

HB127 ENROLLED



1 HB127
2 NCRQ8J-2
3 By Representatives Pettus, Treadaway, Bedsole, Lee
4 RFD: Judiciary
5 First Read: 06-Feb-24



HB127 Enrolled

1 Enrolled, An Act,

2 Relating to electronic monitoring; to amend Sections
3 15-22-26.2, 15-22-29, and 15-22-52, Code of Alabama 1975, to
4 make it unlawful for an individual subject to electronic
5 monitoring to knowingly alter, disable, deactivate, tamper
6 with, remove, damage, or destroy any device used to facilitate
7 electronic monitoring; and in connection therewith would have
8 as its purpose or effect the requirement of a new or increased
9 expenditure of local funds within the meaning of Section
10 111.05 of the Constitution of Alabama of 2022.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. Sections 15-22-26.2, 15-22-29, and 15-22-52,
13 Code of Alabama 1975, are amended to read as follows:

14 "§15-22-26.2

15 (a) A convicted defendant sentenced to a period of
16 confinement under the supervision of the Department of
17 Corrections shall be subject to the following provisions,
18 unless the defendant is released to a term of probation or
19 released on parole under this chapter:

20 (1) If the defendant is sentenced to a period of five
21 years or less, he or she shall be released by the department
22 to supervision by the Board of Pardons and Paroles no less
23 than three months and no more than five months prior to the
24 defendant's release date.

25 (2) If the defendant is sentenced to a period of more
26 than five years but less than 10 years, he or she shall be
27 released by the department to supervision by the Board of
28 Pardons and Paroles no less than six months and no more than



HB127 Enrolled

29 nine months prior to the defendant's release date.

30 (3) If the defendant is sentenced to a period of 10
31 years or more, he or she shall be released by the department
32 to supervision by the Board of Pardons and Paroles no less
33 than 10 months and no more than 12 months prior to the
34 defendant's release date.

35 (b) This section shall not apply to a defendant
36 convicted of any sex offense involving a child, as defined in
37 Section 15-20A-4.

38 (c) Prior to the defendant's release to supervision
39 pursuant to this section, notice of the release shall be
40 provided by the department to the victim and interested
41 parties through the victim notification system established
42 pursuant to Section 15-22-36.2.

43 (d) (1) An offender released to supervision pursuant to
44 this section shall be released to the supervision of the Board
45 of Pardons and Paroles and shall be subject to this article.

46 (2) The board shall determine the level of supervision
47 required for an offender based on the results of a validated
48 risk and needs assessment.

49 (e) (1) An offender released pursuant to this section
50 shall be subject to electronic monitoring for a period of time
51 determined by the Director of Pardons and Paroles.

52 (2) The board shall be responsible for the costs of the
53 electronic monitoring as required by this subsection.

54 (3) It shall be a Class ̸D felony for any individual to
55 knowingly alter, disable, deactivate, tamper with, remove,
56 damage, or destroy any device used to facilitate electronic



HB127 Enrolled

57 monitoring under this subsection.

58 (f) This section applies to a defendant in the custody
59 of the department without regard to when he or she was
60 sentenced for or committed the crime."

61 "§15-22-29

62 (a) The Board of Pardons and Paroles, in releasing an
63 inmate on parole, shall specify in writing the conditions of
64 his or her parole and shall provide a copy of the conditions
65 to the parolee. A parolee who violates the conditions of
66 parole may be subject to arrest and reimprisonment.

67 (b) The Board of Pardons and Paroles shall adopt
68 general rules regarding the conditions of parole and their
69 violation and may make special rules to govern particular
70 cases. The rules, both general and special, shall include, but
71 are not limited to, all of the following:

72 (1) The parolee may not leave the state without the
73 consent of the board.

74 (2) The parolee shall contribute to the support of his
75 or her dependents to the best of his or her ability.

76 (3) The parolee shall make reparation or restitution
77 for his or her crime.

78 (4) The parolee shall avoid persons or places of
79 disreputable or harmful character.

80 (5) The parolee shall follow the instructions of his or
81 her parole officer and shall cooperate with the parole
82 officer.

83 (6)a. The parolee shall be subject to electronic
84 monitoring for a period of time determined by the Director of



HB127 Enrolled

85 Pardons and Paroles.

86 b. The board shall be responsible for the costs of the
87 electronic monitoring as required by this subdivision.

88 c. It shall be a Class €D felony for any individual to
89 knowingly alter, disable, deactivate, tamper with, remove,
90 damage, or destroy any device used to facilitate electronic
91 monitoring under this subdivision.

92 (7) The parolee shall submit to behavioral treatment,
93 substance abuse treatment, GPS monitoring, or any other
94 treatment as deemed necessary by the board or the supervising
95 parole officer.

96 (8) The parolee may not buy, own, or possess a firearm
97 in violation of federal law or in violation of Section
98 13A-11-72."

99 "§15-22-52

100 The court shall determine and may at any time modify
101 the conditions of probation-. The conditions of probation
102 shall include, but are not limited to, all of the following:

103 (1) Avoid injurious or vicious habits.

104 (2) Avoid persons or places of disreputable or harmful
105 character.

106 (3) Report to the probation officer as directed.

107 (4) Permit the probation officer to visit him or her at
108 his or her home or elsewhere.

109 (5) Work faithfully at suitable employment as far as
110 possible.

111 (6) Remain within a specified place.

112 (7) Pay the fine imposed or costs or any portions of



HB127 Enrolled

113 fines or costs, as the court may determine, and in
114 installments as the court may direct.

115 (8) Make reparation or restitution to the aggrieved
116 party for the damage or loss caused by his or her offense in
117 an amount to be determined by the court.

118 (9) Support his or her dependents to the best of his or
119 her ability.

120 (10)a. Submit to behavioral treatment, substance abuse
121 treatment, GPS monitoring, or any other treatment as deemed
122 necessary by the court or supervising probation officer.

123 b. It shall be a Class CD felony for any individual to
124 knowingly alter, disable, deactivate, tamper with, remove,
125 damage, or destroy any device used to facilitate electronic
126 monitoring under this subdivision.

127 (11) The probationer may not buy, own, or possess a
128 firearm in violation of federal law or in violation of Section
129 13A-11-72."

130 Section 2. Although this bill would have as its purpose
131 or effect the requirement of a new or increased expenditure of
132 local funds, the bill is excluded from further requirements
133 and application under Section 111.05 of the Constitution of
134 Alabama of 2022, because the bill defines a new crime or
135 amends the definition of an existing crime.

136 Section 3. This act shall become effective on October
137 1, 2024.



HB127 Enrolled

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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 20-Feb-24.

John Treadwell
Clerk

Senate

11-Apr-24

Amended and Passed

House

16-Apr-24

Concurred in Senate
Amendment