

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

1 SB361

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4 ENROLLED, An Act,

5 Relating to parole and probation; to amend Section
6 15-22-24, Code of Alabama 1975, to provide that the Board of
7 Pardons and Paroles may expend funds to further the mission of
8 the board; to make nonsubstantive, technical revisions to
9 update the existing code language to current style; and to add
10 Section 34-3-63 to the Code of Alabama 1975, to authorize the
11 Executive Director of the Alabama State Bar to establish
12 special funds to receive certain fees, grants, and
13 contributions for conducting studies, educating attorneys and
14 public officials, promoting the profession, and carrying on
15 the duties of the Alabama State Bar.

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:

1 "(1) Determining which prisoners serving sentences
2 in the jails and prisons of the State of Alabama may be
3 released on parole and when and under what conditions. ~~Such~~
4 ~~board shall also be charged with the duty of supervising~~

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

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

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

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

1 "(6) Aiding parolees and probationers to secure
2 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 to the Governor, ~~one filed in the office of~~ to the Secretary
8 of State, ~~one filed in the office of~~ and to the Department of
9 Archives and History, ~~and one.~~ A copy retained shall be
10 maintained in the permanent records of the board.

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

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

18 "(e) The board shall adopt policy and procedural
19 guidelines for establishing ~~parole consideration eligibility~~
20 initial parole consideration dockets based on ~~its evaluation~~
21 all of the following:

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

23 "(2) The nature and severity of the present
24 offense~~7.~~.

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

1 "(4) The community attitude toward the offender to
2 include input from the victim or victims, the family of the
3 victim or victims, prosecutors, and law enforcement entities
4 ~~or~~.

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

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

12 "~~(g) The board is hereby authorized and empowered to~~
13 ~~promulgate rules and regulations to establish a program that~~
14 ~~will authorize the board to expend state moneys not to exceed~~
15 ~~\$250.00 per year for awarding recognition incentive awards for~~
16 ~~outstanding employees.~~

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

1 "(i) The board ~~shall have the power, authority, and~~
2 ~~jurisdiction to~~ may conditionally transfer a prisoner to the
3 authorities of the federal government or any other
4 jurisdiction entitled to his or her custody to answer pending
5 charges or to begin serving a sentence in response to a
6 properly filed detainer from the other jurisdiction. ~~Such~~ The
7 conditionally transferred prisoner shall remain in the legal
8 custody of the warden of the institution from which he or she
9 was transferred. Should any ~~such~~ conditionally transferred
10 prisoner satisfy all detainers against him or her prior to
11 completion of ~~his~~ the Alabama sentence, ~~said~~ the prisoner
12 ~~shall~~ may not be released from custody without further order
13 of the ~~Board of Pardons and Paroles~~ board.

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

18 "(k) The board shall develop and adopt guidelines
19 and policies to ensure that any treatment programs or
20 providers utilized by the board in the supervision of
21 probationers and parolees implement evidence-based practices,
22 as defined in Section 12-25-32, designed to reduce recidivism
23 among ~~such~~ probationers and parolees and shall cooperate with
24 the Office of the Governor in evaluating ~~such~~ the programs and
25 providers. The Office of the Governor shall ensure that

1 treatment programs and providers that receive funding from the
2 state or through court-ordered monies utilize ~~such~~ funding and
3 monies for programs reasonably expected to reduce recidivism
4 among probationers and parolees.

5 "(1) The board shall develop and adopt guidelines
6 and policies to ensure that the supervision and treatment of
7 probationers and parolees ~~shall~~ be based on the individual
8 probationer's or parolee's risk of reoffending, as determined
9 through a validated risk and needs assessment as defined in
10 Section 12-25-32, and that supervision and treatment resources
11 of the board are prioritized to focus on those probationers
12 and parolees with the highest risk of reoffending. The board
13 shall include resources available to veterans and ~~servicemen~~
14 service members and shall annually coordinate with the
15 Department of Veterans Affairs to ensure the most current
16 benefits and services are identified and available. ~~The board~~
17 ~~shall maximize case supervision practices such that no~~
18 ~~probation and parole officer is assigned more than 20 active~~
19 ~~high-risk cases at any one time.~~ Supervision and treatment of
20 probationers and parolees shall include all of the following:

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

23 "(2) Use of assessment results to guide the
24 appropriate level of supervision responses consistent with the

1 level of supervision and evidence-based practices used to
2 reduce recidivism~~7~~.

3 "(3) Collateral and personal contacts with the
4 probationer or parolee and community that may be unscheduled
5 and that shall occur as often as needed based on the
6 probationer's or parolee's supervision level~~, which, in turn,~~
7 ~~should.~~ The supervision level shall be based on risk of
8 reoffense as determined through a validated risk and needs
9 assessment. ~~Such~~ The contacts shall ~~serve the purpose of~~
10 ~~keeping~~ keep the supervising officers informed of the
11 probationer's or parolee's conduct, compliance with
12 conditions, and progress in community-based intervention~~7~~.

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

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

20 "(m) The board shall require all probation and
21 parole officers ~~employed on January 30, 2016,~~ to complete all
22 of the following training requirements ~~set forth in this~~
23 ~~subsection on or before January 1, 2017.~~ All probation and
24 ~~parole officers hired after January 30, 2016,~~ shall complete
25 ~~the training requirements set forth in this subsection~~ within

1 two years of their hire date. ~~The training and professional~~
2 ~~development services shall include:~~

3 "(1) Assessment techniques~~7.~~

4 "(2) Case planning~~7.~~

5 "(3) Risk reduction strategies~~7.~~

6 "(4) Effective communication skills~~7.~~

7 "(5) Behavioral health needs~~7.~~

8 "(6) Application of core correctional practices,
9 including motivational interviewing, basic principles of
10 cognitive therapy, structured skill building, problem solving,
11 reinforcement, and use of authority~~7.~~

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

14 ~~"(8) (7) Other topics identified by the board as~~
15 ~~evidence-based practices as defined in Section 12-25-32.~~

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

20 ~~"(n) (o)The board shall may not have the power,~~
21 ~~authority, or jurisdiction to regulate or exercise authority~~
22 ~~over, or related to, the operation, management, regulations,~~
23 ~~policies, or procedures of any local confinement facility,~~
24 ~~including, but not limited to, county jails, community~~
25 ~~corrections programs, or drug courts."~~

1 Section 2. Section 34-3-63 is added to the Code of
2 Alabama 1975, to read as follows:

3 §34-3-63.

4 (a) The Executive Director of the Alabama State Bar
5 may establish special funds to receive fees, grants, or
6 contributions from municipal, county, state, federal, sponsor,
7 business, or charitable sources, or any other source, to
8 conduct studies, educate attorneys and public officials,
9 promote the profession, and carry on the duties of the State
10 Bar. The funds in the special funds are continuously
11 appropriated for the exclusive use of the State Bar, shall be
12 maintained separately, and shall be in addition to any other
13 funds appropriated.

14 (b) These funds may be used to pay the actual
15 expenses of conducting education events, promotion of the bar,
16 and other functions of the State Bar, including the provision
17 of food and beverages usual and customary for like events and
18 the actual and necessary expenses for participants, staff, and
19 faculty of programs and events sponsored by the State Bar as
20 approved by the executive director.

21 (c) The provisions of subsection (b) are remedial,
22 curative, and shall be retroactively applied to ratify and
23 confirm any actions taken consistent with this section.

1 Section 3. This act shall become effective
2 immediately following its passage and approval by the
3 Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB361

Senate 08-APR-21

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives
Amended and passed 17-MAY-21

Senate concurred in House amendment 17-MAY-21

By: Senator Albritton