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SYNOPSIS:

Under existing law the Board of Pardons and Paroles is responsible for the enhancement of public safety by providing effective supervision and rehabilitation to adult criminal offenders.

This bill would reconstitute the Board of Pardons and Paroles as the Bureau of Pardons and Paroles.

This bill would reorganize the functions and duties of the bureau and would provide for the duties of the Board of Pardons and Paroles within the bureau, which would be the body directly responsible for granting parole, pardons, parole revocations, remission of fines and forfeitures, and restoration of civil and political rights.

This bill would delete duplicative language.

This bill would transfer certain language relating to pardons and paroles to a new article within the Code of Alabama 1975.

This bill would specify the duties and responsibilities of the Director of the Bureau of Pardons and Paroles and would provide for the personnel of the bureau.

This bill would update relevant cross-references in existing law.



29 This bill would also make nonsubstantive,
30 technical revisions to update the existing code
31 language to current style.

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33

34

A BILL

35

TO BE ENTITLED

36

AN ACT

37

38 Relating to pardons and paroles; to add Article 1A,
39 commencing with Section 15-22-10.01 to Chapter 22 of Title 15,
40 Code of Alabama 1975, to reconstitute the Board of Pardons and
41 Paroles as the Bureau of Pardons and Paroles; to reorganize
42 the functions and duties of the bureau and to provide for the
43 duties of the Board of Pardons and Paroles within the bureau;
44 to transfer certain language relating to pardons and paroles
45 to a new article within the Code of Alabama 1975; to specify
46 the duties and responsibilities of the Director of the Bureau
47 of Pardons and Paroles and to provide for the personnel of the
48 bureau; to amend 15-18-71, 15-18-72, 15-18-74, 15-18-76,
49 15-18-77, 15-22-42, 15-22-43, 15-22-51, 15-22-53, and Section
50 15-22-54, as corrected by Act 2022-371, the Codification Act,
51 2022 Regular Session, and Sections 15-22-56 and 15-22-57, Code
52 of Alabama 1975, to delete duplicative language; to make
53 nonsubstantive, technical revisions to update the existing
54 code language to current style; to amend Sections 12-17-184,
55 14-1-22, 14-1-23, 14-14-5, 15-18-176, 15-20A-48, 15-22-111,
56 15-22-112, Section 15-22-113, as last amended by Act 2022-382,



57 2022 Regular Session, Sections 15-22-115, 15-23-79, and
58 17-3-31, Code of Alabama 1975, to update relevant
59 cross-references in existing law; and to repeal Sections
60 15-22-20, 15-22-21, 15-22-21.1, 15-22-22, 15-22-23, 15-22-24,
61 15-22-25, 15-22-26, 15-22-26.1, 15-22-26.2, 15-22-27,
62 15-22-27.1, 15-22-27.2, 15-22-27.3, 15-22-27.4, 15-22-28,
63 15-22-29, 15-22-29.1, 15-22-30, 15-22-30.1, 15-22-30.2,
64 15-22-31, 15-22-32, 15-22-33, 15-22-34, 15-22-35, 15-22-36,
65 15-22-36.1, 15-22-36.2, 15-22-36.3, 15-22-37, 15-22-38,
66 15-22-39, and 15-22-40, Code of Alabama 1975.

67 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

68 Section 1. Article 1A, commencing with Section
69 15-22-10.01, is added to Chapter 22 of Title 15, Code of
70 Alabama 1975, to read as follows:

71 §15-22-10.01

72 (a) The Board of Pardons and Paroles shall be
73 reconstituted as the Bureau of Pardons and Paroles. The bureau
74 shall consist of the Director of the Bureau of Pardons and
75 Paroles, the Board of Pardons and Paroles, and other personnel
76 as further provided.

77 (b) Any funds currently appropriated to the Board of
78 Pardons and Paroles shall be reallocated to the Bureau of
79 Pardons and Paroles.

80 §15-22-10.02

81 As used in this article, the following terms have the
82 following meanings:

83 (1) BUREAU. The Bureau of Pardons and Paroles.

84 (2) BOARD. The Board of Pardons and Paroles.



85 (3) DIRECTOR. The Director of the Bureau of Pardons and
86 Paroles.

87 (4) VALIDATED RISK AND NEEDS ASSESSMENT. The term as
88 defined in Section 12-25-32.

89 §15-22-10.03

90 (a) The Governor shall appoint a Director of the Bureau
91 of Pardons and Paroles, who shall serve at the pleasure of the
92 Governor. The director's salary shall be fixed by the Governor
93 and shall not be subject to Section 36-6-6.

94 (b) The director shall serve as the chief executive
95 officer of the bureau and be vested with all power necessary
96 to perform the duties assigned to the bureau by law, except
97 specific powers assigned to the board, as provided in Section
98 15-22-10.41.

99 (c) As chief executive officer, the director shall be
100 responsible for all of the following:

101 (1) Employing and supervising, subject to the
102 provisions of the state Merit System, employees necessary to
103 carry out the duties of the bureau.

104 (2) Performing, on behalf of the bureau, all fiscal and
105 budgetary requirements imposed on the bureau by law.

106 (3) Developing and implementing, on behalf of the
107 bureau, all policies and procedures for the effective
108 supervision of parolees released by the board to supervision,
109 as well as those individuals granted probation by the
110 sentencing court.

111 (4) Attending all meetings of the board, in person or
112 by designee, to act as the board's secretary.



113 (5) Maintaining a record of the board's official
114 actions.

115 (d) Except for the director, all employees, including
116 executive-level employees and probation and parole officers
117 shall be subject to the Merit System.

118 (e) Between October 1 and December 31 of each year, the
119 director, or his or her designee, shall report the bureau's
120 and board's activities and functions during the preceding year
121 to the Governor, to the Secretary of State, and to the
122 Department of Archives and History. A copy shall be maintained
123 in the permanent records of the bureau.

124 §15-22-10.04

125 (a) The bureau shall be responsible for all of the
126 following:

127 (1) Determining the initial parole consideration date
128 for inmates, pursuant to Section 15-22-10.12.

129 (2) Generating dockets for board meetings.

130 (3) Conducting investigations requested by the courts
131 or the board regarding parolees and probationers, pursuant to
132 Section 15-22-10.07.

133 (4) Implementing the use of the validated risk and
134 needs assessments.

135 (5) Supervising all inmates released on parole or
136 placed on probation by courts exercising criminal
137 jurisdiction.

138 (6) Providing written statements of conditions of
139 parole and probation to parolees and probationers under the
140 supervision of the bureau.



141 (7) Determining whether a parolee or probationer has
142 violated the conditions of his or her parole or probation.
143 Regarding parolees, reporting any parole violation to the
144 board. Regarding probationers, reporting any probation
145 violation to the judges of the courts having jurisdiction of
146 the probationers.

147 (8) Aiding parolees and probationers to secure
148 employment.

149 (b) The bureau may do any of the following:

150 (1) Accept grants, gifts, or other funds for the
151 operation of the bureau.

152 (2) Enter into contracts to accomplish the functions of
153 the bureau.

154 (3) Including members of the board, may administer
155 oaths and affirmations, examine witnesses, and receive
156 evidence on all matters to be considered by the bureau and the
157 board.

158 (4) Expend funds appropriated for the purposes of
159 recruitment materials and training of law enforcement officers
160 and support staff, educating the public, and promoting the
161 bureau's mission.

162 §15-22-10.05

163 One executive-level employee at the bureau, or its
164 successor agency, shall be known as the Deputy Director for
165 Parolee Rehabilitation. The Deputy Director for Parolee
166 Rehabilitation shall be responsible for the development,
167 implementation, and improvement of programs designed to reduce
168 recidivism.



169 §15-22-10.06

170 The bureau shall require all probation and parole
171 officers to complete all of the following training
172 requirements within two years of their hire date:

- 173 (1) Assessment techniques.
- 174 (2) Case planning.
- 175 (3) Risk reduction strategies.
- 176 (4) Effective communication skills.
- 177 (5) Behavioral health needs.
- 178 (6) Application of core correctional practices,
179 including motivational interviewing, basic principles of
180 cognitive therapy, structured skill building, problem solving,
181 reinforcement, and use of authority.

182 §15-22-10.07

183 (a) (1) For each inmate sentenced and received in the
184 jails and prisons of this state, the bureau shall immediately
185 perform an investigation, through use of a validated risk and
186 needs assessment, and generate a report to be used when an
187 inmate is being considered for parole which includes all of
188 the following:

- 189 a. A complete statement of the crime for which he or
190 she was sentenced.
- 191 b. The circumstances of the crime.
- 192 c. The nature of the sentence.
- 193 d. The court in which he or she was sentenced.
- 194 e. The name of the judge and district attorney who
195 handled the case.
- 196 f. Copies of probation reports, if any.



197 g. Reports regarding the inmate's social, physical,
198 mental, and psychiatric condition and history, if any.

199 h. A complete criminal record, if one exists.

200 (2) Reinvestigations may be done at any time as
201 determined by the bureau or as requested by the Department of
202 Corrections.

203 (b) The clerk of the court, any probation and parole
204 officers, and other appropriate officials shall send any
205 information in their possession or under their control to the
206 bureau, upon request. Additionally, the Department of
207 Corrections shall provide any requested information to the
208 bureau for the purpose of carrying out this section.

209 (c) Upon the receipt of requested information, if the
210 bureau determines additional investigation is necessary, it
211 may order further investigation.

212 (d) The board may not act on any application for
213 parole, pursuant to Section 15-22-10.43, until a complete
214 investigation has been completed and a written report has been
215 filed by the bureau.

216 §15-22-10.08

217 The bureau may request the Department of Corrections to
218 provide complete records kept of every inmate released on
219 parole, including fingerprints, aliases, photographs, and any
220 other relevant information.

221 §15-22-10.09

222 (a) The position of Parole Revocation Hearing Officer
223 is created and established in the bureau.

224 (b) The director may appoint or employ parole



225 revocation hearing officers who shall conduct parole court.
226 The hearing officers shall have the authority to determine the
227 sufficiency of the evidence to support parole violation
228 charges and recommend to the board revocation of parole,
229 pursuant to Section 15-22-10.45, or the reinstatement of
230 parole.

231 §15-22-10.10

232 (a) The bureau, by rule, shall establish parole release
233 guidelines to assist the board in determining an inmate's
234 fitness for parole.

235 (b) The parole release guidelines shall consider all of
236 the following:

237 (1) The inmate's risk to reoffend, based on a validated
238 risk and needs assessment.

239 (2) Progress by the inmate in complying with the
240 Department of Corrections' plan for reentry.

241 (3) Input from the victim or victims, the family of the
242 victim or victims, prosecutors, and law enforcement entities.

243 (4) Participation by the inmate in risk-reduction
244 programs while incarcerated.

245 (5) Institutional behavior of the inmate while
246 incarcerated.

247 (6) Severity of the underlying offense for which the
248 inmate was sentenced to incarceration.

249 (c) The parole release guidelines shall be structured,
250 actuarially based, and reviewed every three years by the
251 bureau.

252 (d) The parole release guidelines shall promote the use



253 of prison space for the most violent and greatest risk
254 offenders.

255 (e) The parole release guidelines shall be made
256 available on the bureau's website.

257 §15-22-10.11

258 (a) The bureau, by rule, shall adopt guidelines and
259 policies to ensure that any treatment programs or providers
260 used by the bureau in the supervision of probationers and
261 parolees implement evidence-based practices, as defined in
262 Section 12-25-32, designed to reduce recidivism among
263 probationers and parolees and shall cooperate with the Office
264 of the Governor in evaluating the programs and providers. The
265 Office of the Governor shall ensure that treatment programs
266 and providers that receive funding from the state or through
267 court-ordered monies use funding and monies for programs
268 reasonably expected to reduce recidivism among probationers
269 and parolees.

270 (b) The bureau, by rule, shall adopt guidelines and
271 policies to ensure that the supervision and treatment of
272 probationers and parolees is based on the individual
273 probationer's or parolee's risk of reoffending, as determined
274 through a validated risk and needs assessment, and that
275 supervision and treatment resources of the bureau are
276 prioritized to focus on those probationers and parolees with
277 the highest risk of reoffending.

278 (c) The bureau shall use resources available to
279 veterans and service members and shall annually coordinate
280 with the Department of Veterans Affairs to ensure the most



281 current benefits and services are identified and available.

282 (d) Supervision and treatment of probationers and
283 parolees shall include all of the following:

284 (1) Use of a validated risk and needs assessment.

285 (2) Use of assessment results to guide the appropriate
286 level of supervision responses consistent with the level of
287 supervision and evidence-based practices used to reduce
288 recidivism.

289 (3) Use of collateral and personal contacts with the
290 probationer or parolee and community as often as needed based
291 on the probationer's or parolee's supervision level. The
292 supervision level shall be based on risk of reoffense as
293 determined through a validated risk and needs assessment. The
294 contacts shall keep the supervising officers informed of the
295 probationer's or parolee's conduct, compliance with
296 conditions, and progress in community-based intervention.

297 (4) Case planning for each probationer or parolee based
298 on risk of reoffense and needs, identified and prioritized
299 based on associated risk.

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

304 (e) The bureau shall develop policies and procedures
305 for screening, assessment, and referral for parolees to
306 connect with recidivism reduction services including, but not
307 limited to, cognitive behavioral intervention and substance
308 abuse treatment.



309 §15-22-10.12

310 (a) In establishing an inmate's initial parole
311 consideration date, the bureau shall consider all of the
312 following:

313 (1) Evaluation of an inmate's prior record.

314 (2) The nature and severity of the present offense.

315 (3) The potential for future violence.

316 (4) The community attitude toward the inmate to include
317 input from the victim or victims, the family of the victim or
318 victims, prosecutors, and law enforcement entities.

319 (b) The initial parole consideration date shall be set
320 according to the following schedules:

321 (1) For inmates receiving sentence deductions pursuant
322 to the Alabama Correctional Incentive Time Act, Article 3 of
323 Chapter 9 of Title 14, the following schedule shall apply:

324 a. For terms of five years or less, the inmate shall be
325 scheduled for initial parole consideration on the current
326 docket.

327 b. For terms over five years and up to 10 years, the
328 inmate shall be scheduled for initial parole consideration
329 approximately 18 months prior to the minimum release date.

330 c. For terms of more than 10 years and up to 15 years,
331 the inmate shall be scheduled for initial parole consideration
332 approximately two years and six months prior to the minimum
333 release date.

334 (2) For inmates convicted on or after March 21, 2001,
335 of one or more of the following Class A felonies, the initial
336 parole consideration date shall be set for a date once an



337 inmate has completed 85 percent of his or her total sentence
338 or 15 years, whichever is less:

- 339 a. Rape in the first degree.
- 340 b. Kidnapping in the first degree.
- 341 c. Murder.
- 342 d. Attempted murder.
- 343 e. Sodomy in the first degree.
- 344 f. Sexual torture.
- 345 g. Robbery in the first degree with serious physical
346 injury, as defined in Section 13A-1-2.
- 347 h. Burglary in the first degree with serious physical
348 injury, as defined in Section 13A-1-2.
- 349 i. Arson in the first degree with serious physical
350 injury, as defined in Section 13A-1-2.

351 (3) For all other inmates, the initial parole
352 consideration date shall be set for a date following
353 completion of one-third of the inmate's sentence or 10 years,
354 whichever is less.

355 (4) If the inmate is serving consecutive sentences, the
356 initial parole consideration date may not be set for a date
357 before the inmate has separately served the time prescribed in
358 this subsection for each consecutive sentence imposed.

359 (c) (1) The bureau may deviate from the initial parole
360 consideration date established in subsection (b) only in
361 either of the following circumstances:

- 362 a. In order to comply with the policy and procedural
363 guidelines in effect on or before January 1, 2019, issued by
364 the bureau pursuant to Section 15-22-10.10.



365 b. If the inmate, by clear and convincing evidence,
366 demonstrates that he or she is more likely than not to be
367 granted parole and that he or she would have been considered
368 for parole on an earlier date under generally applicable rules
369 or policies in effect prior to September 2019.

370 (2) Any decision by the bureau to invoke the procedures
371 of this subsection shall be subject to legal review by the
372 deputy attorney general or assistant attorney general assigned
373 to the bureau, prior to the issuance of a parole certificate
374 and the inmate's release. If it is determined that the grant
375 of parole consideration failed to satisfy the requirements of
376 this subsection or any rule adopted pursuant to this
377 subsection, the decision shall be reversed and the inmate
378 shall be notified by the bureau.

379 (3) For purposes of paragraph (c)(1)b., the bureau
380 shall adopt rules to determine whether an inmate is more
381 likely than not to be granted parole. These rules shall be
382 designed to minimize the risk an inmate will be prejudiced by
383 any statutory or administrative changes in parole standards or
384 procedures that have occurred since the date of the inmate's
385 conviction and shall include, but are not limited to, all of
386 the following requirements:

387 a. The inmate has completed a minimum total period of
388 incarceration.

389 b. The inmate has completed certain programs while in
390 custody of the Department of Corrections.

391 c. The inmate provides a positive official report from
392 the Department of Corrections.



393 d. The inmate has no violent disciplinarys during a
394 prescribed period preceding the inmate's current application
395 for parole consideration.

396 e. The inmate has no disciplinarys of any kind within
397 a prescribed period preceding the inmate's current application
398 for parole consideration.

399 f. The inmate's risk of re-offense is determined to be
400 medium or low following the completion of a validated risk and
401 needs assessment.

402 (4) A 30 days' written notice shall be provided to the
403 Governor and Attorney General for any parole consideration
404 date set by the bureau under subdivision (1). The Governor and
405 Attorney General shall have 14 days from the time notice is
406 received to object to the grant of parole. If the bureau
407 grants parole consideration under subdivision (1) and did not
408 give adequate notice to the Governor or Attorney General, or
409 granted parole consideration despite an objection from the
410 Governor or Attorney General, the decision shall be reversed
411 and the inmate shall be notified by the bureau.

412 §15-22-10.13

413 (a) (1) The Victim Notification Implementation Task
414 Force, created pursuant to Act 2011-681, shall continue to
415 guide and support the implementation of a statewide automated
416 victim notification system in Alabama.

417 (2) The task force shall be composed of all of the
418 following members:

419 a. Four crime victims' rights advocates designated by
420 the Attorney General.



- 421 b. A designee from the bureau.
- 422 c. A designee from the Department of Corrections.
- 423 d. A designee from the Alabama State Law Enforcement
424 Agency.
- 425 e. A designee from the Alabama Crime Victims
426 Compensation Commission.
- 427 f. A designee from the District Attorney's Association
428 or a district attorney representative.
- 429 g. The Attorney General or his or her designee.
- 430 h. A designee from the Administrative Office of Courts.
- 431 i. A designee from the Alabama Circuit Judges'
432 Association.
- 433 j. A designee from the Office of Prosecution Services.
- 434 k. A designee from the Alabama Circuit Clerk's
435 Association.
- 436 l. A designee of any other entity or organization as
437 deemed appropriate by a majority vote of the current
438 representatives composing the task force.

439 (3) The task force shall elect a chair to function as
440 the administrative head. The task force shall meet initially
441 by March 1, 2012, at the call of the Attorney General. The
442 task force shall meet not less than quarterly after January 1,
443 2012, and otherwise at the call of the chair or a majority
444 vote of the current task force representatives.

445 (4) The task force shall be responsible for overseeing
446 the development of the automated victim notification system by
447 the Alabama State Law Enforcement Agency and integration of a
448 process to automatically update victim information into the



449 automated victim notification system on a continual basis.

450 (5) The task force shall also oversee a statewide
451 public education and awareness campaign for the implementation
452 of the automated victim notification system and shall be
453 charged with confirming, by majority vote, that the automated
454 victim notification system complies with the requirements of
455 this section. Approval from the task force shall not be
456 required for the validity of any action taken by any entity
457 represented on the task force in the exercise of any of the
458 power or authority granted to it by the Legislature.

459 (b) (1) Immediately upon approval from the task force by
460 majority vote that the automated notification system complies
461 with the requirements of this section, the task force shall
462 automatically convert to the Victim Notification Oversight
463 Council for the purpose of continuing to provide direction to
464 the Alabama State Law Enforcement Agency on development,
465 support, expansion, and maintenance of the automated
466 notification system.

467 (2) The council shall consist of those task force
468 representatives serving on the task force, including
469 appointees, at the time of conversion. Upon conversion,
470 representatives from partner agencies may be added by majority
471 vote of the council.

472 (3) The appointees designated by the Attorney General
473 shall serve four-year terms to ensure that a variety of victim
474 advocates are included in the oversight of the system. The
475 Attorney General shall designate a replacement as required at
476 the expiration of the term of a victim advocate. No victim



477 advocate may be appointed for more than two consecutive terms.

478 (c) The Alabama State Law Enforcement Agency shall
479 develop, support, house, and maintain the automated
480 notification system for the use of the Bureau of Pardons and
481 Paroles and the Department of Corrections to make automated
482 notices as required. The system shall additionally be used to
483 provide notices of an offender's change in status or custody,
484 or notices regarding criminal justice proceedings deemed to be
485 in the best interest of crime victims in this state and public
486 safety, by a majority vote of the task force or, after its
487 conversion, the Victim Notification Oversight Council. The
488 automatic notification system shall be the automated
489 notification system used by the state in providing
490 notifications to the crime victims in this state.

491 (d) A Victim Notification System Fund is created in the
492 State Treasury. The fund shall consist of all monies
493 appropriated for the development, expansion, support, and
494 maintenance of the automated victim notification system by the
495 Alabama State Law Enforcement Agency. Any monies in the fund
496 may be expended solely for the use of the victim notification
497 system. The Secretary of the Alabama State Law Enforcement
498 Agency may only expend monies in the Victim Notification
499 System Fund with the approval of the Victim Notification
500 Implementation Task Force or, after its conversion, the Victim
501 Notification Oversight Council, created by this section.

502 (e) (1) Electronic notices, as required by this section
503 and Sections 14-14-5, 15-22-10.14, 15-22-10.15, and
504 15-22-10.42 shall be produced through the automated



505 notification system developed and maintained by the Alabama
506 State Law Enforcement Agency.

507 (2) All data and records required to produce the
508 notices shall be provided to the Alabama State Law Enforcement
509 Agency to be incorporated into the automated notification
510 system. Bureau records and information accessible to the
511 public through the automated notification system shall be
512 limited to those notification items specified in subdivision
513 Section 15-22-10.42(b), as well as the inmate's age, sex,
514 race, and unique identifiers. Records concerning the status of
515 supervised inmates on probation and parole shall also be made
516 available to the public, including information on when
517 supervision began, the date the supervision term will end, and
518 information on whether or how supervision was terminated.
519 Otherwise, access to the bureau's records and information
520 through the automated notification system shall be limited in
521 use to the legitimate law enforcement purpose of entering and
522 updating contact information on behalf of crime victims,
523 assisting victims with registration, and ensuring victims
524 receive notice.

525 (3) Information and records of the bureau accessible
526 for law enforcement purposes through the automated
527 notification system, in addition to that available to the
528 public as specified in this section, shall be limited to the
529 inmate's date of birth, the supervising probation and parole
530 officer's name, the county of residence for those inmates
531 currently supervised in this state, and the supervising
532 probation and parole officer's phone number.



533 (4) Misuse of the automated notification system or
534 records or information contained in the automated notification
535 system shall be subject to criminal prosecution under Article
536 5A of Chapter 8 of Title 13A, Sections 41-9-601 and 41-9-602,
537 and any other law of this state.

538 §15-22-10.14

539 At least 30 days prior to an inmate's participation in
540 a work release program or supervised reentry program
541 established under Chapter 8 of Title 14, participation in a
542 community punishment and corrections program established under
543 Article 9 of Chapter 18 of this title, participation in the
544 Supervised Intensive Restitution program established under
545 Article 7 of Chapter 18 of this title, or any temporary leave
546 from prison or furlough, notification of the inmate's
547 participation in the program, leave, or furlough shall be
548 provided to the district attorney and to the victim and
549 interested parties through the automated victim notification
550 system established pursuant to Section 15-22-10.13.

551 §15-22-10.15

552 (a) An inmate sentenced to a period of confinement
553 under the supervision of the Department of Corrections shall
554 be subject to the following provisions, unless the inmate is
555 released to a term of probation, released on parole under this
556 chapter, or voluntarily waives release pursuant to this
557 section:

558 (1) If the inmate is sentenced to a period of five
559 years or less, he or she shall be released by the department
560 to supervision by the bureau no less than three months and no



561 more than five months prior to the inmate's release date.

562 (2) If the inmate is sentenced to a period of more than
563 five years but less than 10 years, he or she shall be released
564 by the department to supervision by the bureau no less than
565 six months and no more than nine months prior to the inmate's
566 release date.

567 (3) If the inmate is sentenced to a period of 10 years
568 or more, he or she shall be released by the department to
569 supervision by the bureau no less than 10 months and no more
570 than 12 months prior to the inmate's release date.

571 (b) This section shall not apply to an inmate convicted
572 of any sex offense involving a child, as defined in Section
573 15-20A-4.

574 (c) Prior to the inmate's release to supervision
575 pursuant to this section, notice of the release shall be
576 provided by the department to the victim and interested
577 parties through the victim notification system established
578 pursuant to Section 15-22-10.13.

579 (d) (1) An inmate released to supervision pursuant to
580 this section shall be released to the supervision of the
581 bureau and shall be subject to this article.

582 (2) The bureau shall determine the level of supervision
583 required for an inmate based on the results of a validated
584 risk and needs assessment.

585 (e) (1) An inmate released pursuant to this section
586 shall be subject to electronic monitoring for a period of time
587 as determined by the director.

588 (2) The bureau shall be responsible for the costs of



589 the electronic monitoring as required by this subsection.

590 (f) This section applies to an inmate in the custody of
591 the department without regard to when he or she was sentenced
592 for or committed the crime.

593 §15-22-10.16

594 (a) When a probation and parole officer has reasonable
595 cause to believe a parolee whom he or she is supervising has
596 violated a condition of parole, the probation and parole
597 officer may report the violation to the Department of
598 Corrections and request the department to issue a warrant to
599 arrest the parolee. Upon request, the department shall issue
600 an arrest warrant, and the parolee shall be returned to the
601 prison designated on the warrant.

602 (b) Any probation and parole officer may arrest a
603 parolee without a warrant and any law enforcement officer with
604 power of arrest may arrest a parolee without a warrant if the
605 law enforcement officer has a written statement from the
606 probation and parole officer setting forth that the parolee,
607 in the judgment of the parole officer, has violated the
608 conditions of his or her parole. The written statement
609 delivered with the parolee by the arresting officer to the
610 county jail or other appropriate detention facility shall be
611 sufficient warrant for the detention of the parolee until the
612 warrant issued by the Department of Corrections has been
613 received at the place of detention. A parolee may not be held
614 longer than 20 business days on the order of the probation and
615 parole officer awaiting the arrival of the warrant issued by
616 the department. If a warrant is not issued within 20 business



617 days, the parolee shall be released from custody.

618 (c) The probation and parole officer shall immediately
619 notify the board of the arrest and detention of the parolee
620 and shall submit a written report showing in what manner the
621 parolee has violated the conditions of parole.

622 (d) (1) If the parolee is presented to the county jail
623 with a serious medical condition, if the admittance of the
624 parolee would create a security risk to the county jail, or if
625 the jail is near, at, or over capacity, the sheriff may refuse
626 to admit the parolee. If, while in custody of the county jail,
627 the parolee develops a serious medical condition, if the
628 presence of the parolee creates a security risk to the county
629 jail, or if the county jail reaches near, at, or over
630 capacity, the sheriff may release the parolee upon
631 notification to his or her probation and parole officer,
632 unless the Department of Corrections has issued an arrest
633 warrant directing the return of the parolee to a designated
634 prison.

635 (2) A sheriff and his or her employees shall be immune
636 from liability for exercising discretion pursuant to Section
637 36-1-12 in refusing to admit a parolee into the jail or
638 releasing a parolee from jail pursuant to this subsection.

639 (e) Any probation and parole officer or any law
640 enforcement officer with power of arrest to whom the warrant
641 is delivered shall execute the warrant by arresting the
642 parolee and returning him or her to the prison designated by
643 the Department of Corrections. The parolee shall be held by
644 the department awaiting the action of the board.



645 (f) An officer, other than a probation and parole
646 officer or an officer of the prison, shall receive fees for
647 the execution of an arrest warrant pursuant to this section.
648 An officer who transports the parolee from the place of arrest
649 to the designated prison shall receive fees for transporting
650 the parolee to the prison. The fees shall be paid out of the
651 funds of the Department of Corrections.

652 §15-22-10.17

653 (a) When a parolee violates his or her parole terms and
654 conditions, in lieu of Section 15-22-10.45(c), his or her
655 probation and parole officer, after an administrative review
656 and approval by the probation and parole officer's supervisor,
657 may impose any of the following sanctions:

658 (1) Mandatory behavior treatment.

659 (2) Mandatory substance abuse treatment.

660 (3) GPS monitoring.

661 (4) Any other treatment as determined by the board or
662 supervising probation and parole officer.

663 (5)a. A short period of confinement in the county jail
664 of the county in which the violation occurred. Periods of
665 confinement may not exceed nine days during the period of
666 parole. The nine days of confinement may only be imposed as
667 two-day or three-day consecutive periods at any single time.

668 b. Confinement pursuant to this subdivision does not
669 limit the bureau's or the board's ability to directly impose
670 sanctions, periods of confinement, or revoke parole.

671 (b) (1) Prior to imposing a period of confinement
672 pursuant to subdivision (a) (5), the parolee must first be



673 presented with a written violation report setting forth the
674 alleged parole violations and supporting evidence. The parolee
675 shall be provided a written notice that he or she has the
676 right to have a parole court hearing pursuant to Section
677 15-22-10.45.

678 (2) The parolee may waive the right to have a hearing.
679 Upon the signing of a waiver of these rights by the parolee
680 and the supervising probation and parole officer, with
681 approval of the probation and parole officer's supervisor, the
682 parolee may be confined for the period recommended in the
683 violation report and designated on the waiver. The parolee may
684 not request a review if he or she has signed a written waiver
685 of rights as provided in this subsection.

686 (c) The bureau, by rule, shall adopt guidelines and
687 procedures to implement the requirements of this section.

688 §15-22-10.18

689 (a) Any other provision of law notwithstanding, any
690 individual, regardless of the date of his or her sentence, may
691 apply to the bureau for a Certificate of Eligibility to
692 Register to Vote if all of the following requirements are met:

693 (1) The individual has lost his or her right to vote by
694 reason of conviction in a state or federal court in any case
695 except those listed in subsection (f).

696 (2) The individual has no criminal felony charges
697 pending against him or her in any state or federal court.

698 (3) The individual has paid all fines, court costs,
699 fees, and victim restitution ordered by the sentencing court
700 on disqualifying offenses.



701 (4) For any disqualifying offense, any of the following
702 are true:

703 a. The individual has been released upon completion of
704 sentence.

705 b. The individual has been pardoned.

706 c. The individual has successfully completed probation
707 or parole and has been released from compliance by the
708 ordering entity.

709 (b) The Certificate of Eligibility to Register to Vote
710 shall be granted upon a determination that all of the
711 requirements in subsection (a) are fulfilled.

712 (c) Upon receipt of an application under this section,
713 the bureau shall verify, through court records, bureau
714 records, and records of the Department of Corrections, that
715 the individual has met the qualifications set out in
716 subsection (a).

717 (d) If the individual has met all of the eligibility
718 criteria set forth in subsection (a), the bureau shall issue a
719 Certificate of Eligibility to Register to Vote within 45 days
720 of receipt of the application.

721 (e) If the individual has not met all of the
722 eligibility criteria set forth in subsection (a), the bureau
723 may not issue a Certificate of Eligibility to Register to Vote
724 and shall notify the individual of the decision and reason for
725 the decision within 45 days of receipt of the application. The
726 individual, upon completion of the eligibility requirements in
727 subsection (a), may submit a new application at any time if he
728 or she has met the certification criteria.



729 (f) An individual who has lost his or her right to vote
730 by reason of conviction in a state or federal court for any of
731 the following shall not be eligible to apply for a Certificate
732 of Eligibility to Register to Vote under this section:

- 733 (1) Impeachment.
- 734 (2) Murder.
- 735 (3) Rape in any degree.
- 736 (4) Sodomy in any degree.
- 737 (5) Sexual abuse in any degree.
- 738 (6) Incest.
- 739 (7) Sexual torture.
- 740 (8) Enticing a child to enter a vehicle for immoral
741 purposes.
- 742 (9) Enticing a child by computer.
- 743 (10) Production of obscene matter involving a minor.
- 744 (11) Production of obscene matter.
- 745 (12) Parents or guardians permitting children to engage
746 in obscene matter.
- 747 (13) Possession of obscene matter.
- 748 (14) Possession with intent to distribute child
749 pornography.
- 750 (15) Treason.

751 (g) This section does not affect the right of any
752 individual to apply to the board for a pardon with restoration
753 of civil and political rights pursuant to Section 15-22-10.50.

754 (h) Each state or county correctional facility, prison,
755 or jail shall post materials prepared by the Secretary of
756 State and the bureau notifying incarcerated individuals of the



757 requirements and procedures for having one's voting rights
758 restored.

759 §15-22-10.19

760 Any individual who retires from the bureau as a
761 probation and parole officer shall receive his or her badge
762 and pistol as part of the retirement benefits without cost to
763 him or her.

764 §15-22-10.20

765 The bureau may conditionally transfer an inmate to the
766 authorities of the federal government or any other
767 jurisdiction entitled to his or her custody to answer pending
768 charges or to begin serving a sentence in response to a
769 properly filed detainer from the other jurisdiction. The
770 conditionally transferred inmate shall remain in the legal
771 custody of the warden of the institution from which he or she
772 was transferred. Should any conditionally transferred inmate
773 satisfy all detainers against him or her prior to completion
774 of the Alabama sentence, the inmate may not be released from
775 custody without further order of the board.

776 §15-22-10.21

777 The bureau may establish and maintain one or more
778 residential transition centers for the housing of parolees and
779 probationers ordered to serve a period of confinement pursuant
780 to Section 15-22-10.17 or 15-22-54.

781 §15-22-10.22

782 (a) The bureau may charge each parolee resident of a
783 community residential facility a monthly amount for room and
784 board which shall not exceed 25 percent of the adjusted gross



785 monthly income of the parolee; provided, that under hardship
786 circumstances, the charge may be waived for a parolee resident
787 upon written recommendation by the director of the facility.

788 (b) The proceeds from any charges collected shall be
789 paid into the State Treasury to the credit of the State
790 General Fund and shall be used exclusively for funding the
791 community residential facilities program of the bureau.

792 §15-22-10.23

793 (a) The bureau, in consultation with the board, may
794 adopt rules, not inconsistent with this article, relating to
795 practice and procedure relating to paroles, pardons, and
796 remission of fines and forfeitures; provided, however, that no
797 rule adopted by the bureau shall have the effect of denying to
798 any person whose application for parole or the revocation of
799 whose parole is being considered by the board from having the
800 benefit of counsel or witnesses upon the hearing.

801 (b) The bureau shall adopt rules to establish a program
802 of limited supervision for qualifying parolees and
803 probationers addressing eligibility using validated risk and
804 needs assessments transfers among levels of supervision, to
805 include the transfer of lower-risk individuals to an
806 administrative form of parole or probation, and reporting
807 requirements.

808 (c) Notwithstanding any other provision of law to the
809 contrary, Section 41-22-5(a) through (c), Section
810 41-22-5.1(b), Section 41-22-6, and Section 41-22-23(a) through
811 (e), and (g) of the Alabama Administrative Procedure Act apply
812 to the bureau's adoption, amendment, or repeal of rules,



813 procedures, guidelines, or other policies, except rules,
814 procedures, guidelines, or other policies concerning the
815 supervision of parolees or probationers. The Alabama
816 Administrative Procedure Act shall not otherwise apply to the
817 bureau. The notice required by Section 41-22-5(a)(1) shall be
818 given and notice shall be given to the Governor and Attorney
819 General, or their designees.

820 (d) The bureau's existing rules, procedures,
821 guidelines, or other policies concerning the grant or denial
822 of pardons, the grant or denial of paroles, the restoration of
823 political and civil rights, the remission of fines and
824 forfeitures, and the revocation of parole shall be posted on
825 the bureau's website.

826 §15-22-10.24

827 (a) In this section, PREP pilot program means the Pilot
828 Program for Small Business Development by Ex-Offenders.

829 (b)(1) On or before October 1, 2022, subject to the
830 availability of funds, the Bureau of Pardons and Paroles, in
831 consultation with the Department of Corrections, shall
832 establish the PREP pilot program to assist individuals exiting
833 the correctional system by providing both of the following:

834 a. Training, in consultation with J. F. Ingram State
835 Technical College, in how to establish small businesses.

836 b. Assistance in obtaining funding to establish small
837 businesses.

838 (2) The bureau and the Department of Corrections may
839 coordinate with other entities, including J. F. Ingram State
840 Technical College, which offer to provide resources for the



841 program, including funding, training, and mentoring services.

842 (c) The Bureau of Pardons and Paroles in consultation
843 with the Department of Corrections shall develop an evaluation
844 process for the PREP pilot program that includes a mechanism
845 to evaluate whether the Prison Entrepreneurs Training Program
846 developed and operated by the Department of Corrections has
847 operated to encourage the establishment of stable small
848 businesses by individuals who:

849 (1) Have completed the Prison Entrepreneurship Training
850 Program during the last two years of incarceration.

851 (2) Have identified an interest or a skill set that
852 indicates a likelihood of successful implementation of the
853 business plan proposed by the individual.

854 (d) An individual selected to participate in the
855 program shall receive training and mentoring in the
856 development of a business plan and related business subjects.

857 (e) The Bureau of Pardons and Paroles and the
858 Department of Corrections shall develop an evaluation process
859 as prescribed in this section for the program developed and
860 operated by the bureau that identifies all the following:

861 (1) Provide Training locations, participants, and
862 funding for individuals who did not receive entrepreneurship
863 training during incarceration.

864 (2) Individuals who need training on how to start a
865 business.

866 (3) Partner an individual participating in the program
867 with a mentor who will guide the individual over a three-year
868 period following the implementation of the individual's



869 business plan.

870 (f) The Bureau of Pardons and Paroles and the
871 Department of Corrections shall report to the Legislature and
872 the Director of the Legislative Services Agency annually, by
873 the fifth legislative day of each regular session of the
874 Legislature, on the effectiveness of the PREP pilot program
875 established under this section in assisting individuals who
876 have completed the Prison Entrepreneurship Training Program
877 and who have been recently released from the correctional
878 system in establishing successful, stable small businesses.

879 (g) This section shall take effect July 1, 2022. It
880 shall remain effective for a period of five years and six
881 months. On December 31, 2027, with no further action required
882 by the Legislature, this section shall be repealed and of no
883 further force and effect.

884 (h) Any funds appropriated by the Legislature for this
885 program shall be designated to the Bureau of Pardons and
886 Paroles, the Department of Corrections, and J. F. Ingram State
887 Technical College.

888 §15-22-10.40

889 (a) There shall be a Board of Pardons and Paroles
890 within the bureau that consists of three members. The
891 membership of the board shall be inclusive and reflect the
892 racial, gender, geographic, urban, rural, and economic
893 diversity of the state. At least one member shall be a current
894 or former law enforcement officer with a minimum of 10 years'
895 experience in or with a law enforcement agency that has had
896 among its primary duties and responsibilities the



897 investigation of violent crimes or the apprehension, arrests,
898 or supervision of perpetrators.

899 (b) Any vacancy occurring on the board, whether for an
900 expired or unexpired term, shall be filled by appointment by
901 the Governor, with the advice and consent of the Senate, from
902 a list of five qualified individuals submitted by a nominating
903 committee consisting of the Lieutenant Governor, the Speaker
904 of the House of Representatives, and the President Pro Tempore
905 of the Senate. The nominating committee, as soon as
906 practicable after a vacancy occurs, whether for an expired or
907 unexpired term, shall meet and select by majority vote the
908 names of five individuals to be submitted to the Governor. The
909 nominating committee shall immediately submit its nominations
910 to the Governor, who shall make his or her appointment from
911 the list within 10 days. Appointees shall begin serving
912 immediately upon appointment until confirmed or rejected by
913 the Senate. Appointments made at times when the Senate is not
914 in regular session shall be effective ad interim. Any
915 appointment made by the Governor while the Senate is in
916 regular session shall be submitted to the Senate not later
917 than the third legislative day following the date of the
918 appointment. Any appointment made while the Senate is not in
919 regular session shall be submitted not later than the third
920 legislative day following the reconvening of the Legislature
921 in regular session. If the Senate fails to vote on an
922 appointee's confirmation before adjourning sine die during the
923 regular session in which the appointee is appointed, the
924 appointee is deemed to be confirmed.



925 (c) Members of the board shall be appointed for terms
926 of six years and shall serve until their successors are
927 appointed and qualified. Any individual appointed to fill a
928 vacancy for an unexpired term shall vacate the office upon the
929 expiration of that unexpired term.

930 (d) The Governor shall designate one of the members as
931 chair, and the chair shall preside at sessions of the board.

932 (e) Each board member shall take the constitutional
933 oath of office and shall be subject to impeachment for any of
934 the causes specified in Section 173 of the Constitution of
935 Alabama of 2022. The procedure in cases of impeachment shall
936 be in the manner provided by Section 175 of the Constitution
937 of Alabama of 2022. If the Governor determines that any member
938 of the board is incapacitated by reason of physical or mental
939 disability or illness to the extent that the member cannot
940 efficiently perform the duties of his or her office, the
941 Governor shall direct the Attorney General to proceed to the
942 determination of that issue in an inquisition proceeding
943 instituted by the Attorney General in the Circuit Court of
944 Montgomery County, Alabama. In the event the issue is
945 determined in the court against the board member, the court
946 shall declare the office vacant, the office shall be vacated,
947 and a successor appointed as provided in this section.

948 (f) Two members of the board constitutes a quorum for
949 the transaction of the official business of the board.

950 (g) The board members may not hold another office of
951 profit during their incumbency.

952 (h) The annual compensation of the chair and each



953 associate member of the board shall be established by the
954 Governor. The salaries shall be paid in equal installments
955 from the State Treasury in the same manner that salaries of
956 other state officers are paid.

957 §15-22-10.41

958 (a) The board responsibilities are limited to the
959 following:

960 (1) Determining which inmates serving sentences in the
961 jails and prisons of this state may be released on parole and
962 when and under what conditions.

963 (2) Deciding what action should be taken for a parole
964 violation when the bureau has determined a parolee has
965 violated the conditions of his or her parole.

966 (3) Determining whether to remit fines and forfeitures.

967 (4) Determining whether to grant a pardon and what, if
968 any, civil and political rights to restore.

969 (b) (1) Meetings set for the purpose of conducting
970 hearings and making determinations concerning pardons,
971 paroles, restoration of civil and political rights, remission
972 of fines and forfeitures, and parole revocations may be set by
973 the chair or by a quorum of the board.

974 (2) The bureau shall docket the cases to be heard by
975 the board.

976 (c) The board may not approve, grant, or order any
977 pardon, parole, remission of fines and forfeitures, or
978 restoration of civil and political rights unless the action
979 occurs in an open public meeting after notice has been
980 provided to each board member and the notice requirements



981 provided in Section 15-22-10.42 have been satisfied.

982 (d) Each member of the board favoring a pardon, parole,
983 remission of a fine or forfeiture, or restoration of civil and
984 political rights shall enter in the file his or her detailed
985 reasons for the decision. The board members' entries and the
986 order shall be public records, but all other portions of the
987 file shall be privileged.

988 §15-22-10.42

989 (a) Except as provided in paragraph (8)b., the board
990 may not grant a pardon, parole, remit a fine or forfeiture, or
991 restore civil and political rights until 30 days' notice that
992 the inmate is being considered has been given by the bureau to
993 all of the following:

994 (1) The Attorney General.

995 (2) The judge who presided over the case; if the judge
996 is no longer serving, to one of the judges of the circuit.

997 (3) The district attorney who tried the inmate's case;
998 if the district attorney is no longer serving, to the current
999 district attorney.

1000 (4) The chief of police in the municipality in which
1001 the crime occurred if the crime was committed in an
1002 incorporated area with a police department, or if the chief of
1003 police is no longer serving, to the current chief of police.

1004 (5) The sheriff of the county where convicted.

1005 (6) To the same officials of the county where the crime
1006 occurred if different from the county of conviction.

1007 (7) The Crime Victims Compensation Commission.

1008 (8) The victim, victim's representative, or any other



1009 interested individuals.

1010 a. The victim, victim's representative, or any other
1011 interested individual shall submit a preferred method of
1012 notification through the automated victim notification system
1013 or directly to the bureau. The submission must be received by
1014 the bureau at least 45 days prior to the board's actions.

1015 b. If the victim, victim's representative, or other
1016 interested individual has not registered for notice through
1017 the automated victim notification system or has not made a
1018 direct request to the bureau for notice at least 45 days in
1019 advance of the board's action to be considered, the bureau,
1020 working with the appropriate district attorney and the
1021 Attorney General's Office, shall exercise due diligence in
1022 locating the victim or the victim's immediate family members.
1023 If all attempts to locate a victim or his or her immediate
1024 family members have failed, and the agent of the bureau
1025 certifies that due diligence has been exercised, the board may
1026 approve or order any parole, pardon, remission of fine or
1027 forfeiture, or restoration of civil and political rights.

1028 (b) Notice shall be provided by U.S. certified mail,
1029 return receipt requested, U.S. mail, electronic transmission,
1030 or by other commonly accepted method of delivery, upon a
1031 request made through the automated victim notification system
1032 or a direct request made to the bureau. Notice shall include
1033 all of the following:

- 1034 (1) The name of the inmate involved.
1035 (2) The crime for which the inmate was convicted.
1036 (3) The date of the sentence.



1037 (4) The court in which the conviction occurred.

1038 (5) The sentence imposed.

1039 (6) The actual time the inmate has been held in
1040 confinement and the inmates's minimum release date, as
1041 computed by the Department of Corrections.

1042 (7) The action to be considered by the board.

1043 (8) The date, time, and location of the board meeting
1044 at which the action is to be considered.

1045 (9) The right of the victim named in the indictment, a
1046 victim's representative, or if the victim is deceased as a
1047 result of the offense, the victim's immediate family, as
1048 defined by the bureau's operating rules, or, in the event
1049 there is no immediate family, a relative of a victim, to
1050 present his or her views to the board in person or in writing.
1051 Notice for robbery victims who were robbed while on duty as an
1052 employee of a business establishment shall be sufficient if
1053 mailed to the last address provided by the victim or as
1054 otherwise noted on the indictment or in the bureau's files.

1055 (c) If a victim, victim's representative, or otherwise
1056 interested individual requests not to be notified, the request
1057 shall be made to the bureau in writing or by electronic
1058 signature. Confirmation of a request to not be notified shall
1059 be provided by the bureau to the victim so requesting. After a
1060 request is received, the bureau shall provide no further
1061 notifications, unless the victim, victim's representative, and
1062 otherwise interested individual subsequently requests future
1063 notifications through the automated victim notification system
1064 or by directly contacting the bureau in writing, in person, or



1065 by telephone.

1066 (d) When a probation and parole officer is assigned to
1067 prepare a pre-sentence or post-sentence investigation report,
1068 pursuant to Section 12-17-184, the probation and parole
1069 officer shall enter the most recent contact information for
1070 the victim into the automated victim notification system. In
1071 case of a homicide, the information of immediate family
1072 members shall be entered into the automated victim
1073 notification system. If a surviving victim is a minor, the
1074 information for parents or guardians shall be entered into the
1075 automated victim notification system. Upon entering the
1076 information into the automated victim notification system, the
1077 probation and parole officer shall report to the sentencing
1078 court that all most current victim information has been
1079 registered. The sentencing court shall then record into the
1080 case record that the victim information has been entered into
1081 the automated victim notification system.

1082 (e) After any board action is taken granting any pardon
1083 or parole, the bureau shall promptly notify all persons who
1084 timely requested pre-hearing notice, pursuant to this section,
1085 as to the action taken by the board and the conditions, if
1086 any, via the preferred method of communication provided.

1087 (f) Any pardon or parole decisions made by the board
1088 shall be posted publicly on the bureau's website.

1089 §15-22-10.43

1090 (a) In determining whether to release an inmate on
1091 parole, the board shall consider the report of investigation
1092 prepared by the bureau and the parole release guidelines



1093 established by the bureau, pursuant to Section 15-22-10.10. An
1094 inmate may not be released on parole merely as a reward for
1095 good conduct or efficient performance of duties assigned in
1096 prison, but only if the board determines the inmate meets
1097 criteria and guidelines established by the bureau to determine
1098 the inmate's fitness for parole and protect public safety.

1099 (b) The parole release guidelines shall serve as an aid
1100 in the parole decision-making process, and the decision
1101 concerning parole release shall be at the complete discretion
1102 of the board.

1103 (c) The board shall clearly articulate its reasons for
1104 approval or denial of parole for each inmate, based on the
1105 established parole release guidelines, established pursuant to
1106 Section 15-22-10.10, and shall provide the reasons for
1107 approval or denial to the inmate, the victim, the Department
1108 of Corrections, or, upon written request, to any other
1109 interested party. The use of parole release guidelines for
1110 parole consideration does not create a right or expectation by
1111 an inmate to parole release. Additionally, the articulated
1112 reasons for denial of parole release does not create a right
1113 or expectation for parole release.

1114 (d) No inmate may be released on parole except by a
1115 majority vote of the board.

1116 (e) The board shall reconsider releasing an inmate who
1117 was denied parole no more than two years after the parole
1118 release denial if the inmate was convicted of a nonviolent
1119 offense, as defined in Section 12-25-32, and who was sentenced
1120 to 20 years or less.



1121 (f) The board may not grant parole to any inmate for
1122 the purpose of employment by any public official of this
1123 state, nor shall any parolee be employed by an official of
1124 this state be allowed to remain on parole; provided, however,
1125 this subsection does not apply in the case of a parolee whose
1126 employer, at the time of the parolee's original employment,
1127 was not a state official.

1128 §15-22-10.44

1129 (a) The board, in releasing an inmate on parole, shall
1130 specify in writing the conditions of his or her parole and
1131 shall provide a copy of the conditions to the parolee. A
1132 parolee who violates the conditions of parole may be subject
1133 to arrest and reimprisonment.

1134 (b) The board shall adopt general rules regarding the
1135 conditions of parole and may make special rules to govern
1136 particular cases. The rules, both general and special, shall
1137 include, but are not limited to, all of the following:

1138 (1) A parolee may not leave the state without the
1139 consent of the board.

1140 (2) A parolee shall contribute to the support of his or
1141 her dependents to the best of his or her ability.

1142 (3) A parolee shall make reparation or restitution for
1143 his or her crime.

1144 (4) A parolee shall avoid persons or places of
1145 disreputable or harmful character.

1146 (5) A parolee shall follow the instructions of his or
1147 her parole officer and shall cooperate with the parole
1148 officer.



1149 (6)a. A parolee released pursuant to Section
1150 15-22-10.15 shall be subject to electronic monitoring for a
1151 period of time as determined by the director.

1152 b. The bureau shall be responsible for the costs of the
1153 electronic monitoring as required by this subdivision.

1154 (7) A parolee shall submit to behavioral treatment,
1155 substance abuse treatment, GPS monitoring, or any other
1156 treatment as deemed necessary by the board or the supervising
1157 probation and parole officer.

1158 (8) A parolee may not buy, own, or possess a firearm in
1159 violation of state law or federal law.

1160 §15-22-10.45

1161 (a) Whenever there is reasonable cause to believe that
1162 an inmate who has been paroled has violated his or her parole,
1163 the board, a single member of the board, or a parole
1164 revocation hearing officer may declare the parolee to be
1165 delinquent, and time owed shall date from the delinquency. The
1166 Department of Corrections, after receiving notice from the
1167 sheriff of the county jail where the parolee is being held,
1168 shall promptly notify the bureau of the return of a parolee
1169 charged with a violation of his or her parole.

1170 (b) (1) The board, a single member of the board, a
1171 parole revocation hearing officer, or a designated parole
1172 officer shall hold a parole court hearing at the prison or at
1173 another place as it may determine. The parole court hearing
1174 shall be held within 20 business days and shall consider the
1175 case of the parole violator. If the parole court determines
1176 that exigent circumstances exist that preclude holding the



1177 hearing within 20 business days, the case shall be considered
1178 within 40 business days. The parolee shall be given an
1179 opportunity to appear personally or by counsel before the
1180 parole court, to produce witnesses, and to explain the charges
1181 made against him or her. The parole court shall determine
1182 whether sufficient evidence supports the violation charges.

1183 (2) If a hearing is not held within 20 business days,
1184 the parolee shall be released back to parole supervision
1185 pending the hearing, or within 40 business days if exigent
1186 circumstances exist.

1187 (c) (1) After conducting a parole court hearing and upon
1188 a finding of sufficient evidence to support a parole
1189 violation, the parole court may recommend to the board
1190 revocation or reinstatement of parole, and the board may take
1191 any of the following actions:

1192 a. If the underlying offense was a violent offense as
1193 defined in Section 12-25-32 and classified as a Class A
1194 felony, a sex offense pursuant to Section 15-20A-5, or
1195 aggravated theft by deception pursuant to Section 13A-8-2.1,
1196 the board shall revoke parole and require the parolee to serve
1197 the balance of the term for which he or she was originally
1198 sentenced, or any portion thereof, in a state prison facility,
1199 calculated from the date of his or her rearrest as a
1200 delinquent parolee.

1201 b. If the parole violation was for being arrested or
1202 convicted of a new offense or absconding, the board may revoke
1203 parole and require the parolee to serve the balance of the
1204 term for which he or she was originally sentenced, or any



1205 portion thereof, in a state prison facility, calculated from
1206 the date of his or her rearrest as a delinquent parolee.

1207 c. For all other parolees, the board may impose a
1208 period of confinement of no more than 45 consecutive days to
1209 be served in a residential transition center established
1210 pursuant to Section 15-22-10.21, or a consenting county jail
1211 designated for this purpose as provided in Section 14-1-23.
1212 The parolee shall be held in the county jail of the county in
1213 which the violation occurred while awaiting the revocation
1214 hearing. The parole court may not recommend and the board may
1215 not revoke parole unless the parolee has previously received a
1216 total of three periods of confinement under this paragraph. A
1217 parolee shall only receive three total periods of confinement.
1218 The maximum 45-day term of confinement ordered pursuant to
1219 this paragraph shall be reduced by any time served in custody
1220 prior to the imposition of the period of confinement and shall
1221 be credited to the balance of the incarceration term for which
1222 the parolee was originally sentenced. If the time remaining on
1223 parole supervision is 45 days or less, the term of confinement
1224 may not exceed the remainder of the parolee's sentence. The
1225 Department of Corrections shall reimburse the state mileage
1226 rate to the county, as determined by the state Comptroller's
1227 Office, for any parolee charged with, or sanctioned or revoked
1228 for, a parole violation and who is transferred to or from a
1229 Department of Corrections facility or to or from a consenting
1230 county jail by the county.

1231 (2) Upon completion of the confinement period and
1232 release from confinement, the parolee shall automatically



1233 continue on parole for the remaining term of the sentence
1234 without further action from the board.

1235 (3) The total time spent in confinement under this
1236 subsection may not exceed the term of the parolee's original
1237 sentence.

1238 (4) Confinement shall be immediate. The board shall
1239 ensure that the Department of Corrections, a county jail, a
1240 residential transition center, or a consenting county jail
1241 receives necessary documentation for imposing a period of
1242 confinement within five business days of the board's action.

1243 (5) If a parolee with a serious health condition is
1244 presented to a county jail, excluding a consenting county jail
1245 designated for this purpose as provided in Section 14-1-23,
1246 for any period of confinement, if the confinement of a parolee
1247 would create a security risk to the county jail, or if the
1248 county jail is near, at, or over capacity, the sheriff may
1249 refuse to admit the parolee. If, while in custody of the
1250 county jail, a parolee develops a serious health condition, if
1251 the confinement of a parolee creates a security risk to the
1252 county jail, or if the county jail reaches near, at, or over
1253 capacity, the sheriff may release the parolee upon
1254 notification to the parole officer. A sheriff and his or her
1255 employees shall be immune from liability for exercising
1256 discretion pursuant to Section 36-1-12 in refusing to admit a
1257 parolee into the jail or releasing a parolee from jail
1258 pursuant to this subdivision.

1259 §15-22-10.46

1260 No state official shall appear or otherwise represent



1261 an applicant before the board for any consideration or thing
1262 of value unless the official was counsel of record for the
1263 applicant during a trial or hearing in the regular judicial
1264 process that led to the applicant's present status. A state
1265 official may not be prohibited from appearing without
1266 consideration before the board or board panel on behalf of an
1267 applicant.

1268 §15-22-10.47

1269 (a) If the board grants an inmate parole, the inmate
1270 shall be released from prison upon the terms and conditions
1271 set by the board. While released on parole, the inmate shall
1272 remain in the legal custody of the warden of the prison from
1273 which he or she is paroled until the expiration of the maximum
1274 term specified in his or her sentence or until he or she is
1275 fully pardoned.

1276 (b) (1) Excluding parolees convicted of a violent
1277 offense, as defined in Section 12-25-32, and parolees
1278 convicted of aggravated theft by deception, pursuant to
1279 13A-8-21, no individual released on parole may be discharged
1280 from parole supervision prior to the expiration of the full
1281 maximum term for which he or she was sentenced, unless the
1282 board chooses to discharge the parolee early based on a review
1283 of the parolee under guidelines established by the bureau.

1284 (2) The board shall review a parolee for discharge from
1285 parole supervision at least every two years if the parolee has
1286 satisfied all financial obligations owed to the court,
1287 including restitution, and has not had his or her supervision
1288 revoked.



1289 (c) The board may at any time relieve a parolee from
1290 making further reports and may permit the parolee to leave the
1291 state or county if satisfied that this is for the best
1292 interests of society.

1293 §15-22-10.48

1294 (a) Any inmate convicted of any of the following
1295 offenses, or attempts thereof, that directly and proximately
1296 resulted in serious physical injury to another, where the
1297 offense was committed within five years of a prior felony
1298 conviction, or attempt thereof, resulting in serious physical
1299 injury to another, upon conviction and a sentence to a term of
1300 years, shall serve his or her sentence without the possibility
1301 of parole:

1302 (1) Murder.

1303 (2) Rape.

1304 (3) Robbery.

1305 (4) Assault with a deadly weapon.

1306 (b) Any person convicted of a sex offense involving a
1307 child, as defined in Section 15-20A-4, which is a Class A or
1308 Class B felony, shall not be eligible for parole.

1309 §15-22-10.49

1310 (a) Any individual whose sentence to death has been
1311 commuted by the Governor is not eligible for a pardon unless
1312 sufficient evidence is presented to the board to satisfy that
1313 the individual was innocent of the crime for which he or she
1314 was convicted and the board votes unanimously to grant the
1315 individual a pardon.

1316 (b) Any individual whose sentence to death has been



1317 commuted by the Governor is not eligible for parole.

1318 (c) This section may not be construed to deny any
1319 individual whose sentence of death has been commuted the right
1320 to apply to the courts of this state for any remedy that the
1321 individual is entitled to under the laws of this state.

1322 (d) The board may not grant a parole or pardon to an
1323 individual whose sentence of death has been commuted by the
1324 Governor unless subsection (a) is applicable.

1325 §15-22-10.50

1326 (a) No pardon shall relieve one from civil and
1327 political disabilities unless specifically expressed in the
1328 pardon. No pardon shall be granted unless the inmate has
1329 successfully completed at least three years of parole or until
1330 the expiration of his or her sentence if his or her sentence
1331 was for less than three years.

1332 (b) Notwithstanding subsection (a), a pardon based on
1333 innocence may be granted upon the unanimous affirmative vote
1334 of the board following receipt and filing of clear proof of
1335 his or her innocence of the crime for which he or she was
1336 convicted and the written approval from the judge who tried
1337 the case or district attorney, or, if the judge who tried his
1338 or her case is deceased or no longer serving, with the written
1339 approval from a circuit judge in the circuit where he or she
1340 was convicted.

1341 §15-22-10.51

1342 (a) The duties imposed upon the members of the board by
1343 this article are mandatory, and the limitations and
1344 restrictions on the powers of the board or the members shall



1345 be strictly construed.

1346 (b) Any member of the board who knowingly or willfully
1347 neglects or fails to perform any of his or her duties shall be
1348 guilty of a felony and, upon his or her conviction, shall be
1349 punished by imprisonment for not less than one nor more than
1350 five years.

1351 §15-22-10.52

1352 Any pardon, parole, remission of a fine or forfeiture,
1353 or restoration of civil and political rights granted, ordered,
1354 or made contrary to this article shall be void and shall have
1355 no force or effect.

1356 §15-22-10.53

1357 (a) As used in this section, the following terms have
1358 the following meanings:

1359 (1) CHEMICAL CASTRATION TREATMENT. The receiving of
1360 medication, including, but not limited to, medroxyprogesterone
1361 acetate treatment or its chemical equivalent, that, among
1362 other things, reduces, inhibits, or blocks the production of
1363 testosterone, hormones, or other chemicals in an individual's
1364 body.

1365 (2) SEX OFFENSE INVOLVING A PERSON UNDER THE AGE OF 13
1366 YEARS. A sex offense, as described in Section 15-20A-5, which
1367 is committed against an individual who has not attained 13
1368 years of age.

1369 (b) Subject to Section 15-22-10.49, as a condition of
1370 parole, a court shall order an offender convicted of a sex
1371 offense involving an individual under 13 years of age to
1372 undergo chemical castration treatment, in addition to any



1373 other punishment prescribed for that offense or any other
1374 provision of law.

1375 (c) An offender required to undergo chemical castration
1376 treatment shall begin the treatment not less than one month
1377 prior to his or her release from custody of the Department of
1378 Corrections and shall continue receiving treatment until the
1379 court determines the treatment is no longer necessary. The
1380 treatment shall be administered by the Department of Public
1381 Health.

1382 (d) (1) The offender shall pay for all of the costs
1383 associated with the chemical castration treatment. The cost of
1384 the treatment shall be in addition to any court costs;
1385 assessments for crime victim's compensation fund; Department
1386 of Forensic Sciences assessments; drug, alcohol, or anger
1387 management treatments required by law; restitution; or costs
1388 of supervision of the treatment. An offender may not be denied
1389 parole based solely on his or her inability to pay for the
1390 costs associated with the treatment required under this
1391 section.

1392 (2) If an offender required to receive chemical
1393 castration treatment under this section, upon application,
1394 claims indigency, he or she shall be brought before a court of
1395 competent jurisdiction for a determination of indigency. In
1396 the event that a court determines the offender to be indigent,
1397 any fees or costs shall not be waived or remitted unless the
1398 offender proves to the reasonable satisfaction of the court
1399 that he or she is not capable of paying the fees or costs
1400 within the reasonably foreseeable future. In the event the



1401 offender is determined to be indigent, a periodic review of
1402 the offender's indigent status may be conducted by the court
1403 upon motion of the district attorney to determine if the
1404 offender is no longer indigent.

1405 (e) In addition to any condition of parole under
1406 subsection (b), as a condition of parole, an offender released
1407 on parole under this section shall authorize the Department of
1408 Public Health to share with the bureau all medical records
1409 relating to the offender's chemical castration treatment.

1410 (f) An offender may elect to stop receiving the
1411 treatment at any time and may not be forced to receive the
1412 treatment; provided, the refusal shall constitute a violation
1413 of parole and he or she shall be immediately remanded to the
1414 custody of the Department of Corrections for the remainder of
1415 the sentence from which he or she was paroled.

1416 (g) Prior to the administration of any chemical
1417 castration treatment, the court shall inform the offender
1418 about the effect of the treatment and any side effects that
1419 may result from it. The offender shall sign a written
1420 acknowledgment of receipt of the information.

1421 (h) Only a bona fide employee of the Alabama Department
1422 of Public Health may administer the treatment.

1423 (i) Except as provided in subsection (f), an offender
1424 who intentionally stops receiving the treatment required under
1425 this section shall be guilty of a Class C felony.

1426 Section 2. Sections 15-18-71, 15-18-72, 15-18-74,
1427 15-18-76, and 15-18-77, Code of Alabama 1975, are amended to
1428 read as follows:



1429 "§15-18-71

1430 When a defendant is sentenced to a term of
1431 imprisonment, the order of restitution shall be enforceable
1432 during the period of imprisonment when the defendant has any
1433 asset or other income or any portion thereof to which a
1434 defendant is or may be entitled. The ~~Board~~ Bureau of Pardons
1435 and Paroles shall be notified of the amount of restitution by
1436 its probation and parole officers and when and if the
1437 defendant is paroled, it shall be made a condition of the
1438 parole to continue the restitution payments to the victim. If
1439 during the period of the defendant's parole, he or she fails
1440 to make restitution as ordered by the original court, it shall
1441 be grounds for revocation of parole."

1442 "§15-18-72

1443 (a) When a defendant who has been ordered to pay
1444 restitution and whose sentence has been suspended and placed
1445 on probation by the court, ~~and ordered to make restitution,~~
1446 defaults in the payment ~~thereof or of~~ any installment of
1447 restitution, the court, on motion of the victim~~or~~, the
1448 district attorney, or upon its own motion, shall require the
1449 defendant to show cause why ~~his~~ the default should not be
1450 treated as violation of a condition of ~~his~~ probation.

1451 (b) When the defendant is sentenced to the penitentiary
1452 by the court, and the court orders restitution, ~~it shall be~~
1453 ~~made~~ a condition of his or her parole shall be that
1454 restitution be ~~made~~ paid. When the parolee defaults in the
1455 payment ~~thereof~~ or any installment of restitution, the ~~parole~~
1456 ~~board~~ Board of Pardons and Paroles on motion of the victim~~or~~,



1457 the district attorney, or the supervising probation and parole
1458 officer, may require the defendant to show cause why ~~his~~ the
1459 default should not be treated as a violation of a condition of
1460 parole, and the board may declare the parolee delinquent and
1461 after due process may revoke his parole.

1462 (c) The court shall ~~cause~~ transmit all restitution
1463 payments ~~to be transmitted in not less than~~ within 15 business
1464 days of receipt of ~~such~~ the payment."

1465 "§15-18-74

1466 ~~Whenever~~ When an offender in the custody of the
1467 Department of Corrections is paroled, the Board of Pardons and
1468 Paroles ~~will~~ shall inform him or her of the court's imposition
1469 of restitution payments and the supervising parole officer
1470 ~~will~~ shall see that the schedule of payment of restitution is
1471 resumed and continued until paid in full."

1472 "§15-18-76

1473 (a) The county commissions of the several counties and
1474 the governing authorities of municipalities ~~are hereby~~
1475 ~~authorized to~~ may cooperate with the ~~State Board~~ Bureau of
1476 Pardons and Paroles in the establishment of restitution
1477 centers. ~~Such~~ The centers shall be operated by the ~~State Board~~
1478 ~~of~~ Bureau of Pardons and Paroles. County or municipal property
1479 may be utilized, with the approval of the county commission or
1480 municipal governing authority, for the construction,
1481 renovation, and maintenance of facilities owned by the state
1482 or a local political subdivision. ~~Such a~~ A facility may be
1483 furnished or leased to the ~~Board~~ Bureau of Pardons and Paroles
1484 for a period of time for use as a restitution center.



1485 (b) It is the intent of this section that county and
1486 local governments contribute only to the establishment,
1487 renovation, furnishing, and maintenance of the physical plant
1488 of the restitution center and that the ~~Board of~~ Bureau of
1489 Pardons and Paroles support the operation of the centers and
1490 have the responsibility of offenders in ~~such~~ the centers.
1491 Provided, ~~however~~, that no provision of this article shall
1492 operate ~~so as~~ to deprive the court of its power to revoke
1493 probation of residence or the ~~State~~ Board of Pardons and
1494 Paroles' power to revoke parolees housed in the center."

1495 "§15-18-77

1496 (a) The ~~State Board~~ Bureau of Pardons and Paroles, the
1497 county commissions, and the governing authorities of
1498 municipalities ~~are hereby authorized to~~ may cooperate in the
1499 institution and administration of services at restitution
1500 centers as authorized in Section 15-18-76.

1501 (b) The ~~Board~~ Bureau of Pardons and Paroles, the
1502 county commissions, and the governing authorities of
1503 municipalities ~~are authorized~~ may jointly do any of the
1504 following:

1505 (1) ~~To seek~~ Seek funding from federal or other sources
1506 to provide the maximum supportive services for offenders and
1507 the families of offenders who are participating in the
1508 restitution program; .

1509 (2) ~~To develop~~ Develop additional programs ~~whereby the~~
1510 where offenders may be afforded the opportunity to contribute
1511 to society and the support of their families through
1512 restitution programs; ~~and~~ .



1513 (3) ~~To develop~~Develop pilot programs of counseling,
1514 training, and job placement ~~whereby~~where restitution may be
1515 accomplished; ~~such~~. The programs may be residential or
1516 nonresidential as appropriate."

1517 Section 3. Sections 15-22-42, 15-22-43, 15-22-51,
1518 15-22-53, 15-22-54, 15-22-56, and 15-22-57, Code of Alabama
1519 1975, are amended to read as follows:

1520 "§15-22-42

1521 For the purposes of this article, the following terms
1522 ~~shall~~ have the following meanings:

1523 (1) BOARD. The Board of Pardons and Paroles.

1524 (2) BUREAU. The Bureau of Pardons and Paroles.

1525 ~~(2)~~ (3) GERIATRIC INMATE. A ~~person~~state inmate who is
1526 60 years of age or older convicted in this state of a
1527 non-capital felony offense and sentenced to the penitentiary,
1528 who suffers from a chronic life-threatening infirmity,
1529 life-threatening illness, or chronic debilitating disease
1530 related to aging, who requires assistance with a necessary
1531 daily life function and poses a low risk to the community, and
1532 who does not constitute a danger to himself~~or~~, herself, or
1533 society.

1534 ~~(3)~~ (4) NECESSARY DAILY LIFE FUNCTION. Eating,
1535 breathing, toileting, walking, or bathing.

1536 ~~(4)~~ (5) PERMANENTLY INCAPACITATED INMATE. A state inmate
1537 who satisfies both of the following:

1538 a. Is unable to perform one and requires assistance
1539 with one or more necessary daily life functions or who is
1540 completely immobile.



1541 b. Has ~~such~~ limited physical or mental ability,
1542 strength, or capacity so that he or she poses an extremely low
1543 risk of physical threat to others or to the community.

1544 ~~(5)~~ (6) TERMINALLY ILL INMATE. A state inmate who has an
1545 incurable condition caused by illness or disease which would,
1546 with reasonable medical judgment, produce death within 12
1547 months, and who does not constitute a danger to himself ~~or,~~
1548 herself, or society."

1549 "§15-22-43

1550 (a) (1) The bureau ~~Board of Pardons and Paroles~~, by
1551 rule, shall establish a ~~special~~ medical parole docket ~~and~~
1552 ~~adopt the rules for implementation pursuant to Section~~
1553 ~~15-22-24(c). For each person considered for medical parole,~~
1554 ~~the board shall determine whether the person is a~~ The medical
1555 parole docket shall contain inmates who have been classified
1556 by the Department of Corrections as geriatric ~~inmate~~,
1557 permanently incapacitated ~~inmate~~, or terminally ill ~~inmate for~~
1558 ~~purposes of placing the person on a special medical parole~~
1559 ~~docket to be considered for parole by the board~~. An open
1560 public hearing shall be held, pursuant to Section
1561 ~~15-22-23~~ 15-22-10.41, to consider the medical parole of the
1562 inmate. Notices of the hearing shall be sent pursuant to
1563 ~~Sections 15-22-23 and 15-22-36~~ Section 15-22-10.42. The notice
1564 shall clearly state the inmate is being considered for a
1565 medical parole.

1566 (2) ~~The~~ Upon request from the bureau, the Department of
1567 Corrections shall immediately provide, ~~upon request from the~~
1568 ~~board~~, a list of geriatric, permanently incapacitated, and



1569 terminally ill inmates who are otherwise eligible for parole,
1570 subject to the limitations provided under Section
1571 ~~15-22-28(e)~~15-22-10.12.

1572 (3) By January 1 of each calendar year, the Department
1573 of Corrections shall additionally ~~identify~~ provide the bureau
1574 with a list of all inmates who have spent ~~more than~~ 30 or more
1575 days in an infirmary in the prior calendar year ~~or,~~ inmates
1576 who have received costly and frequent medical treatment
1577 outside a Department of Corrections facility in the previous
1578 12 months, ~~as well as all~~ and inmates suffering from a
1579 life-threatening illness and whose death is imminent within 12
1580 months, who are otherwise parole eligible, subject to the
1581 limitations provided under Section ~~15-22-28(e)~~15-22-10.12, ~~and~~
1582 ~~shall immediately provide this information to the board to.~~
1583 The bureau shall determine if any identified inmates may be
1584 considered for a medical parole.

1585 ~~(3)~~ (4) Upon a determination that ~~the~~ an inmate is
1586 eligible for a medical parole, the ~~board~~ bureau shall place
1587 the inmate on the next available ~~special~~ medical parole docket
1588 ~~pursuant to rules adopted by the board~~ for the board to
1589 consider the individual for medical parole.

1590 (b) Medical parole consideration shall be in addition
1591 to any other release for which an inmate may be eligible.

1592 (c) In considering an inmate for medical parole, the
1593 board may request that additional medical evidence be
1594 produced, or that additional medical examinations be conducted
1595 by the Department of Corrections.

1596 (d) In determining factors for a medical parole, the



1597 board shall take into consideration all of the following:

1598 (1) Risk for violence.

1599 (2) Criminal history.

1600 (3) Institutional behavior.

1601 (4) Age of the inmate, currently and at the time of the
1602 offense.

1603 (5) Severity of the illness, disease, or infirmities
1604 and whether the same existed at the time of the offense.

1605 (6) All available medical and mental health records.

1606 (7) Reentry plans, ~~which include~~ including alternatives
1607 to caring for terminally ill or permanently incapacitated
1608 inmates in traditional prison settings.

1609 (e) This article shall not apply to inmates convicted
1610 of capital murder or a sex offense.

1611 (f) Unless provided otherwise in this article, any
1612 medical parole under this article shall comply with Article
1613 2A, Chapter 22, Title 15.

1614 (g) The ~~board~~ bureau shall report annually to the Joint
1615 Legislative Interim Prison Committee, House Judiciary
1616 Sentencing Commission Subcommittee, and the Alabama Sentencing
1617 Commission on the number of medical paroles granted, the
1618 nature of the illnesses, diseases, and conditions of those
1619 paroled, the number of inmates granted and denied medical
1620 parole, ~~and~~ the number of cases granted medical parole, but
1621 that could not be released. ~~The~~, and the crimes for which the
1622 inmates have been convicted ~~shall also be provided in the~~
1623 ~~annual report~~. The report shall ~~be made in a manner that does~~
1624 not disclose any individual identifying information for any



1625 particular inmate and shall be compliant in all respects with
1626 the Health Insurance Portability and Accountability Act.

1627 (h) This article shall not be deemed to grant any
1628 entitlement or right to release."

1629 "§15-22-51

1630 (a) When directed by the court, a probation officer or
1631 specialist shall ~~fully investigate and~~ conduct an
1632 investigation, using a validated risk and needs assessment, as
1633 defined in Section 12-25-32, and provide a written report to
1634 the court ~~in writing the~~ containing all of the following:

1635 (1) The circumstances of the offense~~;~~.

1636 (2) The defendant's criminal record~~;~~.

1637 (3) The defendant's social history ~~and~~.

1638 (4) The defendant's present condition ~~of a defendant~~
1639 ~~through use of a validated risk and needs assessment, as~~
1640 ~~defined in Section 12-25-32.~~

1641 (b) No defendant, unless ~~the court shall~~ otherwise
1642 ~~direct~~ directed by the court, shall be placed on probation or
1643 released under suspension of sentence until the report of ~~such~~
1644 investigation ~~shall have been~~, as required by subsection (a),
1645 is presented to and considered by the court; ~~provided,~~
1646 ~~however, that after.~~

1647 (c) (1) After conviction, the court may continue the
1648 case for ~~such any amount of~~ time ~~as may be~~ reasonably
1649 necessary to enable the probation officer or specialist to
1650 ~~make his~~ conduct the investigation and generate the written
1651 report of investigation.

1652 (2) ~~(b) Whenever practicable, such investigation shall~~



1653 ~~include physical and mental examinations of the defendant;~~
1654 ~~and, if such defendant is committed to an institution, a copy~~
1655 ~~of the report of such investigation shall be sent to the~~
1656 ~~Department of Corrections at the time of commitment; provided,~~
1657 ~~that in all cases where the~~ If a defendant was on bond prior
1658 ~~to the time of~~ to the trial and an application for probation
1659 ~~is~~ was made to the court, ~~then the judge of such court, in his~~
1660 ~~discretion,~~ may suspend the execution of the sentence pending
1661 the disposition of the application for probation and ~~continue~~
1662 may allow the defendant to remain under the same bond ~~that he~~
1663 ~~was under or, in his discretion,~~ or the judge may raise ~~the~~
1664 ~~bond~~ or lower the ~~same pending the disposition of the~~
1665 ~~application for probation, and such bond shall remain in full~~
1666 ~~force and effect until the application for probation is~~
1667 ~~finally disposed of~~ bond."

1668 "§15-22-53

1669 (a) A probation officer or specialist shall ~~investigate~~
1670 ~~all cases referred to him or her for investigation by any~~
1671 ~~court or by the Board of Pardons and Paroles and shall report~~
1672 ~~in writing thereon. He or she shall furnish to persons~~
1673 ~~released on probation~~ provide each probationer under his or
1674 her supervision a written statement of the conditions of
1675 probation and shall ~~instruct them regarding the same~~ explain
1676 the conditions of probation. ~~Such~~ The probation officer shall
1677 ~~keep informed concerning the~~ monitor the conduct and condition
1678 of each ~~person on probation~~ probationer under his or her
1679 supervision by visiting, requiring reports, and ~~in other ways~~
1680 taking other measures as necessary, based on the



1681 ~~offender's~~probationer's measured risk of ~~offending, and he or~~
1682 ~~she shall report thereon in writing as often as the court or~~
1683 ~~the board may require~~reoffending. Additionally, the probation
1684 officer, upon the court's request, shall provide written
1685 reports regarding the probationers. The probation officer
1686 shall use all practicable and suitable evidence-based
1687 practices, as defined in Section 12-25-32, ~~not inconsistent~~
1688 ~~with the provisions imposed by the court,~~ to aid and encourage
1689 ~~persons on probation and to bring about improvements in~~
1690 probationers improve their conduct and condition. The
1691 probation officer shall keep detailed records of his or her
1692 work and ~~shall make such reports in writing, upon request,~~
1693 provide written reports to the court and the board ~~as they may~~
1694 ~~require.~~

1695 (b) A probation officer ~~shall have~~, in the execution of
1696 his or her duties, shall have the powers of arrest and the
1697 same right to execute process ~~as is now given or may hereafter~~
1698 ~~be~~ given by law to the sheriffs of this state.

1699 (c) Supervision and treatment of probationers shall be
1700 conducted pursuant to ~~and consistent with the provisions of~~
1701 ~~subsections (k) and (l) of Section 15-22-24 and Section~~
1702 ~~15-22-57~~Section 15-22-10.11.

1703 ~~(b)~~ (d) All reports, records, and data assembled by any
1704 probation officer or the specialist, or in the Bureau of
1705 Pardons and Paroles' custody, and referred to the court shall
1706 be privileged and shall not be available for public inspection
1707 except upon order of the court to which the same was referred.

1708 ~~(e)~~ (e) In no case shall the right to inspect the report



1709 ~~be denied the defendant~~ or right to his or her counsel be
1710 denied the defendant after the report has been completed or
1711 filed."

1712 "§15-22-54

1713 (a) The period of probation or suspension of execution
1714 of sentence shall be determined by the court and may not be
1715 waived by the defendant. The period of probation or suspension
1716 may be continued, extended, or terminated as determined by the
1717 court. Except as provided in Section 32-5A-191, relating to
1718 ignition interlock requirements, the maximum probation period
1719 of a defendant guilty of a misdemeanor may not exceed two
1720 years, nor shall the maximum probation period of a defendant
1721 guilty of a felony exceed five years, except as provided in
1722 Section 13A-8-2.1. When the conditions of probation or
1723 suspension of sentence are fulfilled, the court, by an order
1724 duly entered on its minutes, shall discharge the defendant.

1725 (b) The court granting probation, upon the
1726 recommendation of the officer supervising the probationer, may
1727 terminate all authority and supervision over the probationer
1728 prior to the declared date of completion of probation upon
1729 showing a continued satisfactory compliance with the
1730 conditions of probation over a sufficient portion of the
1731 period of the probation. At least every two years, and after
1732 providing notice to the district attorney, the court shall
1733 review the probationer's suitability for discharge from
1734 probation supervision if the probationer has satisfied all
1735 financial obligations owed to the court, including
1736 restitution, and has not had his or her supervision revoked.



1737 (c) At any time during the period of probation or
1738 suspension of execution of sentence, the court may issue a
1739 warrant and have the ~~defendant~~ probationer arrested for
1740 violating any of the conditions of probation or suspension of
1741 sentence, and the court shall hold a violation hearing. No
1742 probationer shall be held in jail awaiting the violation
1743 hearing for longer than 20 business days, unless new criminal
1744 charges are pending. If the hearing is not held within the
1745 specified time, the sheriff shall release the probation
1746 violator unless there are other pending criminal charges. A
1747 judge may issue a bond to a probationer for release from
1748 custody.

1749 (d) Except as provided in Chapter 15 of Title 12, any
1750 probation officer, police officer, or other officer with power
1751 of arrest, when requested by the probation officer, may arrest
1752 a probationer without a warrant. When an arrest is made
1753 without a warrant, the arresting officer shall have a written
1754 statement by the probation officer setting forth that the
1755 probationer has, in his or her judgment, violated the
1756 conditions of probation, and the statement shall be sufficient
1757 warrant for the detention of the probationer in the county
1758 jail or other appropriate place of detention until the
1759 probationer is brought before the court. The probation officer
1760 shall report the arrest and detention to the court and submit
1761 in writing a report showing in what manner the probationer has
1762 violated probation.

1763 (e) After conducting a violation hearing and finding
1764 sufficient evidence to support a probation violation, the



1765 court may take any of the following actions:

1766 (1)a. If the underlying offense was a Class D felony
1767 and his or her probation is revoked, the incarceration portion
1768 of any split sentence imposed due to revocation shall be
1769 limited to two years or one-third of the original suspended
1770 prison sentence, whichever is less.

1771 b. If the underlying offense was a violent offense as
1772 defined in Section 12-25-32 and classified as a Class A
1773 felony, a sex offense pursuant to Section 15-20A-5, or
1774 aggravated theft by deception pursuant to Section 13A-8-2.1,
1775 the court shall revoke probation and require the probationer
1776 to serve the balance of the term for which he or she was
1777 originally sentenced, or any portion thereof, in a state
1778 prison facility, calculated from the date of his or her
1779 rearrest as a delinquent probationer.

1780 c. If the probation violation was for being arrested or
1781 convicted of a new offense or absconding, the court may revoke
1782 probation and require the probationer to serve the balance of
1783 the term for which he or she was originally sentenced, or any
1784 portion thereof, in a state prison facility, calculated from
1785 the date of his or her rearrest as a delinquent probationer.

1786 d. For all other probationers, the court may impose a
1787 period of confinement of no more than 45 consecutive days to
1788 be served in a residential transition center established
1789 pursuant to Section ~~15-22-30.1~~ 15-22-10.21 or a consenting
1790 county jail designated for this purpose as provided in Section
1791 14-1-23. The probationer shall be held in the county jail of
1792 the county in which the violation occurred while awaiting the



1793 revocation hearing. The court may not revoke probation unless
1794 the defendant has previously received a total of three periods
1795 of confinement under this paragraph. For purposes of
1796 revocation, the court may take judicial notice of the three
1797 total periods of confinement under this paragraph. A defendant
1798 shall only receive three total periods of confinement. The
1799 maximum 45-day term of confinement ordered pursuant to this
1800 paragraph for a felony shall be reduced by any time served in
1801 custody prior to the imposition of the period of confinement
1802 and shall be credited to the suspended sentence. If the time
1803 remaining on the imposed sentence is 45 days or less, the term
1804 of confinement may not exceed the remainder of the defendant's
1805 sentence. The Department of Corrections shall reimburse the
1806 state mileage rate to the county, as determined by the Alabama
1807 Comptroller's Office, for any probationer charged with, or
1808 sanctioned or revoked for, a probation violation and who is
1809 transferred to or from a Department of Corrections facility or
1810 to or from a consenting county jail by the county.

1811 (2) Upon completion of the confinement period, the
1812 remaining probation period or suspension of sentence shall
1813 automatically continue upon the defendant's release from
1814 confinement. ~~The court may not revoke probation unless the~~
1815 ~~defendant has previously received a total of three periods of~~
1816 ~~confinement pursuant to this subsection. For purposes of~~
1817 ~~revocation, the court may take judicial notice of the three~~
1818 ~~total periods of confinement under this subsection. A~~
1819 ~~defendant shall only receive three total periods of~~
1820 ~~confinement pursuant to this subsection. The maximum 45 day~~



1821 ~~term of confinement ordered pursuant to this subsection for a~~
1822 ~~felony shall be reduced by any time served in custody prior to~~
1823 ~~the imposition of the period of confinement and shall be~~
1824 ~~credited to the suspended sentence. If the time remaining on~~
1825 ~~the imposed sentence is 45 days or less, the term of~~
1826 ~~confinement may not exceed the remainder of the defendant's~~
1827 ~~sentence.~~

1828 (3) The total time spent in confinement under this
1829 subsection may not exceed the term of the defendant's original
1830 sentence.

1831 (4) Confinement shall be immediate. The court shall
1832 ensure that the circuit clerk receives the order revoking
1833 probation within five business days. The circuit clerk shall
1834 ensure that the Department of Corrections, a county jail, a
1835 residential transition center, or a consenting county jail
1836 receives necessary transcripts for imposing a period of
1837 confinement within five business days of its receipt of the
1838 court's order.

1839 (5) If a probation violator with a serious health
1840 condition is presented to a county jail, excluding a
1841 consenting county jail designated for this purpose, as
1842 provided in Section 14-1-23, for any period of confinement
1843 ~~with a serious health condition~~, if the confinement of the
1844 probation violator would create a security risk to the county
1845 jail, or if the county jail is near, at, or over capacity, the
1846 sheriff may refuse to admit the probation violator. If, while
1847 in custody of the county jail, ~~the~~ a probation violator
1848 develops a serious health condition, if ~~the~~ a confinement of



1849 the probation violator creates a security risk to the county
1850 jail, or if the county jail reaches near, at, or over
1851 capacity, the sheriff may release the probation violator upon
1852 notification to the probation officer and to the court who has
1853 jurisdiction over the probation violator. A sheriff and his or
1854 her employees ~~in the county jail~~ shall be immune from
1855 liability for exercising discretion pursuant to Section
1856 36-1-12 in refusing to admit a probation violator into the
1857 jail or releasing a probation violator from jail pursuant to
1858 this subdivision.

1859 (f) In lieu of subsections (c) through (e), when a
1860 probationer violates his or her probation terms and conditions
1861 imposed by the court, his or her probation officer, after an
1862 administrative review and approval by the probation officer's
1863 supervisor, may impose any of the following sanctions:

- 1864 (1) Mandatory behavioral treatment.
- 1865 (2) Mandatory substance abuse treatment.
- 1866 (3) GPS monitoring.
- 1867 (4) Any other treatment as determined by the court or
1868 supervising officer.

1869 (5) a. A short period of confinement in the county jail
1870 of the county in which the violation occurred. Periods of
1871 confinement ~~under this subdivision~~ may not exceed ~~six~~ nine
1872 days ~~per month during any three separate months~~ during the
1873 period of probation. The ~~six~~ nine days ~~per month of~~
1874 confinement ~~period~~ may only be imposed as two-day or three-day
1875 consecutive periods at any single time. ~~The total periods of~~
1876 ~~confinement may not exceed nine total days.~~



1877 b. Confinement pursuant to this subdivision does not
1878 limit the court's ability to directly impose sanctions,
1879 periods of confinement, or revoke probation.

1880 (g) (1) Prior to imposing a ~~sanction period of~~
1881 confinement pursuant to ~~subsection subdivision~~ (f) (5), the
1882 probationer must first be presented with a written violation
1883 report, ~~with~~ setting forth the alleged probation violations
1884 and supporting evidence. The probationer shall be ~~advised~~
1885 provided a written notice that he or she has the right to all
1886 of the following:

1887 a. ~~The right to have~~ Have a hearing before the court on
1888 the alleged violation or violations in person or by electronic
1889 means. If a hearing is requested, no probationer shall be held
1890 beyond 20 business days of the request. Only requesting
1891 probationers posing a threat to public safety or a flight risk
1892 shall be arrested while awaiting a hearing.

1893 b. ~~The right to present~~ Present relevant witnesses and
1894 documentary evidence.

1895 c. ~~The right to retain~~ Retain and have counsel at the
1896 hearing and that counsel ~~will~~ shall be appointed if the
1897 probationer is indigent.

1898 d. ~~The right to confront~~ Confront and cross examine any
1899 adverse witnesses.

1900 (2) The probationer may waive the right to have a
1901 hearing. Upon the signing of a waiver of these rights by the
1902 probationer and the supervising probation officer, with
1903 approval of ~~a~~ the probation officer's supervisor, the
1904 probationer may be ~~treated, monitored, or~~ confined for the



1905 period recommended in the violation report and designated ~~in~~
1906 on the waiver. The probationer may not request a review if he
1907 or she has signed a written waiver of rights as provided in
1908 this subsection.

1909 (h) The ~~board~~ Bureau of Pardons and Paroles shall adopt
1910 guidelines and procedures to implement the requirements of
1911 this section, ~~which shall include the requirement of a~~
1912 ~~supervisor's approval prior to a supervising probation~~
1913 ~~officer's exercise of the delegation of authority authorized~~
1914 ~~by subsection (f).~~"

1915 "§15-22-56

1916 (a) The ~~Board~~ Bureau of Pardons and Paroles ~~may~~, by
1917 whatever criteria it deems reasonable, may classify certain
1918 ~~persons~~ individuals under the supervision of its probation and
1919 parole officers as deserving of intensive supervision. Special
1920 conditions may be imposed on such ~~persons~~ individuals,
1921 individually or as a class.

1922 (b) The ~~board is hereby authorized to~~ Bureau of Pardons
1923 and Paroles may charge each ~~person~~ individual participating in
1924 the intensive supervision program a fee for supervision costs,
1925 which shall not exceed 25 percent of their gross monthly
1926 income. The ~~board shall~~ bureau, by ~~regulation~~ rule, shall
1927 establish criteria for determining the fee to be charged in
1928 each case. ~~Such~~ The sums shall be retained by the ~~board~~ bureau
1929 and placed in the Probationer's Upkeep Fund in the State
1930 Treasury to defray the expense of administering this program
1931 and are hereby appropriated therefor."

1932 "§15-22-57



1933 The ~~Board~~ Bureau of Pardons and Paroles shall adopt ~~and~~
1934 ~~promulgate regulations~~ rules and guidelines to do all of the
1935 following:

1936 (1) Establish a program of limited supervision for
1937 probationers who qualify, addressing eligibility using
1938 validated risk and needs assessments, as defined in Section
1939 12-25-32, transfers among levels of supervision, ~~to~~ which
1940 include the transfer of lower-risk individuals to an
1941 administrative form of probation, and reporting requirements ~~;~~ .

1942 (2) Develop policies and procedures for screening,
1943 assessment, and referral for probationers to connect with
1944 recidivism reduction services including, but not limited to,
1945 cognitive behavioral intervention and substance abuse
1946 treatment ~~;~~ .

1947 (3) Establish a matrix of rewards for compliance and
1948 pro-social behaviors and swift, certain, and graduated
1949 sanctions to be imposed by the ~~board~~ bureau under ~~the~~
1950 ~~provisions of subsections (f) and (g) of~~ Section 15-22-54 in
1951 response to corresponding violations of probation terms or
1952 conditions imposed ~~;~~ and .

1953 (4) Ensure that ~~the provisions of subsections (k) and~~
1954 ~~(l) of Section 15-22-24 are~~ Section 15-22-10.10 is implemented
1955 relating to the supervision and treatment of probationers."

1956 Section 4. Sections 12-17-184, 14-1-22, 14-1-23,
1957 14-14-5, 15-18-176, 15-20A-48, 15-22-111, 15-22-112, Section
1958 15-22-113, as last amended by Act 2022-382, 2022 Regular
1959 Session, and Sections 15-22-115, 15-23-79, and 17-3-31, Code
1960 of Alabama 1975, are amended to read as follows:



1961 "§12-17-184

1962 It is the duty of every district attorney and assistant
1963 district attorney, within the circuit, county, or other
1964 territory for which he or she is elected or appointed to do
1965 all of the following:

1966 (1) ~~To attend on the~~ Attend grand juries, advise them
1967 in relation to matters of law, and examine and swear witnesses
1968 before them.

1969 (2) ~~To draw~~ Draw up all indictments and to prosecute
1970 all indictable offenses.

1971 (3) ~~To prosecute~~ Prosecute and defend any civil action
1972 in the circuit court in the prosecution or defense of which
1973 the state is interested.

1974 (4) ~~To inquire~~ Inquire whether registers have performed
1975 the duty required of them by Section 12-17-117 and ~~shall, in~~
1976 ~~every case of failure, move against the~~ where a register has
1977 failed to perform his or her duties, file charges against the
1978 register as provided by ~~subsection (b) of~~ Section
1979 12-17-114 (b).

1980 (5) If a criminal prosecution is removed from a court
1981 of his or her circuit, county, or division of a county to a
1982 court of the United States, ~~to~~ appear in that court and
1983 represent the state; ~~and, if it is impracticable, consistent~~
1984 ~~with his or her other duties, to.~~ If he or she is unable to
1985 attend that court, he or she may designate and appoint ~~an a~~
1986 practicing attorney ~~practicing therein~~ to appear for and
1987 represent the state.

1988 (6) ~~To attend~~ Attend each special session of the



1989 circuit court held for the trial of persons charged with
1990 criminal offenses; and on failure to do so, a conditional
1991 judgment may be rendered against him or her for fifty dollars
1992 (\$50), to be made permanent on notice at the next session
1993 ~~thereafter~~ of court unless a good excuse is rendered.

1994 (7) ~~To perform~~ Perform other duties and exercise other
1995 powers as are or may be required by law.

1996 (8) ~~To give~~ Provide every county official ~~an opinion in~~
1997 ~~writing~~ a written opinion on all matters connected with their
1998 respective offices, except in civil actions against official
1999 bonds. ~~But county~~ County commissions may retain or employ
2000 attorneys when it is deemed advisable or necessary, and the
2001 agreed compensation to them may be paid as are claims to grand
2002 and petit jurors.

2003 (9) ~~To, whenever~~ Whenever requested to do so by the
2004 ~~Governor of Alabama or by the Board~~ Bureau of Pardons and
2005 Paroles, ~~make a full and thorough investigation in~~ fully
2006 investigate each case arising in their circuit, county, or
2007 division of a county, and ~~fully make a full~~ report of their
2008 findings, ~~with recommendations that~~ to include a
2009 recommendation as to whether a pardon or parole shall be
2010 granted or refused, ~~and they shall assign fully and in detail~~
2011 ~~their~~ including detailed reasons for the recommendations. They
2012 shall advise any parole officer who may have jurisdiction in
2013 their respective circuits, county, or division of a county and
2014 shall, when called upon by the parole officer, make a full,
2015 thorough, and impartial investigation of each case being
2016 investigated and give all information possible with reference



2017 to ~~such~~ the case and shall advise him or her upon his or her
2018 request with reference to the law and procedure on all matters
2019 pertaining to the office of the parole officer. ~~They shall,~~
2020 ~~whenever called upon by the Governor or the Board of Pardons~~
2021 ~~and Paroles, go to Montgomery or to any other place where a~~
2022 ~~case with which they are familiar is being investigated and~~
2023 ~~appear specially before the Governor or before the Board of~~
2024 ~~Pardons and Paroles.~~ They shall cooperate fully with the
2025 ~~Governor and with the Board~~ Bureau of Pardons and Paroles with
2026 reference to any cases which have arisen in their respective
2027 circuits, counties, or division of a county and shall render
2028 all assistance possible in furnishing information needed by
2029 the ~~Governor or the Board~~ Bureau of Pardons and Paroles,
2030 furnishing any information and making any investigation which
2031 may be needed in the proper handling of ~~such~~ the pardon or
2032 parole and the investigation thereof.

2033 (10) To go to any place in the State of Alabama and
2034 prosecute any case or cases, or work with any grand jury, when
2035 called upon to do so by the Attorney General or the Governor
2036 of the State of Alabama, and to attend sessions of courts and
2037 transact all of the duties of the district attorney in the
2038 courts whenever called upon by the Attorney General or the
2039 Governor to do so.

2040 (11) All district attorneys and all full-time assistant
2041 district attorneys shall devote Devote their entire time to
2042 the discharge of the duties of their respective ~~offices~~ office,
2043 and ~~each and every one of the officers~~ are prohibited from
2044 practicing law, directly or indirectly, in any court of this



2045 state or of the United States, or in any other manner or form
2046 ~~whatsoever~~, except in the discharge of the official duties of
2047 their ~~offices~~office.

2048 (12) ~~To carefully~~ Carefully read and check the record
2049 on appeal in all criminal cases appealed from the circuit
2050 court of their judicial circuit to the Court of Criminal
2051 Appeals or the Supreme Court of Alabama, and ~~call to the~~
2052 ~~attention of~~ inform the trial judge of any errors or
2053 discrepancies that may appear in the record.

2054 (13) ~~To, whenever~~ Whenever requested by the Attorney
2055 General of the State of Alabama, file memorandum briefs in all
2056 criminal cases appealed from the circuit court of their
2057 judicial circuits to the Court of Criminal Appeals or the
2058 Supreme Court of Alabama.

2059 (14) ~~To attend~~ Attend all hearings in their judicial
2060 circuits on any application for probation and furnish the
2061 trial judge or the judge hearing the application with all
2062 information in their possession concerning the applicant for
2063 probation.

2064 (15) ~~To represent~~ Represent the board of registrars of
2065 the county or counties comprising their judicial circuits in
2066 all civil actions for damages that are filed against the
2067 boards of registrars arising out of the performance of their
2068 official duties, in either the circuit court of their judicial
2069 circuits or in the United States district courts.

2070 ~~(16) To attend all clemency hearings before the~~
2071 ~~Governor of Alabama, in all cases arising in their judicial~~
2072 ~~circuits, and furnish to the Governor, at those hearings, all~~



2073 ~~pertinent information in their possession concerning the~~
2074 ~~applicant or applicants for clemency.~~

2075 ~~(17) To attend~~ (16) Attend all hearings in their
2076 respective judicial circuits for revocation of probation and
2077 furnish the trial judge~~,~~ or the judge hearing the revocation~~,~~
2078 with all information in their possession concerning the case.

2079 ~~(18) To, at~~ (17) At any time the grand jury is not in
2080 session, issue subpoenas to persons to come before them~~,~~ and
2081 ~~they shall have power to~~ administer oaths to those persons and
2082 examine them as to any violation of the criminal laws of the
2083 state.

2084 ~~(19) To make~~ (18) Make application to the courts to
2085 place witnesses in criminal cases under bond for their
2086 appearance in court when they have information that the
2087 witnesses are about to leave the state.

2088 ~~(20) To, when~~ (19) When requested to do so, represent
2089 the chief of police of any municipality in their respective
2090 judicial circuits in all habeas corpus proceedings filed in
2091 the circuit courts of their respective judicial circuits.

2092 ~~(21) To, when~~ (20) When requested to do so by the
2093 Attorney General, assist the Attorney General in the
2094 prosecution of all impeachment proceedings which it is his or
2095 her duty to institute before the Supreme Court of Alabama
2096 involving any official or officials in their respective
2097 judicial circuits.

2098 ~~(22) To report~~ (21) Report to the State Board of Medical
2099 Examiners the name and address of any physician who is
2100 indicted or otherwise charged with any felony or any



2101 misdemeanor related to the practice of medicine~~7~~ or any
2102 violation of Section 32-5A-191. The report required by this
2103 subdivision shall be made within 30 days of the filing of any
2104 indictment, information, or other charge in any district or
2105 circuit court of this state. In addition, a report shall be
2106 rendered to the State Board of Medical Examiners of the
2107 conviction of any physician for any felony or any misdemeanor
2108 related to the practice of medicine~~7~~ or any violation of
2109 Section 32-5A-191. The report of conviction shall be submitted
2110 within 30 days after sentencing without regard to any appeal
2111 of the conviction. For the purposes of this subdivision a
2112 physician is an individual licensed to practice medicine by
2113 the Medical Licensure Commission of Alabama."

2114 "§14-1-22

2115 On or before January 1, 2022, the Department of
2116 Corrections shall enter into agreements, and operation shall
2117 begin pursuant to the agreements, with at least one
2118 residential transition center established pursuant to Section
2119 ~~15-22-30.1~~ 15-22-10.21 or at least three consenting county
2120 jails designated pursuant to Section 14-1-23, ~~and~~ whose
2121 facilities will be used for the housing and care of parolees
2122 and probationers charged with, or sanctioned or revoked for, a
2123 parole or probation violation pursuant to Section ~~15-22-32~~
2124 15-22-10.45 or 15-22-54. Where county jails are used for the
2125 housing and care of such parolees and probationers, the
2126 agreements shall be implemented and the county jails shall be
2127 designated as provided by Section 14-1-23."

2128 "§14-1-23



2129 (a) For the purpose of establishing consenting county
2130 jails for the housing and care of parolees and probationers
2131 pursuant to Sections ~~15-22-32~~ 15-22-10.45 and 15-22-54, the
2132 Department of Corrections, in consultation with the Alabama
2133 Sheriffs' Association and the Association of County
2134 Commissions of Alabama, shall develop an application and a
2135 standard memorandum of agreement to be used by county
2136 commissions and sheriffs who agree to provide housing and care
2137 to parolees and probationers who have been charged with, or
2138 sanctioned or revoked for, a parole or probation violation.

2139 (b) The application shall include, but is not limited
2140 to, both of the following:

2141 (1) A determination of the number of excess beds
2142 available in the county jail, based on the evaluation of the
2143 inmate census, and the available occupied beds in the jail
2144 during the previous 12-month period.

2145 (2) A determination of the daily cost of housing and
2146 caring for ~~prisoners~~ inmates in the county jail during the
2147 previous 12-month period. This amount shall be in addition to
2148 the cost of providing health care services.

2149 (c) (1) A county commission that, with the consent of
2150 the sheriff, elects to provide for the housing and care of
2151 parole and probation violators, pursuant to Sections ~~15-22-32~~
2152 15-22-10.45 and 15-22-54, shall submit an application to the
2153 Department of Corrections, submit to an inspection of the
2154 county jail by the department to determine its ability to
2155 house inmates and to provide for their housing and care, and
2156 provide any other documentation and information required by



2157 the department.

2158 (2) The department shall review all applications
2159 annually and shall select the county jails for participation
2160 in the program. Any county jail selected for participation
2161 shall enter into a memorandum of agreement with the department
2162 for the services.

2163 (3) The department shall select at least one county
2164 jail located in the northern region, one county jail located
2165 in the central region, and one county jail located in the
2166 southern region of the state.

2167 (d) (1) Memoranda of agreement shall be for 12 months
2168 and may be renewed for up to two additional 12-month periods
2169 following an inspection and application as required in
2170 subsections (b) and (c).

2171 (2) The memorandum of agreement shall require the
2172 department to provide for the cost of health care for parolees
2173 and probationers and to provide a per diem for each parolee
2174 and probationer as provided in Section 14-1-21.

2175 (3) The memorandum of agreement shall provide for the
2176 reimbursement to the county for any increased costs of
2177 liability insurance premiums that are required by its
2178 insurance carrier for coverage attributed to the housing of
2179 inmates pursuant to this section.

2180 (4) The memorandum of agreement shall establish a
2181 process for the submittal of monthly payments to the
2182 participating counties upon receipt of required documentation.

2183 (e) Procedures for the transfer or release of parolees
2184 and probationers at the end of confinement for violations and



2185 other procedures necessary to efficiently implement this
2186 section shall be established by the department, in
2187 consultation with the Alabama Sheriffs' Association and the
2188 Association of County Commissions of Alabama.

2189 (f) Any county that elects to provide for the housing
2190 and care of parole and probation violators pursuant to this
2191 section, and is participating in the liability self-insurance
2192 fund established pursuant to Chapter 30 of Title 11, shall be
2193 eligible for the liability self-insurance fund's coverage for
2194 any claims arising out of the housing and care of parole and
2195 probation violators."

2196 "§14-14-5

2197 (a) An inmate, or any concerned ~~person~~individual,
2198 including, but not limited to, the inmate's attorney, family,
2199 physician, or an employee or official of the department may
2200 initiate consideration for medical furlough by submitting to
2201 the department an initial medical release application form
2202 along with supporting documentation.

2203 (b) (1) The initial application form shall include the
2204 report of a physician or physicians employed by the department
2205 or its health care provider and a notarized report of at least
2206 one other duly licensed physician who is board certified in
2207 the field of medicine for which the inmate is seeking a
2208 medical furlough and who is not an employee of the department.
2209 These reports shall each be of the opinion that the inmate is
2210 either terminally ill, permanently incapacitated, or that the
2211 inmate suffers from a chronic infirmity, illness, or disease
2212 related to aging.



2213 (2) The commissioner shall provide the initial
2214 application and medical authorization forms to all department
2215 medical care providers, and the forms shall be available at
2216 every correctional facility for distribution to inmates.

2217 (c) Consideration for medical furlough shall be
2218 initiated by the submission of an application from the
2219 department, the inmate, or the inmate's representative, along
2220 with the department's supporting documentation to the
2221 commissioner.

2222 (d) If the appropriate medical documentation pursuant
2223 to subsection (b) has indicated that the inmate is permanently
2224 incapacitated or terminally ill, the commissioner, within 60
2225 days of receipt of an initial application form, shall make a
2226 decision regarding the release of the inmate on medical
2227 furlough pursuant to the provisions of this chapter. The
2228 initial application form and supporting document of inmates^r
2229 who have been diagnosed by a physician as suffering from a
2230 chronic illness or disease related to aging^r shall be
2231 submitted to the commissioner within 60 days of receipt of the
2232 application by the department. Supporting documentation shall
2233 include information concerning the inmate's medical history
2234 and prognosis, age, and institutional behavior. At the
2235 inmate's request, the department shall also provide a copy of
2236 all supporting documentation to the inmate.

2237 (e) In determining eligibility factors for a medical
2238 furlough, the commissioner shall take into consideration all
2239 of the following factors:

2240 (1) Risk for violence.



2241 (2) Criminal history.

2242 (3) Institutional behavior.

2243 (4) Age of the inmate, currently and at the time of the
2244 offense.

2245 (5) Severity of the illness, disease, or infirmities.

2246 (6) All available medical and mental health records.

2247 (7) Release plans, which include alternatives to caring
2248 for terminally ill or permanently incapacitated inmates in
2249 traditional prison settings.

2250 (f) If the commissioner determines that a geriatric
2251 inmate, permanently incapacitated inmate, or terminally ill
2252 inmate meets the requirements for release to medical furlough
2253 pursuant to this chapter, the commissioner shall release the
2254 inmate on medical furlough pursuant to ~~the provisions of~~ this
2255 chapter within 90 days of receipt by the commissioner of the
2256 initial application form and supporting documentation. The
2257 commissioner shall have the authority to revoke the inmate's
2258 furlough pursuant to ~~subsection (h) of~~ Section 14-14-4(h).

2259 (g) At least 30 days prior to release of a geriatric
2260 inmate, permanently incapacitated inmate, or terminally ill
2261 inmate under subsection (f), the commissioner shall provide
2262 notification of the medical furlough release to the district
2263 attorney of the jurisdiction where the inmate was last
2264 sentenced and shall also provide notification of the medical
2265 furlough release to the victim, victim's representative, and
2266 other interested individual via certified mail, return receipt
2267 requested, or by using the automated victim notification
2268 system as provided in Section ~~15-22-36 and Section~~



2269 ~~15-22-36.2~~15-22-10.42."

2270 "§15-18-176

2271 (a) A community punishment and corrections plan shall
2272 be developed and submitted to the department which
2273 sufficiently documents the local need and support for the
2274 proposed program. The community punishment and corrections
2275 plan shall have the approval of the county commission in the
2276 affected counties prior to submission to the department. Any
2277 plan shall specifically state the maximum number of inmates
2278 eligible to participate in the program.

2279 (b) The format for any community punishment and
2280 corrections plan shall be specified by the division in its
2281 application process and procedures as defined in Section
2282 15-18-171. Funding and grant evaluation criteria shall be
2283 outlined in the application process and procedures to be
2284 developed by the division as defined in Section 15-18-171 in
2285 order that each applicant may know the basis upon which funds
2286 will be granted. The department shall adopt rules pursuant to
2287 the Administrative Procedure Act outlining the application
2288 process and procedures.

2289 (c) The application process and procedures ~~should~~shall
2290 include a performance-based reimbursement funding plan⁷
2291 developed by the department⁷ for funding community punishment
2292 and corrections plans that utilize evidence-based practices as
2293 defined in Section 12-25-32 in the treatment and supervision
2294 of community punishment and corrections program participants
2295 and that meet specified treatment and supervision targets as
2296 outlined in the application. The performance-based



2297 reimbursement plan outlined in the application process and
2298 procedures ~~should~~ shall also include higher reimbursement
2299 rates for community punishment and corrections plans that
2300 include behavioral health assessment and treatment referral,
2301 to include behavioral and substance abuse treatment, for
2302 community punishment and corrections program participants, as
2303 well as for local probationers and parolees under the
2304 supervision of the ~~Board~~ Bureau of Pardons and Paroles. The
2305 Department of Corrections, along with the ~~Board of Pardons and~~
2306 ~~Paroles~~ bureau, the Department of Veterans Affairs, the
2307 Department of Public Health, and the Department of Mental
2308 Health, shall collaborate with the Office of the Governor to
2309 implement the provisions of this subsection relating to
2310 behavioral health treatment and substance abuse treatment
2311 services. The Office of the Governor shall ensure that
2312 treatment services that receive funding from the state or
2313 through court-ordered monies utilize ~~such~~ the funding and
2314 monies for programs reasonably expected to reduce recidivism
2315 among community corrections offenders.

2316 (d) The application process and procedures ~~should~~ shall
2317 include a requirement that each community punishment and
2318 corrections plan establish guidelines to ensure that the
2319 supervision and treatment of offenders participating in a
2320 community punishment and corrections program ~~is~~, to the extent
2321 practicable, is individualized based on the offender's risk of
2322 reoffending, as determined through a validated risk and needs
2323 assessment as defined in Section 12-25-32, and is administered
2324 by the community punishment and corrections program, and that



2325 treatment and supervision resources, as well as behavioral
2326 health assessment and treatment referral services, ~~are~~, within
2327 the resources available, are prioritized based on those
2328 offenders who have the highest risk of reoffending. The plan
2329 shall include a list of services available for veterans and ~~r~~
2330 ~~servicemen~~ service members, and ~~r~~ when appropriate, ~~shall~~
2331 ~~include~~ any Veterans Treatment Court in operation in the
2332 appropriate county or circuit as a possible alternative for
2333 mentoring and supervision.

2334 (e) Participation in the programs set forth in this
2335 article is voluntary. Any participating authority, county
2336 commission, or other nonprofit entity may notify the director
2337 of the division of its intention to withdraw from
2338 participation in the community punishment and corrections
2339 program contract. The withdrawal ~~will~~ shall become effective
2340 on the last day of the grant year."

2341 "§15-20A-48

2342 (a) For the purposes of Sections 13A-5-2, 13A-5-6,
2343 14-9-41, 15-18-8, ~~15-22-27.3~~ 15-22-10.48, or any other section
2344 of the Code of Alabama 1975, a criminal sex offense involving
2345 a child shall mean a conviction for any sex offense in which
2346 the victim was a child under the age of 12 or any offense
2347 involving child pornography.

2348 (b) For the purpose of Section 12-15-107(a)(7), a
2349 juvenile probation officer shall notify the state and either
2350 the parent, legal guardian, or legal custodian of a juvenile
2351 sex offender, or the child's attorney for the juvenile sex
2352 offender, of the pending release of the sex offender and



2353 provide them with a copy of the risk assessment pursuant to
2354 ~~subsection (e) of~~ Section 15-20A-26 (c).

2355 (c) For the purpose of Section 12-15-116(a) (5), a
2356 juvenile court shall have exclusive original jurisdiction to
2357 try any individual who is 18 years of age or older and
2358 violates any of the juvenile criminal sex offender provisions
2359 ~~of subdivision (1) of subsection (b)~~ of Section
2360 15-20A-27 (b) (1).

2361 (d) For the purpose of Section 13A-5-6(c), an offender
2362 is designated a sexually violent predator pursuant to Section
2363 15-20A-19.

2364 (e) For the purpose of Sections 36-18-24(b) (6) and
2365 36-18-25(c) (1), sexual offenses shall include, but not be
2366 limited to, those offenses pursuant to Section 15-20A-5.

2367 (f) For the purpose of Section 32-6-49.24, a person who
2368 is registered as a sex offender or convicted of a crime that
2369 requires registration as a sex offender is a person who is
2370 required to register as a sex offender pursuant to this
2371 chapter. A crime or offense that requires registration as a
2372 sex offender shall include, but not be limited to, those
2373 offenses pursuant to Section 15-20A-5.

2374 (g) For the purpose of Sections 38-13-2 and 38-13-4, a
2375 sex crime shall also include any offense listed in this
2376 chapter pursuant to Section 15-20A-5."

2377 "§15-22-111

2378 The purpose of this article is to establish a process
2379 for the consideration of posthumous pardons by the ~~State~~ Board
2380 of Pardons and Paroles for certain felons."



2381 "§15-22-112

2382 The following words ~~shall~~ have the following meanings
2383 for ~~the~~ purposes of this article:

2384 (1) BOARD. ~~State~~ Board of Pardons and Paroles.

2385 (2) BUREAU. Bureau of Pardons and Paroles

2386 ~~(2)~~ (3) CANDIDATE. A person who is considered for a
2387 posthumous pardon.

2388 ~~(3)~~ (4) PETITION. A document signed by a petitioner
2389 requesting the posthumous pardon of a person.

2390 ~~(4)~~ (5) PETITIONER. A judge or district attorney in the
2391 judicial circuit where the person was tried and convicted ~~or~~
2392 ~~the district attorney in the person's county of conviction.~~

2393 ~~(5)~~ (6) POSTHUMOUS PARDON. A pardon granted by the ~~State~~
2394 ~~Board of Pardons and Paroles~~ board to certain deceased
2395 felons."

2396 "§15-22-113

2397 (a) A person convicted of a Class A or Class B felony
2398 in this state shall be a candidate for a posthumous pardon if
2399 all of the following conditions are satisfied:

2400 (1) He or she is deceased.

2401 (2) The person's circumstances of conviction provide a
2402 compelling reason or reasons to consider granting a posthumous
2403 pardon to remedy social injustice.

2404 (3) He or she did not receive a pardon for his or her
2405 felony conviction at issue from this state while living.

2406 (4) The acts forming the basis for his or her felony
2407 conviction or convictions at issue were committed at least 80
2408 years prior to the date of the petition.



2409 (b) A petitioner may petition the board to consider
2410 granting a posthumous pardon for a specific compelling reason
2411 or reasons for the purpose of remedying social injustice
2412 evident by the person's circumstances of conviction.

2413 (c) (1) The petition shall include attestations of all
2414 of the following:

2415 a. That the petitioner is an eligible petitioner under
2416 this article.

2417 b. That the petitioner has personally conducted an
2418 intelligent evaluation of the person's case.

2419 c. The compelling reason or reasons for which the
2420 petitioner requests a posthumous pardon for the purpose of
2421 remedying social injustice evident by the person's
2422 circumstances of conviction.

2423 d. That all information contained in the petition and
2424 any supporting documentation or evidence submitted by the
2425 petitioner is believed to be true and accurate.

2426 (2) The petition shall also include supporting
2427 documentation or evidence of the compelling reason or reasons
2428 supporting the award of a posthumous pardon.

2429 (d) The board shall have no power to grant a posthumous
2430 pardon unless the petition specifies a compelling reason or
2431 reasons for which the petitioner seeks application for the
2432 candidate's posthumous pardon to remedy social injustice
2433 evident by the person's circumstances of conviction.

2434 (e) Following receipt and review of the petition and
2435 supporting documentation or evidence, the board shall conduct
2436 a hearing on the petition. The board shall not be required to



2437 conduct an investigation to consider or grant a posthumous
2438 pardon in accordance with this article, but may rely on the
2439 written petition and accompanying documentation or evidence,
2440 along with evidence presented at the hearing. The petitioner,
2441 public officials, and other witnesses, including members of
2442 the public, may testify and present evidence at the hearing in
2443 support of or in opposition to the petition. The board shall
2444 hold ultimate discretion in granting a posthumous pardon. Upon
2445 the unanimous affirmative vote of the board, a posthumous
2446 pardon may be issued.

2447 (f) The notification requirements of ~~Sections 15-22-23~~
2448 ~~and 15-22-36~~Section 15-22-10.42 shall not apply to this
2449 article, and the board's power to grant posthumous pardons
2450 shall not otherwise be limited by ~~Sections 15-22-23 and~~
2451 ~~15-22-36~~Section 15-22-10.42. The board shall provide general
2452 notice of a posthumous pardon hearing by publicly posting on
2453 the state agency website the name of the posthumous pardon
2454 candidate along with the date, time, and location of the
2455 hearing."

2456 "§15-22-115

2457 Nothing in this article, nor any determination made by
2458 the ~~Alabama Board of Pardons and Paroles~~ board pursuant to
2459 this article, shall give rise to any liability from any act or
2460 omission of any governmental entity or otherwise give rise to
2461 any legal claim, suit, or action, including for reparations to
2462 a surviving family member of a person pardoned under this
2463 article or to a posthumously pardoned person's estate. All
2464 ~~Board of Pardons and Paroles'~~ bureaus' files and records



2465 created and maintained pursuant to this article shall be
2466 subject to the absolute governmental privilege created by
2467 ~~subsection (b) of~~ Section ~~15-22-36~~15-22-10.41 (b)."

2468 "§15-23-79

2469 (a) The victim shall have the right to be notified,
2470 upon written request, that he or she may submit a written
2471 statement, or recorded oral transcription, which shall be
2472 entered into the ~~prisoner's~~inmate's Department of Corrections
2473 records. The statement shall be considered during any review
2474 for community status of the ~~prisoner~~inmate or prior to
2475 release of the ~~prisoner~~inmate.

2476 (b) The victim shall have the right to be notified by
2477 the ~~Board~~Bureau of Pardons and Paroles and allowed to be
2478 present and heard at a hearing when parole or pardon is
2479 considered pursuant to Section ~~15-22-36 et seq~~15-22-10.42."

2480 "§17-3-31

2481 Any ~~person~~individual who is disqualified by reason of
2482 conviction of any of the offenses ~~mentioned in Article VIII of~~
2483 ~~the Constitution of Alabama of 1901~~ listed in Section
2484 17-3-30.1, except treason and impeachment, whether the
2485 conviction was had in a state or federal court, and who has
2486 been pardoned, may be restored to citizenship with the right
2487 to vote by the ~~State~~ Board of Pardons and Paroles when
2488 specifically expressed in the pardon. If otherwise qualified,
2489 ~~such person shall be permitted to~~ the individual may register
2490 or reregister as an elector upon submission of a copy of the
2491 pardon document to the board of registrars of the county of
2492 his or her residence. In addition, any person who has been



2493 granted a Certificate of Eligibility to Register to Vote by
2494 the ~~Board~~ Bureau of Pardons and Paroles pursuant to Section
2495 ~~15-22-36.1~~ 15-22-10.18, shall be permitted to register or
2496 reregister as an elector upon submission of a copy of the
2497 certificate to the board of registrars of the county of his or
2498 her residence if otherwise qualified as an elector."

2499 Section 5. 15-22-28(c)

2500 (a) Temporary leave from prison may only be granted by
2501 the Commissioner of the Department of Corrections to an inmate
2502 for good and sufficient reason and may be granted within the
2503 state or outside the state.

2504 (b) A written record of all temporary leave granted,
2505 including the reason leave was granted, shall be kept by the
2506 commissioner.

2507 (c) (1) The commissioner shall provide written notice to
2508 the Bureau of Pardons and Paroles of any inmate given
2509 temporary leave, including the reason leave was granted.

2510 (2) The bureau shall place the notice in the inmate's
2511 file.

2512 Section 6. Sections 15-22-20, 15-22-21, 15-22-21.1,
2513 15-22-22, 15-22-23, 15-22-24, 15-22-25, 15-22-26, 15-22-26.1,
2514 15-22-26.2, 15-22-27, 15-22-27.1, 15-22-27.2, 15-22-27.3,
2515 15-22-27.4, 15-22-28, 15-22-29, 15-22-29.1, 15-22-30,
2516 15-22-30.1, 15-22-30.2, 15-22-31, 15-22-32, 15-22-33,
2517 15-22-34, 15-22-35, 15-22-36, 15-22-36.1, 15-22-36.2,
2518 15-22-36.3, 15-22-37, 15-22-38, 15-22-39, and 15-22-40, Code
2519 of Alabama 1975, relating to the Board of Pardons and Paroles,
2520 are specifically repealed.



2521 Section 7. (a) Notwithstanding any provision of Article
2522 I of Chapter 22 of Title 15, Code of Alabama 1975, to the
2523 contrary, the Bureau of Pardons and Paroles shall assume and
2524 administer all duties and responsibilities of the Board of
2525 Pardons and Paroles under the Interstate Compact for Adult
2526 Offender Supervision.

2527 (b) For the purposes of subsection (a), any reference
2528 to the Board of Pardons and Paroles in Article I of Chapter 22
2529 of Title 15, Code of Alabama 1975, shall be deemed a reference
2530 to the Bureau of Pardons and Paroles. The Code Commissioner
2531 shall conform references to the Board of Pardons and Paroles
2532 to reflect the requirements of subsection (a) at a time deemed
2533 appropriate by the commissioner.

2534 Section 8. Section 1 and Section 3 of this act shall be
2535 construed in para materia with Chapter 22 of Title 12.

2536 Section 9. This act shall become effective immediately
2537 following its passage and approval by the Governor, or its
2538 otherwise becoming law.