threats pursuant to Section
20 13A-10-15.

21 "33. Escape I pursuant to Section 13A-10-31.

22 "34. Promoting prison contraband I pursuant to
23 Section 13A-10-36, involving a deadly weapon or dangerous
24 instrument.

25 "35. Intimidating a witness pursuant to Section
26 13A-10-123.

1 "36. Intimidating a juror pursuant to Section
2 13A-10-127.

3 "37. Treason pursuant to Section 13A-11-2.

4 "38. Discharging a weapon into an occupied building,
5 dwelling, automobile, etc., pursuant to Section 13A-11-61.

6 "39. Promoting prostitution I pursuant to Section
7 13A-12-111.

8 "40. Production of obscene matter involving a minor
9 pursuant to Section 13A-12-197.

10 "41. Trafficking pursuant to Section 13A-12-231.

11 "42. Child abuse pursuant to Section 26-15-3

12 "43. Elder abuse pursuant to Section 38-9-7.

13 "44. Terrorism pursuant to Section 13A-10-152.

14 "45. Hindering prosecution for terrorism pursuant to
15 Section 13A-10-154.

16 "46. Domestic violence III pursuant to subsection
17 (d) of Section 13A-6-132.

18 "47. Domestic violence by strangulation or
19 suffocation pursuant to Section 13A-6-138.

20 "48. Human trafficking I pursuant to Section
21 13A-6-152.

22 "49. Human trafficking II pursuant to Section
23 13A-6-153.

24 "50. Hindering prosecution in the first degree
25 pursuant to Section 13A-10-43.

26 "51. Any substantially similar offense for which an
27 Alabama offender has been convicted under prior Alabama law or

1 the law of any other state, the District of Columbia, the
2 United States, or any of the territories of the United States.

3 "b. The basis for defining these offenses as violent
4 is that each offense meets at least one of the following
5 criteria:

6 "1. Has as an element, the use, attempted use, or
7 threatened use of a deadly weapon or dangerous instrument or
8 physical force against the person of another.

9 "2. Involves a substantial risk of physical injury
10 against the person of another.

11 "3. Is a nonconsensual sex offense.

12 "4. Is particularly reprehensible.

13 "c. Any attempt, conspiracy, or solicitation to
14 commit a violent offense shall be considered a violent offense
15 for the purposes of this article.

16 "d. Any criminal offense which meets the criteria
17 provided in paragraph b. enacted after 2003.

18 "§12-25-36.

19 "This section and Sections 12-25-37 and 12-25-38
20 shall apply only after development and legislative approval of
21 the proposed truth-in-sentencing standards ~~submitted in 2020~~.
22 When a judge sentences based on the voluntary
23 truth-in-sentencing standards, all of the following rules
24 shall apply:

25 "(1) Sentences imposed based on voluntary
26 truth-in-sentencing standards pursuant to this article shall

1 not be subject to any other provision of law concerning the
2 duration of sentence.

3 "(2) Sentences imposed based on the voluntary
4 truth-in-sentencing standards shall include both a minimum and
5 an extended term of sentence including a period of
6 post-release supervision. The minimum sentence and the
7 extended sentence shall be specified in the judgment of the
8 court for those sentences that are imposed in compliance with
9 the voluntary truth-in-sentencing standards. Sentence
10 dispositions may include active incarceration, intermediate
11 punishment, unsupervised probation, or a minimum punishment as
12 specified in the voluntary truth-in-sentencing standards.

13 "(3) The minimum term of sentence shall be
14 consistent with the sentence range recommended in the
15 voluntary truth-in-sentencing standards for the worksheet
16 score of an offender. No offender sentenced to incarceration
17 may be released from incarceration before the expiration date
18 of the minimum term of sentence.

19 "(4) The extended term of sentence shall be a period
20 of time equal to 120 percent of the minimum term, rounded to
21 the next highest month, plus a one-year period of post-release
22 supervision.

23 "(5) The amount of time an offender shall be
24 incarcerated on the extended term of sentence shall be
25 determined by the Department of Corrections pursuant to rules
26 and regulations established by the Department of Corrections
27 governing an offender's conduct after conviction and sentence.

1 "(6) No sentence of active incarceration may be
2 suspended.

3 "(7) For any disposition of sentence less than
4 active incarceration as defined in paragraph a. of subdivision
5 (2) of Section 12-25-32, the court shall retain jurisdiction
6 to modify sentence disposition of sentence.

7 "§13A-5-6.

8 "(a) Sentences for felonies shall be for a definite
9 term of imprisonment, which imprisonment includes hard labor,
10 within the following limitations:

11 "(1) For a Class A felony, for life or not more than
12 99 years or less than 10 years.

13 "(2) For a Class B felony, not more than 20 years or
14 less than 2 years.

15 "(3) For a Class C felony, not more than 10 years or
16 less than 1 year and 1 day. ~~and~~ A Class C felony must be
17 sentenced either in accordance with subsection (b) of Section
18 15-18-8 ~~unless sentencing is or~~ pursuant to Section 13A-5-9,
19 unless sentenced as a part of a sentencing event, as defined
20 in Section 12-25-32, involving a Class A or Class B felony.

21 "(4) For a Class D felony, not more than 5 years or
22 less than 1 year and 1 day. ~~and~~ A Class D felony must be
23 sentenced in accordance with subsection (b) of Section
24 15-18-8, unless sentenced as part of a sentencing event, as
25 defined in Section 12-25-32, involving a Class A , Class B, or
26 Class C felony.

1 "(5) For a Class A felony in which a firearm or
2 deadly weapon was used or attempted to be used in the
3 commission of the felony, or a Class A felony sex offense
4 involving a child as defined in Section 15-20A-4(26), not less
5 than 20 years.

6 "(6) For a Class B or C felony in which a firearm or
7 deadly weapon was used or attempted to be used in the
8 commission of the felony, or a Class B felony sex offense
9 involving a child as defined in Section 15-20A-4(26), not less
10 than 10 years.

11 "(b) The actual time of release within the
12 limitations established by subsection (a) of this section
13 shall be determined under procedures established elsewhere by
14 law.

15 "(c) In addition to any penalties heretofore or
16 hereafter provided by law, in all cases where an offender is
17 designated as a sexually violent predator pursuant to Section
18 15-20A-19, or where an offender is convicted of a Class A
19 felony sex offense involving a child as defined in Section
20 15-20A-4(26), and is sentenced to a county jail or the Alabama
21 Department of Corrections, the sentencing judge shall impose
22 an additional penalty of not less than 10 years of
23 post-release supervision to be served upon the defendant's
24 release from incarceration.

25 "(d) In addition to any penalties heretofore or
26 hereafter provided by law, in all cases where an offender is
27 convicted of a sex offense pursuant to Section 13A-6-61,

1 13A-6-63, or 13A-6-65.1, when the defendant was 21 years of
2 age or older and the victim was six years of age or less at
3 the time the offense was committed, the defendant shall be
4 sentenced to life imprisonment without the possibility of
5 parole.

6 "§13A-8-4.1.

7 "(a) The theft of property that exceeds five hundred
8 dollars (\$500) in value but does not exceed one thousand ~~four~~
9 ~~hundred and ninety-nine dollars (\$1,499)~~ five hundred dollars
10 (\$1,500) in value, and which is not taken from the person of
11 another, constitutes theft of property in the third degree.

12 "(b) Theft of property in the third degree is a
13 Class D felony.

14 "(c) The theft of a credit card or a debit card,
15 regardless of its value, constitutes theft of property in the
16 third degree.

17 "§13A-8-8.1.

18 "(a) The theft of lost property which exceeds five
19 hundred dollars (\$500) in value but does not exceed one
20 thousand ~~four hundred and ninety-nine dollars (\$1,499)~~ five
21 hundred dollars (\$1,500) in value constitutes theft of lost
22 property in the third degree.

23 "(b) Theft of lost property in the third degree is a
24 Class D felony.

25 "§13A-8-10.25.

26 "(a) The theft of services which exceeds five
27 hundred dollars (\$500) in value but does not exceed one

1 thousand ~~four hundred and ninety nine dollars (\$1,499)~~ five
2 hundred dollars (\$1,500) in value constitutes theft of
3 services in the third degree.

4 "(b) Theft of services in the third degree is a
5 Class D felony.

6 "§13A-8-18.1.

7 (a) Receiving stolen property which exceeds five
8 hundred dollars (\$500) in value but does not exceed one
9 thousand ~~four hundred and ninety nine dollars (\$1,499)~~ five
10 hundred dollars (\$1,500) in value constitutes receiving stolen
11 property in the third degree.

12 (b) Receiving stolen property in the third degree is
13 a Class D felony.

14 "§13A-4-1.

15 "(a) (1) A person is guilty of criminal solicitation
16 if, with the intent that another person engage in conduct
17 constituting a crime, he or she solicits, requests, commands,
18 or importunes such other person to engage in such conduct.

19 "(2) A person may not be convicted of criminal
20 solicitation upon the uncorroborated testimony of the person
21 allegedly solicited, and there must be proof of circumstances
22 corroborating both the solicitation and the defendant's
23 intent.

24 "(b) A person is not liable under this section if,
25 under circumstances manifesting a voluntary and complete
26 renunciation of his or her criminal intent, he or she (1)
27 notified the person solicited of his or her renunciation and

1 (2) gave timely and adequate warning to the law enforcement
2 authorities or otherwise made a substantial effort to prevent
3 the commission of the criminal conduct solicited. The burden
4 of injecting this issue is on the defendant, but this does not
5 shift the burden of proof.

6 "(c) A person is not liable under this section when
7 his or her solicitation constitutes conduct of a kind that is
8 necessarily incidental to the commission of the offense
9 solicited. When the solicitation constitutes an offense other
10 than criminal solicitation which is related to but separate
11 from the offense solicited, defendant is guilty of such
12 related offense only and not of criminal solicitation.

13 "(d) It is no defense to a prosecution for criminal
14 solicitation that the person solicited could not be guilty of
15 the offense solicited because of:

16 "(1) Criminal irresponsibility or other legal
17 incapacity or exemption; or

18 "(2) Unawareness of the criminal nature of the
19 conduct solicited or of the defendant's criminal purpose; or

20 "(3) Any other factor precluding the mental state
21 required for the commission of the offense in question.

22 "(e) It is no defense to a prosecution for criminal
23 solicitation that defendant belongs to a class of persons who
24 by definition are legally incapable in an individual capacity
25 of committing the offense that he or she solicited another to
26 commit.

27 "(f) Criminal solicitation is a:

1 "(1) Class A felony if the offense solicited is
2 murder.

3 "(2) Class B felony if the offense solicited is a
4 Class A felony.

5 "(3) Class C felony if the offense solicited is a
6 Class B felony.

7 "(4) Class D felony if the offense solicited is a
8 Class C felony.

9 "~~(4)~~ (5) Class A misdemeanor if the offense
10 solicited is a Class ~~C~~ D felony.

11 "~~(5)~~ (6) Class B misdemeanor if the offense
12 solicited is a Class A misdemeanor.

13 "~~(6)~~ (7) Class C misdemeanor if the offense
14 solicited is a Class B misdemeanor.

15 "~~(7)~~ (8) Violation if the offense solicited is a
16 Class C misdemeanor.

17 "§13A-4-2.

18 "(a) A person is guilty of an attempt to commit a
19 crime if, with the intent to commit a specific offense, he or
20 she does any overt act towards the commission of such offense.

21 "(b) It is no defense under this section that the
22 offense charged to have been attempted was, under the
23 attendant circumstances, factually or legally impossible of
24 commission, if such offense could have been committed had the
25 attendant circumstances been as the defendant believed them to
26 be.

1 "(c) A person is not liable under this section if,
2 under circumstances manifesting a voluntary and complete
3 renunciation of this criminal intent, he or she avoided the
4 commission of the offense attempted by abandoning his or her
5 criminal effort and, if mere abandonment is insufficient to
6 accomplish such avoidance, by taking further and affirmative
7 steps which prevented the commission thereof. The burden of
8 injecting this issue is on the defendant, but this does not
9 shift the burden of proof.

10 "(d) An attempt is a:

11 "(1) Class A felony if the offense attempted is
12 murder.

13 "(2) Class B felony if the offense attempted is a
14 Class A felony.

15 "(3) Class C felony if the offense attempted is a
16 Class B felony.

17 "(4) Class D felony if the offense attempted is a
18 Class C felony.

19 "~~(4)~~ (5) Class A misdemeanor if the offense
20 attempted is a Class ~~C~~ D felony.

21 "~~(5)~~ (6) Class B misdemeanor if the offense
22 attempted is a Class A misdemeanor.

23 "~~(6)~~ (7) Class C misdemeanor if the offense
24 attempted is a Class B misdemeanor.

25 "~~(7)~~ (8) Violation if the offense attempted is a
26 Class C misdemeanor.

27 "§13A-4-3.

1 "(a) A person is guilty of criminal conspiracy if,
2 with the intent that conduct constituting an offense be
3 performed, he or she agrees with one or more persons to engage
4 in or cause the performance of such conduct, and any one or
5 more of such persons does an overt act to effect an objective
6 of the agreement.

7 "(b) If a person knows or should know that one with
8 whom he or she agrees has in turn agreed or will agree with
9 another to effect the same criminal objective, he or she shall
10 be deemed to have agreed with such other person, whether or
11 not he or she knows the other's identity.

12 "(c) A person is not liable under this section if,
13 under circumstances manifesting a voluntary and complete
14 renunciation of his or her criminal purpose, he or she gave a
15 timely and adequate warning to law enforcement authorities or
16 made a substantial effort to prevent the enforcement of the
17 criminal conduct contemplated by the conspiracy. Renunciation
18 by one conspirator, however, does not affect the liability of
19 another conspirator who does not join in the abandonment of
20 the conspiratorial objective. The burden of injecting the
21 issue of renunciation is on the defendant, but this does not
22 shift the burden of proof.

23 "(d) It is no defense to a prosecution for criminal
24 conspiracy that:

25 "(1) The person, or persons, with whom defendant is
26 alleged to have conspired has been acquitted, has not been

1 prosecuted or convicted, has been convicted of a different
2 offense or is immune from prosecution, or

3 "(2) The person, or persons, with whom defendant
4 conspired could not be guilty of the conspiracy or the object
5 crime because of lack of mental responsibility or culpability,
6 or other legal incapacity or defense, or

7 "(3) The defendant belongs to a class of persons who
8 by definition are legally incapable in an individual capacity
9 of committing the offense that is the object of the
10 conspiracy.

11 "(e) A conspirator is not liable under this section
12 if, had the criminal conduct contemplated by the conspiracy
13 actually been performed, he or she would be immune from
14 liability under the law defining the offense or as an
15 accomplice under Section 13A-2-24.

16 "(f) Liability as accomplice. - Accomplice liability
17 for offenses committed in furtherance of a conspiracy is to be
18 determined as provided in Section 13A-2-23.

19 "(g) Criminal conspiracy is a:

20 "(1) Class A felony if an object of the conspiracy
21 is murder.

22 "(2) Class B felony if an object of the conspiracy
23 is a Class A felony.

24 "(3) Class C felony if an object of the conspiracy
25 is a Class B felony.

26 "(4) Class D felony if an object of the conspiracy
27 is a Class C felony.

1 "~~(4)~~ (5) Class A misdemeanor if an object of the
2 conspiracy is a Class C D felony.

3 "~~(5)~~ (6) Class B misdemeanor if an object of the
4 conspiracy is a Class A misdemeanor.

5 "~~(6)~~ (7) Class C misdemeanor if an object of the
6 conspiracy is a Class B misdemeanor.

7 "~~(7)~~ (8) Violation if an object of the conspiracy is
8 a Class C misdemeanor.

9 "§15-18-8.

10 "(a) When a defendant is convicted of an offense,
11 other than a sex offense involving a child as defined in
12 Section 15-20A-4(26), that constitutes a Class A or Class B
13 felony offense, and receives a sentence of 20 years or less in
14 any court having jurisdiction to try offenses against the
15 State of Alabama and the judge presiding over the case is
16 satisfied that the ends of justice and the best interests of
17 the public as well as the defendant will be served thereby, he
18 or she may order:

19 "(1) That a defendant convicted of a Class A or
20 Class B felony be confined in a prison, jail-type institution,
21 or treatment institution for a period not exceeding three
22 years in cases where the imposed sentence is not more than 15
23 years, and that the execution of the remainder of the sentence
24 be suspended notwithstanding any provision of the law to the
25 contrary and that the defendant be placed on probation for
26 such period and upon such terms as the court deems best.

1 "(2) That a defendant convicted of a Class A, Class
2 B, or Class C felony with an imposed sentence of greater than
3 15 years but not more than 20 years be confined in a prison,
4 jail-type institution, or treatment institution for a period
5 of three to five years for Class A or Class B felony
6 convictions and for a period of three years for Class C felony
7 convictions, during which the offender shall not be eligible
8 for parole or release because of deduction from sentence for
9 good behavior under the Alabama Correctional Incentive Time
10 Act, and that the remainder of the sentence be suspended
11 notwithstanding any provision of the law to the contrary and
12 that the defendant be placed on probation for the period upon
13 the terms as the court deems best.

14 "(3) This subsection shall not be construed to
15 impose the responsibility for offenders sentenced to a
16 Department of Corrections facility upon a local confinement
17 facility not operated by the Department of Corrections.

18 "(b) Unless a defendant is sentenced to probation,
19 drug court, or a pretrial diversion program, when a defendant
20 is convicted of an offense that constitutes a Class C or D
21 felony offense and receives a sentence of not more than 15
22 years, the judge presiding over the case shall order that the
23 convicted defendant be confined in a prison, jail-type
24 institution, treatment institution, or consenting community
25 corrections program ~~for a Class C felony offense or in a~~
26 ~~consenting community corrections program for a Class D felony~~
27 ~~offense, except as provided in subsection (e),~~ for a period

1 not exceeding two years in cases where the imposed sentence is
2 not more than 15 years, and that the execution of the
3 remainder of the sentence be suspended notwithstanding any
4 provision of the law to the contrary and that the defendant be
5 placed on probation for a period not exceeding three years and
6 upon such terms as the court deems best. In all cases when it
7 is shown that a defendant has been previously convicted of any
8 three or more felonies or has been previously convicted of any
9 two or more felonies that are Class A or Class B felonies, and
10 after such convictions has committed a Class D felony, upon
11 conviction, he or she must be punished for a Class C felony.
12 This subsection shall not be construed to impose the
13 responsibility for offenders sentenced to a Department of
14 Corrections facility upon a local confinement facility not
15 operated by the Department of Corrections.

16 "(c) Nothing in this section shall be construed as
17 superseding the sentencing requirements set forth and adopted
18 by the Legislature as prescribed by the Alabama Sentencing
19 Commission's Sentencing Standards.

20 "(d) In counties or jurisdictions where no community
21 corrections program exists or resources from a community
22 investment are not complete, a county or jurisdiction may
23 enter into a compact or contract with another county or other
24 counties to create a multi-jurisdiction community corrections
25 facility that meets the needs and resources of each county or
26 jurisdiction or enter into a compact or contract with a county
27 or jurisdiction that has a community corrections program to

1 provide services, as provided in and pursuant to Article 9 of
2 this chapter.

3 "(e) If no consenting community corrections program
4 exists within a county or jurisdiction or an existing program
5 has reached the maximum participation level established by its
6 community punishment and corrections plan as provided in
7 Section 15-18-172 and no alternative program options are
8 available under subsection (e) of Section 15-18-172, a
9 defendant convicted of an offense that constitutes a Class C
10 or Class D felony may be sentenced to high-intensity probation
11 under the supervision of the Board of Pardons and Paroles in
12 lieu of community corrections.

13 "(f) Probation may not be granted for a sex offense
14 involving a child as defined in Section 15-20A-4(26), which
15 constitutes a Class A or B felony. Otherwise, probation may be
16 granted whether the offense is punishable by fine or
17 imprisonment or both. If an offense is punishable by both fine
18 and imprisonment, the court may impose a fine and place the
19 defendant on probation as to imprisonment. Probation may be
20 limited to one or more counts or indictments, but, in the
21 absence of express limitation, shall extend to the entire
22 sentence and judgment.

23 "(g) Regardless of whether the defendant has begun
24 serving the minimum period of confinement ordered under the
25 provisions of subsections (a) or (b), if the imposed sentence
26 is not more than 20 years, the court shall retain jurisdiction
27 and authority throughout that period to suspend that portion

1 of the minimum sentence that remains and place the defendant
2 on probation, notwithstanding any provision of the law to the
3 contrary and the court may revoke or modify any condition of
4 probation or may change the period of probation.

5 "(h) While incarcerated or on probation and among
6 the conditions thereof, the defendant may be required:

7 "(1) To pay a fine in one or several sums;

8 "(2) To make restitution or reparation to aggrieved
9 parties for actual damages or loss caused by the offense for
10 which conviction was had; and

11 "(3) To provide for the support of any persons for
12 whose support he or she is legally responsible.

13 "(i) Except as otherwise provided pursuant to
14 Section 15-18-64, the defendant's liability for any fine or
15 other punishment imposed as to which probation is granted
16 shall be fully discharged by the fulfillment of the terms and
17 conditions of probation.

18 "(j) During any term of probation, the defendant
19 shall report to the probation authorities at such time and
20 place as directed by the judge imposing sentence.

21 "(k) No defendant serving a minimum period of
22 confinement ordered under the provisions of subsections (a) or
23 (b) shall be entitled to parole or to deductions from his or
24 her sentence under the Alabama Correctional Incentive Time
25 Act, during the minimum period of confinement so ordered;
26 provided, however, that this subsection shall not be construed
27 to prohibit application of the Alabama Correctional Incentive

1 Time Act to any period of confinement which may be required
2 after the defendant has served such minimum period.

3 "§15-18-172.

4 "(a) A county or group of counties may establish a
5 community punishment and corrections program for state and
6 county inmates or youthful offenders in custody of the county.
7 The program shall be established by a county by resolution
8 adopted by the county commission or by community punishment
9 and corrections authorities or other nonprofit entities as
10 provided herein. The program shall establish the maximum
11 number of offenders who may participate in the program and
12 participation shall be limited to space availability. No
13 offenders may be sentenced or assigned to the program in
14 excess of the maximum number established for the program. No
15 county is obligated to fund any activities of a community
16 corrections program established under this article without an
17 affirmative vote of the affected county commission.

18 "(b) The department may contract with such counties,
19 authorities, or other nonprofit entities as provided herein
20 concerning start-up costs and the costs of maintenance,
21 including medical expenses, of state inmates participating in
22 any program authorized under this article or under any county
23 program functioning pursuant to any state or local act.

24 "(c) The department shall promulgate rules and
25 regulations pursuant to the Alabama Administrative Procedure
26 Act establishing conditions for state inmates' participation

1 in the community punishment and corrections program, the
2 observance of which may be a condition to such participation.

3 "(d) A state inmate incarcerated in a state facility
4 may be approved by the department for participation in a
5 community punishment and corrections program established under
6 this article and be assigned to a program in the county from
7 which the inmate was sentenced if a community punishment and
8 corrections program under this article has been established in
9 that county and if the sentencing judge of the county
10 authorizes the inmate to participate in the program. An inmate
11 may be assigned to a community punishment and corrections
12 program in another county if the presiding judge of the other
13 county and the sentencing judge agree to the assignment and if
14 the county has agreed in the contract to accept inmates
15 originally sentenced in other counties. In the event the
16 sentencing judge is unavailable due to death, retirement, or
17 any other reason, the presiding judge from the sentencing
18 circuit shall act in the sentencing judge's stead. An inmate
19 assigned to a community punishment and corrections program
20 pursuant to this article shall not be eligible for parole
21 consideration.

22 "(e) The department shall annually identify
23 alternatives to community punishment and corrections programs
24 for those counties which have not established a community
25 punishment and corrections program under this article. The
26 department shall publish a list of such alternatives on its
27 website and shall provide a list of such alternatives to each

1 district and circuit court annually. ~~The department~~ To be
2 included in the list required by this subsection, the Alabama
3 Department of Veterans Affairs shall ~~include~~ provide to the
4 department a list of referral services available for veterans
5 and servicemen, and, when available and appropriate, shall
6 include any Veterans Treatment Court in operation in the
7 appropriate county or circuit as an alternative.

8 "§15-22-24.

9 "(a) The Board of Pardons and Paroles, hereinafter
10 referred to as "the board," shall be charged with the duty of
11 determining, through use of a validated risk and needs
12 assessment as defined in Section 12-25-32, what prisoners
13 serving sentences in the jails and prisons of the State of
14 Alabama may be released on parole and when and under what
15 conditions. Such board shall also be charged with the duty of
16 supervising all prisoners released on parole from the jails or
17 prisons of the state and of lending its assistance to the
18 courts in the supervision of all prisoners placed on probation
19 by courts exercising criminal jurisdiction and making such
20 investigations as may be necessary in connection therewith, of
21 implementing the use of validated risk and needs assessments
22 as defined in Section 12-25-32 by probation and parole
23 officers, of determining whether violation of parole or
24 probation conditions exist in specific cases, deciding, in the
25 case of parolees, what action should be taken with reference
26 thereto, causing, in the case of probationers, reports of such
27 investigations to be made to the judges of the courts having

1 jurisdiction of the probationers and of aiding parolees and
2 probationers to secure employment.

3 "(b) Between October 1 and December 31 of each year,
4 the board shall make a full report of its activities and
5 functions during the preceding year, and such report shall be
6 prepared in quadruplicate, with one copy thereof lodged with
7 the Governor, one filed in the office of the Secretary of
8 State, one filed in the office of the Department of Archives
9 and History, and one copy retained in the permanent records of
10 the board.

11 "(c) The board may accept grants, devices, ~~bequests~~
12 ~~[bequests]~~ bequests, or gifts and make expenditures therefrom
13 for the operations of the board and not individually as board
14 members.

15 "(d) The board shall have the power and authority to
16 enter contracts to accomplish the objectives of the board.

17 "(e) The board shall adopt policy and procedural
18 guidelines for establishing parole consideration eligibility
19 dockets based on its evaluation of a prisoner's prior record,
20 nature and severity of the present offense, potential for
21 future violence, and community attitude toward the offender to
22 include input from the victim or victims, the family of the
23 victim or victims, prosecutors, and law enforcement entities
24 or other criteria established by the board pursuant to Section
25 15-22-37.

26 "(f) Any person who, at the time of his or her
27 retirement, is employed by the Board of Pardons and Paroles as

1 a probation and parole officer, shall receive as part of his
2 or her retirement benefits, without cost to him, his or her
3 badge, and pistol.

4 "(g) The board is hereby authorized and empowered to
5 promulgate rules and regulations to establish a program that
6 will authorize the board to expend state moneys not to exceed
7 ~~\$250.00~~ two hundred fifty dollars (\$250) per year for awarding
8 recognition incentive awards for outstanding employees.

9 "(h) No state official shall appear or otherwise
10 represent an applicant before the board for any consideration
11 or thing of value unless ~~said~~ that official was counsel of
12 record for the applicant during a trial or hearing in the
13 regular judicial process that led to ~~said~~ the applicant's
14 present status; however, no state official shall be prohibited
15 from appearing without consideration before the board or board
16 panel on behalf of an applicant.

17 "(i) The board shall have the power, authority, and
18 jurisdiction to conditionally transfer a prisoner to the
19 authorities of the federal government or any other
20 jurisdiction entitled to his or her custody to answer pending
21 charges or begin serving a sentence in response to a properly
22 filed detainer from the other jurisdiction. Such conditionally
23 transferred prisoner shall remain in the legal custody of the
24 warden of the institution from which he or she was
25 transferred. Should any such conditionally transferred
26 prisoner satisfy all detainers against him or her prior to
27 completion of his or her Alabama sentence, ~~said that~~ prisoner

1 shall not be released from custody without further order of
2 the Board of Pardons and Paroles.

3 "(j) The board and its agents shall have the power
4 and authority to administer oaths and affirmation, examine
5 witnesses and receive evidence on all matters to be considered
6 by the board.

7 "(k) The board shall develop and adopt guidelines
8 and policies to ensure that any treatment programs or
9 providers utilized by the board in the supervision of
10 probationers and parolees implement evidence-based practices,
11 as defined in Section 12-25-32, designed to reduce recidivism
12 among such probationers and parolees and shall cooperate with
13 the Office of the Governor in evaluating such programs and
14 providers. The Office of the Governor shall ensure that
15 treatment programs and providers that receive funding from the
16 state or through court-ordered monies utilize such funding and
17 monies for programs reasonably expected to reduce recidivism
18 among probationers and parolees.

19 "(l) The board shall develop and adopt guidelines
20 and policies to ensure that the supervision and treatment of
21 probationers and parolees shall be based on the individual
22 probationer's or parolee's risk of reoffending, as determined
23 through a validated risk and needs assessment as defined in
24 Section 12-25-32, and that supervision and treatment resources
25 of the board are prioritized to focus on those probationers
26 and parolees with the highest risk of reoffending. The board
27 shall include resources available to veterans and servicemen

1 and shall annually coordinate with the Department of Veterans
2 Affairs to ensure the most current benefits and services are
3 identified and available. The board shall maximize case
4 supervision practices such that no probation and parole
5 officer is assigned more than 20 active high-risk cases at any
6 one time. Supervision and treatment of probationers and
7 parolees shall include the following:

8 "(1) Use of a validated risk and needs assessment~~7.~~.

9 "(2) Use of assessment results to guide the
10 appropriate level of supervision responses consistent with the
11 level of supervision and evidence-based practices used to
12 reduce recidivism~~7.~~.

13 "(3) Collateral and personal contacts with the
14 probationer or parolee and community that may be unscheduled
15 and that shall occur as often as needed based on the
16 probationer's or parolee's supervision level, which, in turn,
17 should be based on risk of reoffense as determined through a
18 validated risk and needs assessment. Such contacts shall serve
19 the purpose of keeping supervising officers informed of the
20 probationer's or parolee's conduct, compliance with
21 conditions, and progress in community-based intervention~~7.~~.

22 "(4) Case planning for each probationer or parolee
23 based on risk of reoffense and needs identified and
24 prioritized based on associated risk~~7.~~and.

25 "(5) Use of practical and suitable methods that are
26 consistent with evidence-based practices to aid and encourage

1 the probationer or parolee to improve his or her conduct and
2 circumstances so as to reduce his or her level of risk.

3 "(m) The board shall require all probation and
4 parole officers employed on January 30, 2016, to complete the
5 training requirements set forth in this subsection on or
6 before January 1, ~~2017~~ 2018. All probation and parole officers
7 hired after January 30, 2016, shall complete the training
8 requirements set forth in this subsection within two years of
9 their hire date. The training and professional development
10 services shall include:

11 "(1) Assessment techniques~~;~~.

12 "(2) Case planning~~;~~.

13 "(3) Risk reduction strategies~~;~~.

14 "(4) Effective communication skills~~;~~.

15 "(5) Behavioral health needs~~;~~.

16 "(6) Application of core correctional practices,
17 including motivational interviewing, basic principles of
18 cognitive therapy, structured skill building, problem solving,
19 reinforcement, and use of authority~~;~~.

20 "(7) Training for supervising officers to become
21 training capacity in the state~~;~~and.

22 "(8) Other topics identified by the board as
23 evidence-based practices as defined in Section 12-25-32.

24 "(n) The board shall not have the power, authority,
25 or jurisdiction to regulate or exercise authority over, or
26 related to, the operation, management, regulations, policies,
27 or procedures of any local confinement facility, including,

1 but not limited to, county jails, community corrections
2 programs, or drug courts.

3 "§15-22-26.2.

4 "(a) A convicted defendant sentenced to a period of
5 confinement under the supervision of the Department of
6 Corrections shall be subject to the following provisions,
7 unless the defendant is released to a term of probation or
8 released on parole under the provisions of Chapter 22 of Title
9 15:

10 "(1) If the defendant is sentenced to a period of
11 five years or less, he or she shall be released by the
12 Department of Corrections to supervision by the Board of
13 Pardons and Paroles no less than three months and no more than
14 five months prior to the defendant's release date;

15 "(2) If the defendant is sentenced to a period of
16 more than five years but less than 10 years, he or she shall
17 be released by the Department of Corrections to supervision by
18 the Board of Pardons and Paroles no less than six months and
19 no more than nine months prior to the defendant's release
20 date; or

21 "(3) If the defendant is sentenced to a period of 10
22 years or more, he or she shall be released by the Department
23 of Corrections to supervision by the Board of Pardons and
24 Paroles no less than 12 months and no more than 24 months
25 prior to the defendant's release date.

1 "(b) The provisions of this section shall not apply
2 to a defendant convicted of any sex offense involving a child,
3 as defined in Section 15-20A-4.

4 "(c) Prior to the defendant's release to supervision
5 pursuant to this section, notice of such release shall be
6 provided by the Department of Corrections to the victim and
7 interested parties through the victim notification system
8 established pursuant to Section 15-22-36.2 and under the
9 provisions of Section 15-22-36.

10 "(d) Release of an offender to supervision pursuant
11 to this section shall be release to an intensive program under
12 the supervision of the Board of Pardons and Paroles.

13 "(e) Offenders released pursuant to this section
14 shall be subject to supervision as parolees pursuant to
15 Sections 15-22-29 through 15-22-32. The Board of Pardons and
16 Paroles may establish supervision conditions for those
17 offenders released pursuant to this section. Those
18 limitations contained in Section 15-22-32(b) (1) on the board's
19 ability to revoke shall apply to offenders released under this
20 section, as well as the administrative authority granted to
21 supervising officers to impose short periods of confinement of
22 two to three 24-hour periods.

23 "§15-22-29.

24 "(a) The Board of Pardons and Paroles, in releasing
25 a prisoner on parole, shall specify in writing the conditions
26 of his or her parole, and a copy of such conditions shall be

1 given to the parolee. A violation of such conditions may
2 render the prisoner liable to arrest and reimprisonment.

3 "(b) The Board of Pardons and Paroles shall adopt
4 general rules with regard to conditions of parole and their
5 violation and may make special rules to govern particular
6 cases. Such rules, both general and special, shall include,
7 among other things, a requirement that:

8 "(1) The parolee shall not leave the state without
9 the consent of the board;

10 "(2) He or she shall contribute to the support of
11 his or her dependents to the best of his or her ability;

12 "(3) He or she shall make reparation or restitution
13 for his or her crime;

14 "(4) He or she shall abandon evil associates and
15 ways;

16 "(5) He or she shall carry out the instructions of
17 his or her parole officer and in general so comport himself or
18 herself as such officer shall determine; and

19 "(6) He or she shall submit to behavioral treatment,
20 substance abuse treatment, GPS monitoring, other treatment as
21 deemed necessary by the board or the supervising parole
22 officer, and/or a short period or periods of confinement of
23 two to three 24-hour periods in a consenting jail facility as
24 ordered by the board or imposed by the supervising officer.
25 Periods of confinement imposed by the supervising parole
26 officer shall not exceed six ~~days~~ 24-hour periods per month
27 during any three separate months during the period of parole.

1 The six ~~days~~ 24-hour periods per month confinement provided
2 for in this subdivision shall only be imposed by the
3 supervising parole officer as ~~two-day or three-day~~ 48 or 72
4 hour consecutive periods at any single time. In no event shall
5 the total periods of confinement imposed during the current
6 supervision term by the supervising parole officer provided
7 for in this subdivision exceed 18 total ~~days~~ 24-hour periods
8 in a consenting jail facility. Confinement provided herein
9 shall be subject to the limitations, provisions, and
10 conditions provided in Section 15-22-32, and the board's
11 authority to directly impose sanctions, periods of
12 confinement, or revoke parole shall not otherwise be limited.

13 "§15-22-29.1.

14 "Prior to January 30, 2016, the Board of Pardons and
15 Paroles shall collaborate with the Alabama Sentencing
16 Commission to define ~~and establish the fundamental terms and~~
17 ~~conditions of high intensity probation~~ intensive supervision,
18 which shall include high intensity probation and intensive
19 program.

20 "§15-22-32.

21 "(a) Whenever there is reasonable cause to believe
22 that a prisoner who has been paroled has violated his or her
23 parole, the Board of Pardons and Paroles, at its next meeting,
24 may declare the prisoner to be delinquent, and time owed shall
25 date from the delinquency. The Department of Corrections,
26 after receiving notice from the sheriff of the county jail
27 where the state prisoner is being held, shall promptly notify

1 the board of the return of a paroled prisoner charged with
2 violation of his or her parole. Thereupon, the board, a single
3 member of the board, a parole revocation hearing officer, or a
4 designated parole officer shall hold a parole court at the
5 prison or at another place as it may determine within 20
6 business days and consider the case of the parole violator,
7 who shall be given an opportunity to appear personally or by
8 counsel before the board or the parole court and produce
9 witnesses and explain the charges made against him or her. The
10 board member, parole revocation hearing officer, or a
11 designated parole officer, acting as a parole court, shall
12 determine whether sufficient evidence supports the violation
13 charges. If a hearing is not held within the specified 20
14 business days, the parolee shall be released back to parole
15 supervision.

16 "(b) Upon finding sufficient evidence to support a
17 parole violation, the parole court may recommend to the board
18 revocation or reinstatement of parole, and the board may
19 revoke or reinstate parole. Upon revocation of parole, the
20 board may require the prisoner to serve in a state prison
21 facility the balance of the term for which he or she was
22 originally sentenced or any portion thereof, calculated from
23 the date of delinquency. The delinquent parolee shall be
24 deemed to begin serving the balance of the prison time
25 required on the date of his or her rearrest as a delinquent
26 parolee. However, in all cases, excluding violent offenses
27 defined pursuant to Section 12-25-32 and classified as a Class

1 A felony, and sex offenses, defined pursuant to Section
2 15-20A-5, the parole court may only recommend revocation and
3 the board may only revoke parole as provided below:

4 ~~"(1) Unless the underlying offense is a violent~~
5 ~~offense as defined in Section 12-25-32 and classified as a~~
6 ~~Class A felony, when~~ When a parolee under supervision of the
7 Board of Pardons and Paroles has violated a condition of
8 parole, other than being arrested or convicted of a new
9 offense or absconding, the parole court may recommend and the
10 board may impose a period of confinement of no more than 45
11 consecutive days to be served in the custody population of the
12 Department of Corrections. By April 29, 2016, the Department
13 of Corrections shall develop and implement a streamlined
14 process to transport and receive the parolee into its custody
15 population and shall identify and, if possible, implement
16 policies aimed at reducing the administrative delays, if any,
17 in transferring to the Department of Corrections the physical
18 custody of the parolee and those whose parole has been
19 revoked. Such process shall be developed in cooperation with
20 the Alabama Sheriffs' Association and the Association of
21 County Commissions of Alabama. Such process shall include the
22 most cost-effective method to process sanctioned parole
23 violators for the maximum 45 day confinement period and shall
24 provide that the Department of Corrections shall reimburse the
25 state mileage rate, as determined by the Alabama Comptroller's
26 Office, to the county for any state inmate sanctioned as a
27 parole violator and transferred to or from a Department of

1 Corrections facility by the county. Upon completion of the
2 confinement period and release from confinement, the parolee
3 shall automatically continue on parole for the remaining term
4 of the sentence without further action from the board. The
5 parole court shall not recommend and the board shall not
6 revoke parole unless the parolee has previously received a
7 total of three periods of confinement under this subsection. A
8 parolee shall receive only three total periods of confinement
9 under this subsection. The maximum 45 day term of confinement
10 ordered under this subsection shall not be reduced by credit
11 for incarceration time already served in the case. Confinement
12 under this subsection shall be credited to the balance of the
13 incarceration term for which the parolee was originally
14 sentenced. In the event the time remaining on parole
15 supervision is 45 days or less, the term of confinement shall
16 be for the remainder of the parolee's sentence.

17 "(2) The total time spent in confinement under this
18 subsection shall not exceed the term of the parolee's original
19 sentence.

20 "(3) Confinement shall be immediate. The board shall
21 be responsible for ensuring that the Department of Corrections
22 receives necessary documentation for imposing a period of
23 confinement within five business days of the board's action.

24 "(4) If the parolee is presented to a county jail
25 for any period of confinement as contemplated herein above
26 with a serious medical condition, the admittance of the
27 parolee would create a security risk to the county jail, or if

1 the jail is near, at, or over capacity, the sheriff may refuse
2 to admit the parolee. If while in custody of the county jail
3 the parolee develops a serious medical condition, the presence
4 of the parolee creates a security risk to the county jail, or
5 the county jail reaches near, at, or over capacity, the
6 sheriff may release the parolee upon notification to the
7 parole officer. A sheriff and his or her staff shall be immune
8 from liability for exercising discretion pursuant to Section
9 36-1-12 in refusing to admit a parolee into the jail or
10 releasing a parolee from jail under the circumstances
11 described above.

12 "(c) The position of Parole Revocation Hearing
13 Officer is created and established, subject to provisions of
14 the state Merit System.

15 "(d) The board may appoint or employ, as the board
16 deems necessary, hearing officers who shall conduct a parole
17 court. Such hearing officers shall have authority to determine
18 the sufficiency of evidence to support parole violation
19 charges and recommend to the board revocation of parole
20 pursuant to subsection (b) or reinstatement of parole.

21 "(e) In lieu of the provisions of subsections (a)
22 and (b), when a parolee violates his or her parole terms and
23 conditions, the board or his or her parole officer may require
24 the parolee to submit to ~~behavioral treatment, substance abuse~~
25 ~~treatment, GPS monitoring, such other treatment as determined~~
26 ~~by the board or supervising officer, or~~ a period of
27 confinement in a consenting jail facility as specified in

1 subdivision (6) of subsection (b) of Section 15-22-29. The
2 parole officer may exercise such authority after
3 administrative review and approval by the officer's
4 supervisor.

5 "(f) (1) Prior to imposing a ~~sanction period of~~
6 confinement as provided under subsection (e) and pursuant to
7 subdivision (6) of subsection (b) of Section 15-22-29, the
8 parolee must first be presented with a written violation
9 report, putting forth the alleged parole violations and
10 supporting evidence. ~~The parolee may request a hearing before~~
11 ~~the parole court to be heard in person within 10 days.~~

12 "(2) The parolee shall be given written notice of
13 the right to seek ~~such~~ parole court review and advised of the
14 right to all of the following:

15 "~~(i) to~~ a. To have a hearing before a neutral and
16 detached parole court on the alleged violation or violations,
17 with the right to present relevant witnesses and documentary
18 evidence; ~~(ii) to.~~

19 "b. To retain and have counsel at the hearing if he
20 or she so desires; ~~and (iii) to.~~

21 "c. To confront and cross examine any adverse
22 witnesses.

23 "~~Upon~~ (3) The parolee may waive the right to such a
24 hearing, and upon the signing of a waiver ~~of these rights~~ by
25 the parolee and the supervising parole officer, with approval
26 of a supervisor, the parolee may be ~~treated, monitored, or~~

1 confined for the period recommended in the violation report
2 and designated on the waiver. ~~However, the~~

3 "(4) The parolee shall have no right of review if he
4 or she has signed a written waiver of rights as provided in
5 this subsection and the signed waiver shall be deemed as the
6 parolee's consent to the period of confinement recommended in
7 the violation report and designated in the waiver. Subject to
8 the sheriff's authority to refuse or release a parolee as set
9 out in subdivision (b) (4), the decision of the parole board or
10 a signed waiver providing for a period of confinement in a
11 consenting jail facility shall authorize and require the
12 sheriff to hold the parolee in the county jail for the
13 specified period of confinement. Should a parolee not sign a
14 written waiver consenting to the recommended period of
15 confinement, the revocation process shall be initiated by the
16 filing of a delinquency report by the supervising parole
17 officer, subject to subsections (a) and (b), including the
18 requirement that a parole court hearing be held within 20
19 business days.

20 "(g) The board shall adopt guidelines and procedures
21 to implement the requirements of this section, which shall
22 include the requirement of a supervisor's approval prior to
23 exercise of the delegation of authority authorized by
24 subsection (e).

25 "§15-22-52.

26 "The court shall determine and may at any time
27 modify the conditions of probation and shall include among

1 them the following or any other conditions. Such conditions
2 shall provide that the probationer shall:

3 "(1) Avoid injurious or vicious habits;

4 "(2) Avoid persons or places of disreputable or
5 harmful character;

6 "(3) Report to the probation officer as directed;

7 "(4) Permit the probation officer to visit him or
8 her at his or her home or elsewhere;

9 "(5) Work faithfully at suitable employments as far
10 as possible;

11 "(6) Remain within a specified place;

12 "(7) Pay the fine imposed or costs or such portions
13 thereof as the court may determine and in such installments as
14 the court may direct;

15 "(8) Make reparation or restitution to the aggrieved
16 party for the damage or loss caused by his or her offense in
17 an amount to be determined by the court;

18 "(9) Support his or her dependents to the best of
19 his or her ability; and

20 "(10) Submit to behavioral treatment, substance
21 abuse treatment, GPS monitoring, other treatment as deemed
22 necessary by the court or supervising probation officer,
23 and/or a short period or periods of confinement of two to
24 three 24-hour periods in a consenting jail facility as ordered
25 by the court or imposed by the supervising officer. Periods of
26 confinement imposed by the supervising probation officer shall
27 not exceed six ~~days~~ 24-hour periods per month during any three

1 separate months during the period of probation. The six ~~days~~
2 24-hour periods per month confinement provided for in this
3 subsection shall only be imposed by the supervising probation
4 officer as ~~two day or three day~~ two or three 24-hour
5 consecutive periods at any single time. In no event shall the
6 total periods of confinement imposed during the current
7 supervision term by the supervising probation officer provided
8 for in this subsection exceed 18 total ~~days~~ 24-hour periods in
9 a consenting jail facility. Confinement provided herein shall
10 be subject to the limitations, provisions, and conditions
11 provided in Section 15-22-54, and the court's authority to
12 directly impose sanctions, periods of confinement, or revoke
13 probation shall not otherwise be limited.

14 "§15-22-54.

15 "(a) The period of probation or suspension of
16 execution of sentence shall be determined by the court and
17 shall not be waived by the defendant, and the period of
18 probation or suspension may be continued, extended, or
19 terminated. However, except as provided in Section 32-5A-191
20 relating to ignition interlock requirements, in no case shall
21 the maximum probation period of a defendant guilty of a
22 misdemeanor exceed two years, nor shall the maximum probation
23 period of a defendant guilty of a felony exceed five years.
24 When the conditions of probation or suspension of sentence are
25 fulfilled, the court shall, by order duly entered on its
26 minutes, discharge the defendant.

1 "(b) The court granting probation may, upon the
2 recommendation of the officer supervising the probationer,
3 terminate all authority and supervision over the probationer
4 prior to the declared date of completion of probation upon
5 showing a continued satisfactory compliance with the
6 conditions of probation over a sufficient portion of the
7 period of the probation. At least every two years, and after
8 providing notice to the district attorney, the court shall
9 review the probationer's suitability for discharge from
10 probation supervision if the probationer has satisfied all
11 financial obligations owed to the court, including
12 restitution, and has not had his or her supervision revoked.

13 "(c) At any time during the period of probation or
14 suspension of execution of sentence, the court may issue a
15 warrant and cause the defendant to be arrested for violating
16 any of the conditions of probation or suspension of sentence,
17 upon which the court shall hold a violation hearing. No
18 probationer shall be held in jail awaiting such violation
19 hearing for longer than 20 business days, unless new criminal
20 charges are pending. If the hearing is not held within the
21 specified time, the sheriff shall release the probation
22 violation unless there are other pending criminal charges. A
23 judge shall have authority to issue a bond to a probationer
24 for release from custody.

25 "(d) Except as provided in Chapter 15 of Title 12,
26 any probation officer, police officer, or other officer with
27 power of arrest, when requested by the probation officer, may

1 arrest a probationer without a warrant. In case of an arrest
2 without a warrant, the arresting officer shall have a written
3 statement by the probation officer setting forth that the
4 probationer has, in his or her judgment, violated the
5 conditions of probation, and the statement shall be sufficient
6 warrant for the detention of the probationer in the county
7 jail or other appropriate place of detention until the
8 probationer is brought before the court. The probation officer
9 shall forthwith report the arrest and detention to the court
10 and submit in writing a report showing in what manner the
11 probationer has violated probation.

12 "(e) After conducting a violation hearing and
13 finding sufficient evidence to support a probation violation,
14 the court may revoke probation to impose a sentence of
15 imprisonment, and credit shall be given for all time spent in
16 custody prior to revocation. If the probationer was convicted
17 of a Class D felony and his or her probation is revoked, the
18 incarceration portion of any split sentence imposed due to
19 revocation shall be limited to two years or one-third of the
20 original suspended prison sentence, whichever is less.
21 However, in all cases, excluding violent offenses defined
22 pursuant to Section 12-25-32 and classified as a Class A
23 felony, and sex offenses, defined pursuant to Section
24 15-20A-5, the court may only revoke probation as provided
25 below:

26 ~~"(1) Unless the underlying offense is a violent~~
27 ~~offense as defined in Section 12-25-32 and classified as a~~

1 ~~Class A felony, when~~ When a defendant under supervision for a
2 felony conviction has violated a condition of probation, other
3 than arrest or conviction of a new offense or absconding, the
4 court may impose a period of confinement of no more than 45
5 consecutive days to be served in the custody population of the
6 Department of Corrections. By April 29, 2016, the Department
7 of Corrections shall develop and implement a streamlined
8 process to transport and receive the probationer into its
9 custody population and shall identify and, if possible,
10 implement policies aimed at reducing the administrative
11 delays, if any, in transferring to the Department of
12 Corrections the physical custody of the probationer and those
13 whose probation has been revoked. Such process shall be
14 developed in cooperation with the Alabama Sheriffs'
15 Association and the Association of County Commissions of
16 Alabama. Such process shall include the most cost-effective
17 method to process sanctioned probation violators for the
18 maximum 45-day confinement period and shall provide that the
19 Department of Corrections shall reimburse the state mileage
20 rate, as determined by the Alabama Comptroller's Office, to
21 the county for any state inmate sanctioned as a probation
22 violator and transferred to or from a Department of
23 Corrections facility by the county. Upon completion of the
24 confinement period, the remaining probation period or
25 suspension of sentence shall automatically continue upon the
26 defendant's release from confinement. The court shall not
27 revoke probation unless the defendant has previously received

1 a total of three periods of confinement under this subsection.
2 For purposes of revocation, the court may take judicial notice
3 of the three total periods of confinement under this
4 subsection. A defendant shall only receive three total periods
5 of confinement under this subsection. The maximum 45-day term
6 of confinement ordered under this subsection for a felony
7 shall not be reduced by credit for time already served in the
8 case. Any such credit shall instead be applied to the
9 suspended sentence. In the event the time remaining on the
10 imposed sentence is 45 days or less, the term of confinement
11 shall be for the remainder of the defendant's sentence.

12 "(2) The total time spent in confinement under this
13 subsection shall not exceed the term of the defendant's
14 original sentence.

15 "(3) Confinement shall be immediate. The court shall
16 be responsible for ensuring that the circuit clerk receives
17 the order revoking probation within five business days. The
18 circuit clerk shall insure that the Department of Corrections
19 receives necessary transcripts for imposing a period of
20 confinement within five business days of its receipt of the
21 court's order.

22 "(4) If a probation violator, as described in
23 subdivision (1), is presented to the county jail for
24 confinement and the probation violator has a serious medical
25 condition, the confinement of the probation violator creates a
26 security risk to the jail facility, or the jail is near, at,
27 or over capacity, the sheriff may refuse to admit the

1 probation violator. If while in custody of the county jail the
2 probation violator develops a serious medical condition, the
3 confinement of the probation violator creates a security risk
4 to the facility, or the county jail reaches near, at, or
5 overcapacity, the sheriff may release the probation violator
6 upon notification to the probation officer and to the court
7 who has jurisdiction over the probation violator. A sheriff
8 and his or her staff shall be immune from liability for
9 exercising discretion pursuant to Section 36-1-12 in refusing
10 to admit a probation violator into the jail or releasing a
11 probation violator from jail under the circumstances described
12 above.

13 "(f) In lieu of the provisions of subsections (c)
14 through (e) and subject to the provisions in subsection (g),
15 when a probationer violates his or her probation terms and
16 conditions imposed by the court, the court or his or her
17 probation officer may, after administrative review and
18 approval by the officer's supervisor, require the probationer
19 to submit to ~~behavioral treatment, substance abuse treatment,~~
20 ~~GPS monitoring, such other treatment as determined by the~~
21 ~~board or supervising officer,~~ or a period of confinement in a
22 consenting jail facility as specified in subdivision (10) of
23 Section 15-22-52.

24 "(g) (1) Prior to imposing a ~~sanction~~ period of
25 confinement as provided under subsection (f) and pursuant to
26 subdivision (10) of Section 15-22-52, the probationer must
27 first be presented with a written violation report, ~~with~~

1 detailing the alleged probation violations and supporting
2 evidence noted. ~~The probationer may file a motion with the~~
3 ~~court to conduct a probation violation hearing within 10 days.~~

4 "(2) The probationer shall be given written notice
5 of the ~~right to such hearing and advised of the right~~
6 following rights:

7 "~~(i) to~~ a. To have a hearing before the court on
8 the alleged violation in person, with the right to present
9 relevant witnesses and documentary evidence; ~~(ii) to.~~

10 "b. To retain and have counsel at the hearing and
11 that counsel will be appointed if the probationer is indigent; ~~and~~
12 ~~and (iii) to.~~

13 "c. To confront and cross examine any adverse
14 witnesses.

15 "(3) Upon The probationer may waive the right to a
16 hearing as set out above, and upon the signing of a waiver ~~of~~
17 ~~these rights~~ by the probationer and the supervising probation
18 officer, with approval of a supervisor, the probationer may be
19 ~~treated, monitored, or~~ confined for the period recommended in
20 the violation report and designated in the waiver. ~~However,~~
21 ~~the~~

22 "(4) The probationer shall have no right of review
23 if he or she has signed a written waiver of rights as provided
24 in this subsection, and the waiver shall be deemed as the
25 probationer's consent to the period of confinement recommended
26 in the violation report and designated in the waiver. Subject
27 to the sheriff's authority to refuse or release a probationer

1 as set out in subdivision (e) (4), a court order or a signed
2 waiver providing for a period of confinement in a consenting
3 jail facility shall authorize and require the sheriff to hold
4 the probationer in the county jail for the specified period of
5 confinement. Should a probationer not sign a written waiver
6 consenting to the recommended period of confinement, the
7 revocation process shall be initiated by the filing of a
8 report with the court by the supervising probation officer
9 pursuant to subsections (c) through (e), including the
10 requirement that a violation hearing be held within 20
11 business days.

12 " (h) The board shall adopt guidelines and procedures
13 to implement the requirements of this section, which shall
14 include the requirement of a supervisor's approval prior to a
15 supervising probation officer's exercise of the delegation of
16 authority authorized by ~~subsection~~ subsections (f) and (g).

17 "§29-2-20.

18 "~~(a) A permanent legislative committee which shall~~
19 ~~be composed of eight members, two of whom shall be ex officio~~
20 ~~members and six of whom shall be appointed members, three each~~
21 ~~to be appointed by the President of the Senate and Speaker of~~
22 ~~the House, who shall both serve as the ex officio members,~~
23 ~~shall be formed to assist in realizing the recommendations of~~
24 ~~the Legislative Prison Task Force and examine all aspects of~~
25 ~~the operations of the Department of Corrections. The chairman~~
26 ~~of the committee shall be selected by and from among the~~
27 ~~membership. The committee shall make diligent inquiry and a~~

1 ~~full examination of Alabama's present and long term prison~~
2 ~~needs and they shall file reports of their findings and~~
3 ~~recommendations to the Alabama Legislature not later than the~~
4 ~~fifteenth legislative day of each regular session that the~~
5 ~~committee continues to exist.~~

6 "~~(b)~~ (a) The ~~committee~~ Joint Legislative Prison
7 Committee shall study and address mental health issues for
8 prisoners reentering the community after a term of
9 imprisonment in order to streamline the sharing of critical
10 mental health information and in order to address barriers to
11 accessing mental health treatment for such prisoners. The
12 committee shall report such findings to the Legislature no
13 later than April 20, ~~2016~~ 2018, and shall work in conjunction
14 with the following in studying and addressing such issues:

15 "(1) Department of Corrections;

16 "(2) Board of Pardons and Paroles;

17 "(3) Department of Mental Health;

18 "(4) Administrative Office of Courts;

19 "(5) Office of Prosecution Services;

20 "(6) Office of the Attorney General;

21 "(7) Alabama Law Enforcement Agency;

22 "(8) Association of County Commissions of Alabama;

23 "(9) Alabama Probate Judges Association;

24 "(10) Alabama Sheriffs' Association;

25 "(11) Alabama Criminal Defense Lawyers Association;

26 "(12) Alabama Circuit Judges' Association;

27 "(13) Department of Public Health;

1 "(14) Office of the Governor;
2 "(15) Alabama District Attorneys Association;
3 "(16) Alabama Drug Abuse Task Force; and
4 "(17) Any other advocacy groups as determined by the
5 committee.

6 "~~(c)~~ (b) The ~~committee~~ Joint Legislative Prison
7 Committee shall study and address issues related to felony
8 restitution collection in order to improve rates of collection
9 for restitution obligations in felony cases and establish best
10 practices relating to a defendant's ability to pay obligations
11 owed. The committee shall report such findings to the
12 Legislature no later than April 20, ~~2016~~ 2018, and shall work
13 in conjunction with the following in studying and addressing
14 such issues:

- 15 "(1) Department of Corrections;
- 16 "(2) Board of Pardons and Paroles;
- 17 "(3) Administrative Office of Courts;
- 18 "(4) Office of Prosecution Services;
- 19 "(5) Office of the Attorney General;
- 20 "(6) Alabama Law Enforcement Agency;
- 21 "(7) Alabama Criminal Defense Lawyers Association;
- 22 "(8) Alabama Circuit Judges' Association;
- 23 "(9) Association of County Commissions of Alabama;
- 24 "(10) Alabama Sheriffs' Association;
- 25 "(11) Alabama Crime Victims Compensation Commission;
- 26 "(12) The Alabama Circuit Clerk's Association;

1 "(13) Two crime victims' rights advocates designated
2 by the Attorney General;

3 "(14) Two members from the Alabama District
4 Attorneys Association, of which one shall be from a largely
5 populated metropolitan judicial circuit and the other shall be
6 from a small, rurally populated judicial circuit; and

7 "(15) Any other advocacy groups as determined by the
8 committee.

9 "~~(d)~~ (c) The ~~committee~~ Joint Legislative Prison
10 Committee shall study and address capacity issues within the
11 Department of Corrections to include, but not limited to, the
12 issue of design capacity and operational or functional
13 capacity, as well as the construction of new prison facilities
14 and the renovation of current correctional facilities as they
15 relate to prison overcrowding and public safety. The committee
16 shall report such findings to the Legislature no later than
17 April 20, ~~2016~~ 2018, and shall work in conjunction with the
18 following in studying and addressing such issues:

19 "(1) Department of Corrections;

20 "(2) Board of Pardons and Paroles;

21 "(3) Department of Mental Health;

22 "(4) Department of Public Health;

23 "(5) Administrative Office of Courts;

24 "(6) Office of Prosecution Services;

25 "(7) Office of the Attorney General;

26 "(8) Alabama Law Enforcement Agency;

27 "(9) Alabama Drug Abuse Task Force;

1 "(10) Alabama Criminal Defense Lawyers Association;

2 "(11) Alabama Circuit Judges' Association;

3 "(12) Association of County Commissions of Alabama;

4 "(13) Two members from the Alabama Sheriffs'

5 Association, of which one shall be from a largely populated

6 metropolitan judicial circuit and the other shall be from a

7 small, rurally populated judicial circuit; and

8 "(14) Two members from the Alabama District

9 Attorneys Association, of which one shall be from a largely

10 populated metropolitan judicial circuit and the other shall be

11 from a small, rurally populated judicial circuit.

12 "~~(e)~~ (d) The studies and collaborating partners

13 provided for in this section shall reflect the racial, gender,

14 geographic, urban/rural, and economic diversity of the state."

15 Section 2. Although this bill would have as its

16 purpose or effect the requirement of a new or increased

17 expenditure of local funds, the bill is excluded from further

18 requirements and application under Amendment 621, now

19 appearing as Section 111.05 of the Official Recompilation of

20 the Constitution of Alabama of 1901, as amended, because the

21 bill defines a new crime or amends the definition of an

22 existing crime.

23 Section 3. This act shall become effective

24 immediately following its passage and approval by the

25 Governor, or its otherwise becoming law.