

1 SB265
2 183034-1
3 By Senators Coleman-Madison and Scofield
4 RFD: Judiciary
5 First Read: 02-MAR-17

2
3
4
5
6
7
8 SYNOPSIS: Under existing law, the Board of Pardons and
9 Paroles consists of three members appointed by the
10 Governor, with the advice and consent of the
11 Senate, from nominations submitted by the Chief
12 Justice, the presiding judge of the Court of
13 Criminal Appeals, the Lieutenant Governor, the
14 Speaker of the House of Representatives, and the
15 President Pro Tempore of the Senate.

16 This bill would increase the membership of
17 the board to five and adjust the compensation for
18 each member to \$60,000.

19 This bill would delete certain obsolete
20 language.

21 This bill would further clarify that the
22 Governor would submit nominations to be considered
23 within the first five legislative days at the next
24 regular session of the Legislature .

25
26 A BILL
27 TO BE ENTITLED

1 AN ACT

2
3 To amend Section 15-22-20 of the Code of Alabama
4 1975, relating to the Board of Pardons and Paroles; to
5 increase the membership; to adjust the pay scale; and to
6 specify that the Governor shall submit nominations to be
7 considered at the next regular legislative session.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. Section 15-22-20 of the Code of Alabama
10 1975, is amended to read as follows:

11 "§15-22-20.

12 "(a) There shall be a Board of Pardons and Paroles
13 which shall consist of ~~three~~ five members. The members shall
14 be appointed to reflect the racial, gender, geographic,
15 urban/rural, and economic diversity of this state.

16 "(b) Any vacancy occurring on the board, whether for
17 an expired or unexpired term, shall be filled by appointment
18 by the Governor, with the advice and consent of the Senate,
19 from a list of five qualified persons nominated by a board
20 consisting of the Chief Justice of the Supreme Court as
21 ~~chairman~~ chair, the presiding judge of the Court of Criminal
22 Appeals, the Lieutenant Governor, the Speaker of the House,
23 and the President Pro Tempore of the Senate. The nominating
24 board shall as soon as practicable after a vacancy occurs,
25 whether for an expired or unexpired term, meet and select by
26 majority vote the names of five persons to be submitted to the
27 Governor. It shall immediately thereafter submit its

1 nominations to the Governor, who shall make his or her
2 appointment from ~~such~~ the list within 10 days thereafter.
3 Appointees shall begin serving immediately upon appointment,
4 until confirmed or rejected by the Senate. Appointments made
5 at times when the Senate is not in session shall be effective
6 ad interim. Any appointment made by the Governor while the
7 Senate is in session ~~must~~ shall be submitted ~~by him~~ to the
8 Senate not later than the third legislative day following the
9 date of the appointment; any appointment made while the Senate
10 is not in session shall be submitted not later than the ~~third~~
11 fifth legislative day following the reconvening of the
12 Legislature at the next regular session. In the event the
13 Senate fails or refuses to act on the appointment within five
14 legislative days after its submission, the appointment shall
15 be void, and the person whose name was thus submitted shall
16 not thereafter be reappointed. In the event an appointee is
17 not confirmed by the Senate, the nominating board shall make
18 five nominations; one of them shall be appointed, and his or
19 her appointment shall be submitted to the Senate as provided
20 in this section. The nominating and appointing procedure
21 required in this section shall be continued and followed until
22 an appointment is made and completed.

23 "(c) Members of the board shall be appointed for
24 terms of six years commencing on July 1 in the years 1953,
25 1955, and 1957, and shall serve until their successors shall
26 have been appointed and shall have qualified. Any person

1 appointed to fill the vacancy for an unexpired term shall
2 vacate the office upon the expiration of that unexpired term.

3 "(d) The Governor shall designate one of the members
4 as ~~chairman~~ chair, and ~~such chairman~~ the chair shall preside
5 at sessions of the board.

6 "(e) Each member shall take the constitutional oath
7 of office and shall be subject to impeachment for any of the
8 causes specified in Section 173 of the Constitution; and the
9 procedure in cases of impeachment shall be in the manner
10 provided by Section 175 of the Constitution; provided,
11 however, that in the event the Governor shall determine that
12 any member of the board shall have become incapacitated by
13 reason of physical or mental disability or illness to the
14 extent that he or she cannot efficiently perform the duties of
15 his or her office, ~~he~~ the Governor shall direct the Attorney
16 General to proceed to the determination of that issue in an
17 inquisition proceeding instituted by him or her in the Circuit
18 Court of Montgomery County, Alabama. In the event the issue is
19 determined in such court against the board member, the court
20 shall declare the office vacant, and the same shall be vacated
21 and a successor appointed, as provided in this section.

22 "(f) ~~Two~~ Three members of the board shall constitute
23 a quorum for the transaction of the official business of the
24 board.

25 "(g) The members of the board shall devote their
26 full time to their official duties and shall hold no other
27 office of profit during their incumbency.

1 "(h) The annual compensation of the ~~chairman~~ chair
2 and each associate member of the Board of Pardons and Paroles
3 shall be ~~such amount as is provided by law~~ sixty thousand
4 dollars (\$60,000). ~~Such~~ The salaries shall be paid in equal
5 installments from the State Treasury in the same manner that
6 salaries of other state officers are paid.

7 "~~(i) The Governor is hereby authorized to appoint~~
8 ~~four persons to serve as special members of the board. The~~
9 ~~four special members shall be appointed to reflect the racial,~~
10 ~~gender, and geographic diversity of this state. The special~~
11 ~~members shall serve a single term beginning October 1, 2003~~
12 ~~and ending September 30, 2006. The provisions on appointment~~
13 ~~in subsection (b), oath and incapacity in subsection (e),~~
14 ~~devotion to duties in subsection (g), and compensation in~~
15 ~~subsection (h) shall apply to special members to the same~~
16 ~~extent they apply to members of the board. The special members~~
17 ~~shall be appointed and serve for the limited purpose of~~
18 ~~conducting hearings and making determinations concerning~~
19 ~~pardons, paroles, restorations of political and civil rights,~~
20 ~~remission of fines and forfeitures, and revocations.~~

21 "~~(j) During the term of the special members of the~~
22 ~~board, the board shall sit in two panels of three for the~~
23 ~~purpose of conducting hearings and making determinations~~
24 ~~concerning pardons, paroles, restorations of political and~~
25 ~~civil rights, remission of fines and forfeitures, and~~
26 ~~revocations. Membership on each panel shall be designated by~~
27 ~~the chairman of the board from among the remaining regular and~~

1 ~~special members of the board as the chairman determines from~~
2 ~~time to time shall be necessary to hear all pending matters in~~
3 ~~an expeditious manner. The chairman of the board shall serve~~
4 ~~as an alternate with members of either panel and shall~~
5 ~~re-designate panel membership as necessary to carry out the~~
6 ~~hearing duties of the board. Two members of each panel shall~~
7 ~~constitute a quorum for the transaction of official business.~~

8 ~~"(k) When the board sits in panels of three members~~
9 ~~as herein authorized, each panel shall act in the same manner~~
10 ~~and under the same authority as the full board. All authority,~~
11 ~~duties, powers, and responsibilities of the board on any~~
12 ~~matter brought before the panel for hearing shall be exercised~~
13 ~~by the panel as though heard and decided by the full board.~~
14 ~~Decisions of each panel shall constitute a decision of the~~
15 ~~board. All procedures of the board relating to the conduct of~~
16 ~~hearings shall apply to hearings before either panel of the~~
17 ~~board.~~

18 ~~"(l) This section does not affect in any way the~~
19 ~~authority of the original board members to carry out all~~
20 ~~administrative, supervisory, and personnel duties existing on~~
21 ~~September 25, 2003."~~

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