

1 SB361  
2 212214-3  
3 By Senator Albritton  
4 RFD: Finance and Taxation General Fund  
5 First Read: 30-MAR-21

2  
3  
4 ENGROSSED

5  
6  
7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

10  
11 Relating to parole and probation; to amend Section  
12 15-22-24, Code of Alabama 1975, to provide that the Board of  
13 Pardons and Paroles may expend funds to further the mission of  
14 the board; and to make nonsubstantive, technical revisions to  
15 update the existing code language to current style.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. Section 15-22-24, Code of Alabama 1975,  
18 is amended to read as follows:

19 "§15-22-24.

20 "(a) The Board of Pardons and Paroles, ~~hereinafter~~  
21 ~~referred to as "the board,"~~ shall be charged with the duty of  
22 ~~determining, through use of a validated risk and needs~~  
23 ~~assessment as defined in Section 12-25-32, what prisoners all~~  
24 of the following:

25 "(1) Determining which prisoners serving sentences  
26 in the jails and prisons of the State of Alabama may be

1 released on parole and when and under what conditions. ~~Such~~  
2 ~~board shall also be charged with the duty of supervising~~

3 "(2) Supervising all prisoners released on parole  
4 ~~from the jails or prisons of the state and of lending its~~  
5 ~~assistance to the courts in the supervision of all prisoners~~  
6 or placed on probation by courts exercising criminal  
7 jurisdiction and making such.

8 "(3) Conducting investigations as that may be  
9 ~~necessary in connection therewith, of implementing by the~~  
10 courts or the board regarding parolees and probationers.

11 "(4) Implementing the use of validated risk and  
12 needs assessments, as defined in Section 12-25-32, by  
13 probation and parole officers, of determining.

14 "(5) Determining whether violation of a parolee or  
15 probationer has violated the conditions of his or her parole  
16 ~~or probation exist in specific cases, deciding, in the case~~  
17 ~~of. Regarding parolees, deciding what action should be taken~~  
18 ~~with reference thereto, causing, in the case of for a parole~~  
19 violation. Regarding probationers, reports of such  
20 investigations to be made reporting any probation violations  
21 to the judges of the courts having jurisdiction of the  
22 probationers and of aiding.

23 "(6) Aiding parolees and probationers to secure  
24 employment.

25 "(b) Between October 1 and December 31 of each year,  
26 the board shall make a full report of its activities and  
27 functions during the preceding year, and such report shall be

1 ~~prepared in quadruplicate, with one copy thereof lodged with~~  
2 ~~to the Governor, one filed in the office of~~ to the Secretary  
3 of State, ~~one filed in the office of~~ and to the Department of  
4 Archives and History, ~~and one.~~ A copy retained shall be  
5 maintained in the permanent records of the board.

6 "(c) The board may accept grants, ~~devices, bequeaths~~  
7 ~~[bequests] or gifts and make expenditures therefrom for the~~  
8 ~~operations of the board and not individually as board members,~~  
9 or other funds for the operation of the board.

10 "(d) The board ~~shall have the power and authority to~~  
11 may enter into contracts to accomplish the objectives of the  
12 board.

13 "(e) The board shall adopt policy and procedural  
14 guidelines for establishing ~~parole consideration eligibility~~  
15 initial parole consideration dockets based on ~~its evaluation~~  
16 all of the following:

17 "(1) Evaluation of a prisoner's prior record~~7.~~.

18 "(2) The nature and severity of the present  
19 offense~~7.~~.

20 "(3) The potential for future violence~~7, and.~~.

21 "(4) The 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.~~.

25 "(5) Any other criteria established by the board  
26 pursuant to Section 15-22-37.

1           "(f) Any ~~person~~ individual who, ~~at the time of his~~  
2 ~~retirement, is employed by~~ retires from the Board of Pardons  
3 and Paroles as a probation and parole officer, shall receive  
4 his or her badge and pistol as part of ~~his~~ the retirement  
5 benefits, without cost to him, ~~his badge, and pistol~~ or her.

6           "~~(g) The board is hereby authorized and empowered to~~  
7 ~~promulgate rules and regulations to establish a program that~~  
8 ~~will authorize the board to expend state moneys not to exceed~~  
9 ~~\$250.00 per year for awarding recognition incentive awards for~~  
10 ~~outstanding employees.~~

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

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

1 prisoner satisfy all detainers against him or her prior to  
2 completion of ~~his~~ the Alabama sentence, ~~said the~~ prisoner  
3 ~~shall~~ may not be released from custody without further order  
4 of the ~~Board of Pardons and Paroles~~ board.

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

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

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

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

10 "(1) Use of a validated risk and needs assessment,  
11 as defined in Section 12-25-32.

12 "(2) Use of assessment results to guide the  
13 appropriate level of supervision responses consistent with the  
14 level of supervision and evidence-based practices used to  
15 reduce recidivism.

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

1           "(4) Case planning for each probationer or parolee  
2 based on risk of reoffense and needs identified and  
3 prioritized based on associated risk;~~and.~~

4           "(5) Use of practical and suitable methods that are  
5 consistent with evidence-based practices to aid and encourage  
6 the probationer or parolee to improve his or her conduct and  
7 circumstances so as to reduce his or her level of risk.

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

16           "(1) Assessment techniques~~.~~

17           "(2) Case planning~~.~~

18           "(3) Risk reduction strategies~~.~~

19           "(4) Effective communication skills~~.~~

20           "(5) Behavioral health needs~~.~~

21           "(6) Application of core correctional practices,  
22 including motivational interviewing, basic principles of  
23 cognitive therapy, structured skill building, problem solving,  
24 reinforcement, and use of authority~~.~~

25           "~~(7) Training for supervising officers to become~~  
26 ~~training capacity in the state; and~~



1           "~~(8)~~ (7) Other topics identified by the board as  
2 evidence-based practices as defined in Section 12-25-32.

3           "(n) The board may expend funds appropriated for the  
4 purposes of recruitment materials and training of law  
5 enforcement officers and support staff, educating the public,  
6 and promoting the agency's mission.

7           "~~(n) (o)~~The board ~~shall~~ may not have the power,  
8 ~~authority, or jurisdiction to~~ regulate or exercise authority  
9 over, or related to, the operation, management, regulations,  
10 policies, or procedures of any local confinement facility,  
11 including, but not limited to, county jails, community  
12 corrections programs, or drug courts."

13           Section 2. This act shall become effective  
14 immediately following its passage and approval by the  
15 Governor, or its otherwise becoming law.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17

Senate

Read for the first time and referred to the Senate  
committee on Finance and Taxation General Fund ... 30-MAR-21

Read for the second time and placed on the calen-  
dar 1 amendment..... 01-APR-21

Read for the third time and passed as amended .... 08-APR-21

Yeas 32  
Nays 0

Patrick Harris,  
Secretary.