

House Judiciary Reported Substitute for HB228



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A BILL
TO BE ENTITLED
AN ACT

Relating to pardons and paroles; to amend Sections 15-22-26, 15-22-28, 15-22-37, and 15-22-43, Code of Alabama 1975, to require the Board of Pardons and Paroles to give weighted consideration to an inmate's age when determining whether to grant parole, to require the board to hold a rehearing once parole is denied for certain inmates, to provide for appellate relief for a prisoner with a serious chronic health condition who was denied parole in certain circumstances; to require the board to hold a medical parole hearing within a specified period of time of an inmate becoming eligible for medical parole; provide for appellate relief for an inmate who was denied medical parole; to amend Section 14-14-5, Code of Alabama 1975, to provide that an inmate released on medical furlough may reside in any state; to add Section 15-22-25.5 to the Code of Alabama 1975, to provide that an inmate may attend his or her parole hearing virtually; and to make nonsubstantive, technical revisions to update the existing code language to current style.



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29 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

30 Section 1. Sections 15-22-26, 15-22-28, 15-22-37, and
31 15-22-43, Code of Alabama 1975, are amended to read as
32 follows:

33 "§15-22-26

34 (a) (1) No-Except as provided in Section 15-22-28, no
35 prisoner ~~shall~~ may be released on parole ~~merely~~ as a reward
36 for good conduct or efficient performance of duties assigned
37 in prison, but only if ~~the~~ a majority of the Board of Pardons
38 and Paroles ~~is~~ members are of the opinion that the prisoner
39 meets criteria and guidelines established by the board to
40 determine a prisoner's fitness for parole and to ensure public
41 safety.

42 (2) The guidelines shall ~~serve~~ do all of the following:

43 a. Serve as an aid in the parole process ~~and shall~~
44 ~~promote.~~

45 b. Promote the use of prison space for the most violent
46 and greatest risk offenders, while recognizing that the
47 board's paramount duty is to protect public safety. ~~The~~
48 ~~guidelines shall be~~

49 c. Be structured, and actuarially based, ~~reviewed every~~
50 ~~three years by the board, after a specified open comment~~
51 ~~period determined by the board, and posted on the website of~~
52 ~~the board and include, but not be limited to,~~

53 (3) The guidelines shall consider all of the following:

54 ~~(1)~~ a. The prisoner's risk to reoffend, based upon a
55 validated risk and needs assessment as defined in Section
56 12-25-32.



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57 ~~(2)~~b. Progress by the prisoner and the Department of
58 Corrections to plan for reentry.

59 ~~(3)~~c. Input from the victim or victims, the family of
60 the victim or victims, prosecutors, and law enforcement
61 entities.

62 ~~(4)~~d. Participation in risk-reduction programs while
63 incarcerated.

64 ~~(5)~~e. Institutional behavior of the prisoner while
65 incarcerated.

66 ~~(6)~~f. Severity of the underlying offense for which the
67 prisoner was sentenced to incarceration.

68 (4) The board shall give weighted consideration to the
69 health of the inmate when considering parole.

70 (b) Except as provided in Section 15-22-37, if the
71 board grants a prisoner parole, the prisoner shall be released
72 from prison upon the terms and conditions set by the board,
73 and while released on parole, shall remain in the legal
74 custody of the warden of the prison from which he or she is
75 paroled until the expiration of the maximum term specified in
76 his or her sentence or until he or she is fully pardoned.

77 (c) The board shall clearly articulate its reasons for
78 approval or denial of parole for each prisoner, based on its
79 established guidelines, and shall provide the reasons for
80 approval or denial to the prisoner, the victim, the Department
81 of Corrections, or any other interested party upon written
82 request submitted to the board. The use of established
83 guidelines for parole consideration shall not create a right
84 or expectation by a prisoner to parole release. Additionally,



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85 the articulated reasons for denial of parole release shall not
86 create a right or expectation for parole release. The
87 guidelines shall serve as an aid in the parole decisionmaking
88 process, and the decision concerning parole release shall be
89 at the complete discretion of the board."

90 "§15-22-28

91 (a) ~~It shall be the duty of the Board of Pardons and~~
92 ~~Paroles, upon its own initiative, to make an investigation of~~
93 ~~any and~~The Board of Pardons and Paroles shall investigate all
94 prisoners confined in the jails and prisons of the state,
95 through use of a validated risk and needs assessment, as
96 defined in Section 12-25-32, ~~with a view of determining the~~
97 ~~feasibility of releasing the prisoners on parole and effecting~~
98 ~~their reclamation~~to determine which prisoners may be released
99 on parole. Reinvestigations shall be ~~made from time to time~~
100 performed as determined by the board ~~may determine~~ or as
101 requested by the Department of Corrections ~~may request~~. ~~The~~
102 ~~investigations shall include such reports and other~~
103 ~~information as the board may require from the Department of~~
104 ~~Corrections or any of its officers, agents, or employees.~~

105 (b) ~~It shall be the duty of the~~The Department of
106 Corrections ~~to~~ shall cooperate with the ~~Board of Pardons and~~
107 ~~Paroles~~ board for the purpose of carrying out this article.

108 (c) Temporary leave from prison, ~~including Christmas~~
109 ~~furloughs~~, may only be granted ~~only~~ by the Commissioner of the
110 Department of Corrections to a prisoner for good and
111 sufficient reason and may be granted within ~~or without~~ the
112 state; ~~provided, that Christmas furloughs shall~~ or outside the

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113 state. Furlough may not be granted to any prisoner convicted
114 of ~~drug peddling, child molesting or rape,~~ a sex offense, as
115 defined in Section 15-20A-5, or to any maximum security
116 prisoner. A permanent, written record of all temporary leaves,
117 ~~together with~~ including the reasons ~~therefor~~ leave was granted,
118 shall be kept by the commissioner. He or she shall furnish the
119 Board of Pardons and Paroles with a record of each leave
120 granted and the reasons ~~therefor~~ leave was granted, and the
121 same shall be placed by the board in the prisoner's file.

122 (d) ~~No prisoner shall be released on parole except by a~~
123 ~~majority vote of the board.~~ The board ~~shall~~ may not parole any
124 prisoner for employment by any official of the State of
125 Alabama, nor shall any parolee be employed by an official of
126 the State of Alabama and be allowed to remain on parole;
127 ~~provided, however, that this provision shall.~~ This subsection
128 does not apply ~~in the case of~~ to a parolee whose employer, at
129 the time of the parolee's original employment, was not a state
130 official.

131 (e) The board shall set a prisoner's initial parole
132 consideration date according to the following schedules:

133 (1) For prisoners receiving sentence deductions
134 pursuant to the Alabama Correctional Incentive Time Act,
135 Article 3 of Chapter 9 of Title 14, the following schedule
136 shall apply:

137 a. For terms of five years or less, the prisoner shall
138 be scheduled for initial parole consideration on the current
139 docket.

140 b. For terms over five years and up to 10 years, the



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141 prisoner shall be scheduled for initial parole consideration
142 approximately 18 months prior to the minimum release date.

143 c. For terms of more than 10 years and up to 15 years,
144 the prisoner shall be scheduled for initial parole
145 consideration approximately two years and six months prior to
146 the minimum release date.

147 (2) For prisoners convicted on or after March 21, 2001,
148 of one or more of the following Class A felonies, the initial
149 parole consideration date shall be set for a date once a
150 prisoner has completed 85 percent of his or her total sentence
151 or 15 years, whichever is less.

152 a. Rape in the first degree.

153 b. Kidnapping in the first degree.

154 c. Murder.

155 d. Attempted murder.

156 e. Sodomy in the first degree.

157 f. Sexual torture.

158 g. Robbery in the first degree with serious physical
159 injury as defined in Section 13A-1-2.

160 h. Burglary in the first degree with serious physical
161 injury as defined in Section 13A-1-2.

162 i. Arson in the first degree with serious physical
163 injury as defined in Section 13A-1-2.

164 (3) For all other prisoners, the initial parole
165 consideration date shall be set for a date following
166 completion of one-third of the prisoner's sentence or 10
167 years, whichever is less.

168 (4) If the prisoner is serving consecutive sentences,



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169 the initial parole consideration date may not be set for a
170 date before the prisoner has separately served the time
171 prescribed in this subsection for each consecutive sentence
172 imposed.

173 (f) (1) The board may deviate from the initial parole
174 consideration date established in subsection (e) or any
175 reconsideration date prescribed by the board's rules only in
176 either of the following circumstances:

177 a. To comply with the policy and procedural guidelines
178 in effect on or before January 1, 2019, issued by the board
179 under Section 15-22-24~~(e)~~.

180 b. If the prisoner ~~shows~~, by clear and convincing
181 evidence, shows that he or she is more likely than not to be
182 granted parole and that he or she would have been considered
183 for parole on an earlier date under generally applicable rules
184 or policies previously in effect.

185 (2) Any decision by the board to invoke the procedures
186 of this subsection shall be subject to legal review by the
187 deputy Attorney General or assistant Attorney General assigned
188 to the board, prior to the issuance of a parole certificate
189 and the prisoner's release. If it is determined that the grant
190 of parole consideration failed to satisfy the requirements of
191 this subsection or any rule adopted pursuant to this
192 subsection, the decision shall be reversed and the prisoner
193 shall be notified by the board.

194 (3) For purposes of paragraph (f) (1)b., the board shall
195 adopt rules to determine whether a prisoner is more likely
196 than not to be granted parole. These rules shall be designed



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197 to minimize the risk a prisoner will be prejudiced by any
198 statutory or administrative changes in parole standards or
199 procedures that have occurred since the date of the prisoner's
200 conviction and shall include, but are not limited to, all of
201 the following:

202 a. A requirement that the prisoner has completed a
203 minimum total period of incarceration.

204 b. A requirement that the prisoner complete certain
205 programs while in custody of the Department of Corrections.

206 c. A requirement that the prisoner provide a statement
207 of support from a Department of Corrections staff member.

208 d. A requirement that the prisoner have no violent
209 disciplinarys during a prescribed period preceding the
210 prisoner's current application for parole consideration.

211 e. A requirement that the prisoner have no
212 disciplinarys of any kind within a prescribed period
213 preceding the prisoner's current application for parole
214 consideration.

215 f. A requirement that the prisoner's risk of re-offense
216 is determined to be medium or low following the completion of
217 a validated risk and needs assessment, as defined in Section
218 ~~15-25-32-12-25-32~~, conducted by a trained probation and parole
219 officer.

220 (4) A 30 days' written notice shall be provided to the
221 Governor and Attorney General for any parole consideration
222 date set by the board under subdivision (f)(1). The Governor
223 and Attorney General shall have 14 days from the time notice
224 is received to object to the grant of parole. If the board

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225 grants parole consideration under subdivision (f)(1) and did
226 not give adequate notice to the Governor or Attorney General
227 or granted parole consideration despite an objection from the
228 Governor or Attorney General, the decision shall be reversed
229 and the prisoner shall be notified by the board.

230 (g) (1) If a prisoner convicted of a nonviolent offense,
231 as defined in Section 12-25-32, with a sentence of 20 years or
232 less is denied parole, the board shall reconsider releasing
233 the prisoner on parole no more than two years after his or her
234 parole release denial.

235 (2) Any prisoner denied parole who has served at least
236 10 years of his or her sentence, and has reached the age of
237 50, shall have a reconsideration parole hearing at least every
238 two years following a denial. If the board denies parole, the
239 board shall provide the prisoner with a detailed plan to
240 improve the chances parole will be granted at the next
241 hearing.

242 (3) If the board fails to provide the prisoner with a
243 detailed plan as provided in subdivision (2), the board shall
244 reconsider releasing the prisoner on parole within 90 days of
245 the denial.

246 (h) (1) A prisoner with a serious chronic health
247 condition whose parole was denied shall have the right to seek
248 judicial review of the denial as provided in this subsection.
249 For the purposes of this section, a "serious chronic health
250 condition" includes any non-terminal physical or medical
251 condition rendering an individual permanently and irreversibly
252 incapacitated as determined by reasonable medical judgment.



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253 (2) Within 42 days of the board denying a prisoner
254 parole, the prisoner, or an individual acting on the
255 prisoner's behalf, may appeal the decision.

256 (3) The venue for an appeal shall be the circuit court
257 of the county of conviction.

258 (4) The petition shall be heard by the circuit judge
259 who presided over the trial or, if the judge is no longer
260 serving, by any of the circuit judges in the circuit where the
261 prisoner was convicted.

262 (5) Review by the court shall be de novo by the circuit
263 court without a jury.

264 (6) The decision by the circuit court may be appealed
265 pursuant to the court of criminal appeals and is subject to
266 the Rules of Appellate Procedure."

267 "§15-22-37

268 (a) The Board of Pardons and Paroles may adopt rules,
269 not inconsistent with ~~the provisions of~~ this article, ~~touching~~
270 ~~upon~~ relating to all matters ~~dealt with~~ included in this
271 article, including, among others, practice and procedure in
272 matters pertaining to paroles, pardons, and remission of fines
273 and forfeitures; ~~provided, however, that no.~~ No rule adopted
274 by the board ~~shall have the effect of denying to~~ may deny any
275 person whose application for parole or the revocation of whose
276 parole is being considered by the board from having the
277 benefit of counsel or witnesses upon the hearing.

278 (b) The Board of Pardons and Paroles shall adopt rules
279 to do all of the following:

280 (1) Establish a program of limited supervision for



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281 qualifying parolees ~~who qualify~~ addressing eligibility using
282 validated risk and needs assessments, as defined in Section
283 12-25-32, transfers among levels of supervision, to include
284 guidelines for the transfer of lower-risk individuals to an
285 administrative form of parole, and reporting requirements.

286 (2) Develop policies and procedures for screening,
287 assessment, and referral for parolees to connect with
288 recidivism reduction services including, but not limited to,
289 cognitive behavioral intervention and substance abuse
290 treatment.

291 (3) Establish a matrix of rewards for compliance and
292 pro-social behaviors and swift, certain, and graduated
293 sanctions to be imposed by the board, as provided under
294 subsections (e) and (f) of Section 15-22-32, in response to
295 corresponding violations of parole terms or conditions
296 imposed.

297 (4) Establish clear guidelines and procedures that
298 retain the board's discretion in individual parole release
299 cases. ~~The guidelines shall provide that, if a prisoner
300 convicted of a nonviolent offense, as defined in Section
301 12-25-32, with a sentence of 20 years or less is denied
302 parole, the board shall reconsider releasing the prisoner on
303 parole no more than two years after such parole release
304 denial.~~ The guidelines shall allow use a current validated
305 risk and needs assessment as defined in Section 12-25-32, past
306 criminal history, program completion, institutional
307 misconduct, and other individual characteristics related to
308 the likelihood of offending in the future to be factored into



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309 the release decision while working to allocate prison space
310 for the most violent and greatest risk prisoners.

311 (5) Ensure that the provisions of subsections (k) and
312 (l) of Section 15-22-24 are implemented relating to the
313 supervision and treatment of parolees.

314 (6) Establish criteria, guidelines, and procedures to
315 discharge parolees from parole supervision requirements prior
316 to the expiration of the full maximum term for which the
317 parolee was sentenced, unless the parolee was convicted of a
318 violent offense as defined in Section 12-25-32, which shall
319 include review of a parolee for discharge from parole
320 supervision at least every two years if the parolee has
321 satisfied all financial obligations owed to the court,
322 including restitution, and has not had his or her supervision
323 revoked.

324 (c) Notwithstanding any other provision of law to the
325 contrary, subsections (a) through (c) of Section
326 41-22-5 ~~(a)-(e)~~, Section 41-22-5.1(b), Section 41-22-6, and
327 subsections (a) through (e) and subsection (g) of Section
328 41-22-23 ~~(a)-(e), (g)~~ of the Alabama Administrative Procedure
329 Act shall apply to the board's adoption, amendment, or repeal
330 of rules, procedures, guidelines, or other policies, except
331 rules, procedures, guidelines, or other policies concerning
332 the supervision of parolees or probationers. The Alabama
333 Administrative Procedure Act shall not otherwise apply to the
334 board. The notice required by ~~subdivision (a)(1) of~~ Section
335 41-22-5 (a)(1) shall be given, and notice shall be given to the
336 Governor and Attorney General or their designees.



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337 (d) The Director of Pardons and Paroles shall post on
338 the board's website [the guidelines provided under subdivision](#)
339 [\(b\) \(4\) and](#) the board's existing rules, procedures, guidelines,
340 or other policies concerning the grant or denial of pardons,
341 the grant or denial of paroles, the restoration of political
342 and civil rights, the remission of fines and forfeitures, and
343 the revocation of parole."

344 "§15-22-43

345 (a) (1) The Board of Pardons and Paroles shall establish
346 a special medical parole docket and adopt the rules for
347 implementation pursuant to Section 15-22-24(e). For each
348 person considered for medical parole, the board shall
349 determine whether the person is a geriatric inmate,
350 permanently incapacitated inmate, or terminally ill inmate for
351 purposes of placing the person on a special medical parole
352 docket to be considered for parole by the board. An open
353 public hearing shall be held, pursuant to Section 15-22-23, to
354 consider the medical parole of the inmate. Notices of the
355 hearing shall be sent pursuant to Sections 15-22-23 and
356 15-22-36. The notice shall clearly state the inmate is being
357 considered for a medical parole.

358 (2) The Department of Corrections shall immediately
359 provide, upon request from the board, a list of geriatric,
360 permanently incapacitated, and terminally ill inmates who are
361 otherwise eligible for parole, subject to the limitations
362 provided under Section 15-22-28(e). By January 1 of each
363 calendar year, the Department of Corrections shall
364 additionally identify all inmates who have spent more than 30

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365 or more days in an infirmary in the prior calendar year or
366 received costly and frequent medical treatment outside a
367 Department of Corrections facility in the previous 12 months,
368 as well as all inmates suffering from a life-threatening
369 illness and whose death is imminent within 12 months, who are
370 otherwise parole eligible, subject to the limitations provided
371 under Section 15-22-28(e), and shall immediately provide this
372 information to the board to determine if identified inmates
373 may be considered for a medical parole.

374 (3) Upon a determination that the inmate is eligible
375 for a medical parole, the board shall place the inmate on the
376 next available special medical parole docket pursuant to rules
377 adopted by the board for the board to consider the individual
378 for medical parole.

379 (4) The board shall hold a medical parole hearing
380 within 30 days of an inmate being placed on the list of
381 geriatric, permanently incapacitated, or terminally ill
382 inmates.

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

385 (c) In considering an inmate for medical parole, the
386 board may request that additional medical evidence be
387 produced, or that additional medical examinations be conducted
388 by the Department of Corrections.

389 (d) In determining factors for a medical parole, the
390 board shall take into consideration all of the following:

391 (1) Risk for violence.

392 (2) Criminal history.



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393 (3) Institutional behavior.

394 (4) Age of the inmate, currently and at the time of the
395 offense.

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

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

399 (7) Reentry plans, which include alternatives to caring
400 for terminally ill or permanently incapacitated inmates in
401 traditional prison settings.

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

404 (f) Unless provided otherwise in this article, any
405 medical parole under this article shall comply with Article 2,
406 Chapter 22, Title 15.

407 (g) (1) An inmate whose medical parole was denied shall
408 have the right to seek judicial review of the denial as
409 provided in this subsection.

410 (2) Within 42 days of the board denying an inmate
411 medical parole, the inmate, or an individual acting on the
412 inmate's behalf, may appeal the decision.

413 (3) The venue for an appeal shall be the circuit court
414 of the county of conviction.

415 (4) The petition shall be heard by the circuit judge
416 who presided over the trial or, if the judge is no longer
417 serving, by any of the circuit judges in the circuit where the
418 inmate was convicted.

419 (5) Review by the court shall be de novo by the circuit
420 court without a jury.



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421 (6) The decision by the circuit court may be appealed
422 pursuant to the court of criminal appeals and is subject to
423 the Rules of Appellate Procedure.

424 ~~(g)~~ (h) The board shall report annually to the Joint
425 Legislative Interim Prison Committee, House Judiciary
426 Sentencing Commission Subcommittee, and the Alabama Sentencing
427 Commission on the number of medical paroles granted, the
428 nature of the illnesses, diseases, and conditions of those
429 paroled, the number of inmates granted and denied medical
430 parole, and the number of cases granted medical parole, but
431 that could not be released. The crimes for which the inmates
432 have been convicted shall also be provided in the annual
433 report. The report shall be made in a manner that does not
434 disclose any individual identifying information for any
435 particular inmate and shall be compliant in all respects with
436 the Health Insurance Portability and Accountability Act.

437 ~~(h)~~ (i) This article shall not be deemed to grant any
438 entitlement or right to release."

439 Section 2. Section 14-14-5, Code of Alabama 1975, is
440 amended to read as follows:

441 "§14-14-5

442 (a) An inmate, or any concerned person, including, but
443 not limited to, the inmate's attorney, family, physician, or
444 an employee or official of the department may ~~initiate~~
445 ~~consideration~~ apply for medical furlough by submitting to the
446 department ~~an initial a~~ medical release furlough application
447 form along with supporting documentation as required by the
448 department. The department shall provide an inmate with a copy

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449 of all supporting documentation upon the inmate's request.
450 Supporting documentation shall include all of the following:

451 (1) Information concerning the inmate's medical
452 history, prognosis, and age.

453 (2) Medical authorization form.

454 ~~(3) (b) (1) The initial application form shall include~~
455 ~~the~~ A report of a physician ~~or physicians~~ employed by the
456 department or its health care provider ~~and a~~ stating that the
457 physician is of the opinion that the inmate is either
458 terminally ill, permanently incapacitated, or that the inmate
459 suffers from a chronic infirmity, illness, or disease related
460 to aging.

461 (4) A notarized report of at least one other duly
462 licensed physician who is board certified in the field of
463 medicine for which the inmate is seeking a medical furlough,
464 ~~and~~ who is not an employee of the department. ~~These reports~~
465 ~~shall each be,~~ stating that the physician is of the opinion
466 that the inmate is either terminally ill, permanently
467 incapacitated, or that the inmate suffers from a chronic
468 infirmity, illness, or disease related to aging.

469 ~~(2) (b)~~ The commissioner shall provide the ~~initial~~
470 medical furlough application form and medical authorization
471 forms to all department medical care providers, ~~and~~.
472 Additionally, the forms shall be available at every
473 correctional facility for distribution to inmates.

474 (c) Consideration for medical furlough shall be
475 initiated by the submission of ~~an~~ a medical furlough
476 application form, along with supporting documentation, to the

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477 commissioner from the department, the inmate, or the inmate's
478 representative, ~~along with the department's supporting~~
479 ~~documentation to the commissioner.~~

480 (d) If the appropriate medical documentation pursuant
481 to subsection ~~(b)~~ (a) has indicated that the inmate is a
482 geriatric inmate, permanently incapacitated, or terminally
483 ill, the commissioner, within 60 days of receipt of ~~an initial~~
484 a medical furlough application form, shall make a decision
485 regarding the release of the inmate on medical furlough
486 pursuant to ~~the provisions of~~ this chapter. ~~The initial~~
487 ~~application form and supporting document of inmates, who have~~
488 ~~been diagnosed by a physician as suffering from a chronic~~
489 ~~illness or disease related to aging, shall be submitted to the~~
490 ~~commissioner within 60 days of receipt of the application by~~
491 ~~the department. Supporting documentation shall include~~
492 ~~information concerning the inmate's medical history and~~
493 ~~prognosis, age, and institutional behavior. At the inmate's~~
494 ~~request, the department shall also provide a copy of all~~
495 ~~supporting documentation to the inmate.~~

496 (e) In determining eligibility factors for a medical
497 furlough, the commissioner shall take into consideration all
498 of the following factors:

499 (1) Risk for violence.

500 (2) Criminal history.

501 (3) Institutional behavior.

502 (4) Age of the inmate, currently and at the time of the
503 offense.

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



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

506 (7) Release plans, which include alternatives to caring
507 for terminally ill or permanently incapacitated inmates in
508 traditional prison settings.

509 (f) (1) If the commissioner determines that a geriatric
510 inmate, permanently incapacitated inmate, or terminally ill
511 inmate meets the requirements for release to medical furlough
512 pursuant to this chapter, the commissioner shall release the
513 inmate on medical furlough pursuant to ~~the provisions of~~ this
514 chapter within 90 days of receipt by the commissioner of the
515 ~~initial~~ medical furlough application form and supporting
516 documentation.

517 (2) An inmate released on medical furlough may reside
518 in this state or another state.

519 (g) The commissioner ~~shall have the authority to~~ may
520 revoke the inmate's furlough pursuant to ~~subsection (h) of~~
521 Section 14-14-4 (h).

522 ~~(g)~~ (h) At least 30 days prior to release of a geriatric
523 inmate, permanently incapacitated inmate, or terminally ill
524 inmate under subsection (f), the commissioner shall provide
525 notification of the medical furlough release to the district
526 attorney of the jurisdiction where the inmate was last
527 sentenced and shall also provide notification of the medical
528 furlough release to the victim, victim's representative, and
529 other interested individual via certified mail, return receipt
530 requested, or by using the automated victim notification
531 system as provided in Section 15-22-36 and Section
532 15-22-36.2."

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533 Section 3. Section 15-22-25.5 is added to the Code of
534 Alabama 1975, to read as follows:

535 §15-22-25.5

536 An inmate shall be eligible to virtually attend his or
537 her parole hearing.

538 Section 4. This act shall become effective on the first
539 day of the third month following its passage and approval by
540 the Governor, or its otherwise becoming law.