

HB72 ENROLLED



1 YMYD6N-3
2 By Representative Starnes
3 RFD: Public Safety and Homeland Security
4 First Read: 07-Mar-23
5 2023 Regular Session



HB72 Enrolled

1 Enrolled, An Act,

2
3 Relating to pardons and paroles; to amend Sections
4 15-22-51 and 15-22-53, Code of Alabama 1975, to provide that a
5 specialist, in addition to a parole officer, may conduct an
6 investigation and provide a report to the court regarding a
7 defendant; and to make nonsubstantive, technical revisions to
8 update the existing code language to current
9 style.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. Sections 15-22-51 and 15-22-53, Code of
12 Alabama 1975, are amended to read as follows:

13 "§15-22-51

14 (a) (1) When directed by the court, a probation officer
15 or specialist shall ~~fully investigate and conduct an~~
16 investigation, using a validated risk and needs assessment as
17 defined in Section 12-25-32, and provide a written report to
18 the court ~~in writing the~~ containing all of the following
19 information:

20 a. The circumstances of the offense~~.~~

21 b. The defendant's criminal record~~.~~

22 c. The defendant's social history ~~and.~~

23 d. The defendant's present condition ~~of a defendant~~
24 ~~through use of a validated risk and needs assessment, as~~
25 ~~defined in Section 12-25-32.~~

26 e. If practicable, a physical and mental examination of
27 the defendant.

28 (2) No defendant, unless ~~the court shall~~ otherwise



HB72 Enrolled

29 ~~direct~~ directed by the court, shall be placed on probation or
30 released under suspension of sentence until the report of ~~such~~
31 investigation ~~shall have been~~, as required in subdivision (1),
32 is presented to and considered by the court; ~~provided,~~
33 ~~however, that after.~~

34 (3)a. After conviction, the court may continue the case
35 for ~~such any amount of~~ time ~~as may be~~ reasonably necessary to
36 enable the probation officer or specialist to ~~make his~~ conduct
37 the investigation and generate the written report of
38 investigation.

39 ~~b. (b) Whenever practicable, such investigation shall~~
40 ~~include physical and mental examinations of the defendant;~~
41 ~~and, if such defendant is committed to an institution, a copy~~
42 ~~of the report of such investigation shall be sent to the~~
43 ~~Department of Corrections at the time of commitment; provided,~~
44 ~~that in all cases where the~~ If a defendant was on bond prior
45 to ~~the time of~~ the trial and an application for probation ~~is~~
46 was made to the court, ~~then the judge of such court, in his~~
47 ~~discretion~~, may suspend the execution of the sentence pending
48 the disposition of the application for probation and ~~continue~~
49 may allow the defendant to remain under the same bond ~~that he~~
50 ~~was under or, in his discretion,~~ or the judge may raise ~~the~~
51 ~~bond or lower the same pending the disposition of the~~
52 ~~application for probation, and such bond shall remain in full~~
53 ~~force and effect until the application for probation is~~
54 ~~finally disposed of~~ bond.

55 (b) If the defendant is sentenced to the custody of the
56 Department of Corrections, a copy of the report of

HB72 Enrolled



57 investigation shall be provided to the department when the
58 department takes custody of the defendant."

59 "§15-22-53

60 (a) A probation officer, or a specialist, shall
61 investigate all cases referred to him or her for investigation
62 by any court or by the Board of Pardons and Paroles and shall
63 report in writing thereon. ~~He or she~~ The probation officer
64 shall furnish to persons released on probation under his or
65 her supervision a written statement of the conditions of
66 probation and shall instruct them regarding the same. ~~Such~~ The
67 probation officer shall ~~keep informed concerning the~~ monitor
68 the conduct and condition of each person on probation under
69 his or her supervision by visiting, requiring reports, and in
70 ~~other~~ ways necessary, based on the offender's measured risk of
71 offending, ~~and he or she shall report thereon in writing.~~
72 Additionally, the probation officer shall provide written
73 reports as often as the court or the board may require. The
74 probation officer shall use all practicable and suitable
75 evidence-based practices as defined in Section 12-25-32, not
76 inconsistent with the provisions imposed by the court, to aid
77 and encourage persons on probation and to bring about
78 improvements in their conduct and condition. The probation
79 officer shall keep detailed records of his or her work and
80 shall ~~make such~~ provide written reports ~~in writing~~ to the
81 court and the board as often as they may require. A probation
82 officer shall have, in the execution of his or her duties, the
83 powers of arrest and the same right to execute process as is
84 now given or may hereafter be given by law to the sheriffs of



HB72 Enrolled

85 this state. Supervision and treatment of probationers shall be
86 conducted pursuant to and consistent with the provisions of
87 subsections (k) and (l) of Section 15-22-24 and Section
88 15-22-57.

89 (b) All reports, records, and data assembled by any
90 probation officer or specialist and referred to the court
91 shall be privileged and shall not be available for public
92 inspection except upon order of the court to which the same
93 was referred.

94 (c) In no case shall the right to inspect the report be
95 denied the defendant or his or her counsel after the report
96 has been completed or filed."

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



HB72 Enrolled

100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133

Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 18-Apr-23, as amended.

John Treadwell
Clerk

Senate 25-May-23
House 25-May-23

Passed
Concurred in
Senate Amendment