

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

SYNOPSIS: This bill would provide that the Board of Pardons and Paroles may expend funds for the recruitment and training of law enforcement officers and to further the mission of the board.

A BILL
TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§15-22-24.

"(a) The Board of Pardons and Paroles, ~~hereinafter referred to as "the board,"~~ shall be charged with the duty of

1 ~~determining, through use of a validated risk and needs~~
2 ~~assessment as defined in Section 12-25-32, what prisoners all~~
3 ~~of the following:~~

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

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

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

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

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

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

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

26 "(4) The community attitude toward the offender to
27 include input from the victim or victims, the family of the

1 victim or victims, prosecutors, and law enforcement entities
2 ~~or~~.

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

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

10 "(g) The board ~~is hereby authorized and empowered to~~
11 ~~promulgate~~ may adopt rules ~~and regulations~~ to establish a
12 program that will authorize the board to expend state ~~moneys~~
13 funds not to exceed ~~\$250.00~~ five hundred dollars (\$500) per
14 year for awarding recognition incentive awards for outstanding
15 employees.

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

24 "(i) The board ~~shall have the power, authority, and~~
25 ~~jurisdiction to~~ may conditionally transfer a prisoner to the
26 authorities of the federal government or any other
27 jurisdiction entitled to his or her custody to answer pending

1 charges or to begin serving a sentence in response to a
2 properly filed detainer from the other jurisdiction. ~~Such~~ The
3 conditionally transferred prisoner shall remain in the legal
4 custody of the warden of the institution from which he or she
5 was transferred. Should any ~~such~~ conditionally transferred
6 prisoner satisfy all detainers against him or her prior to
7 completion of ~~his~~ the Alabama sentence, ~~said~~ the prisoner
8 ~~shall~~ may not be released from custody without further order
9 of the ~~Board of Pardons and Paroles~~ board.

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

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

26 "(l) The board shall develop and adopt guidelines
27 and policies to ensure that the supervision and treatment of

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

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

17 "(2) Use of assessment results to guide the
18 appropriate level of supervision responses consistent with the
19 level of supervision and evidence-based practices used to
20 reduce recidivism.

21 "(3) Collateral and personal contacts with the
22 probationer or parolee and community that may be unscheduled
23 and that shall occur as often as needed based on the
24 probationer's or parolee's supervision level, ~~which, in turn,~~
25 should. The supervision level shall be based on risk of
26 reoffense as determined through a validated risk and needs
27 assessment. ~~Such~~ The contacts shall ~~serve the purpose of~~

1 ~~keeping~~ keep the supervising officers informed of the
2 probationer's or parolee's conduct, compliance with
3 conditions, and progress in community-based intervention~~7.~~

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

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

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

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

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

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

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

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

24 "(6) Application of core correctional practices,
25 including motivational interviewing, basic principles of
26 cognitive therapy, structured skill building, problem solving,
27 reinforcement~~7.~~ and use of authority~~7.~~

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

3 "~~(8) (7) Other topics identified by the board as~~
4 ~~evidence-based practices as defined in Section 12-25-32.~~

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

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

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