

**SB255 ENGROSSED**



1 SB255  
2 KN2LAAA-2  
3 By Senator Givhan  
4 RFD: Judiciary  
5 First Read: 21-Mar-24



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A BILL  
TO BE ENTITLED  
AN ACT

Relating to pardons and paroles; to amend Section 15-22-32, Code of Alabama 1975, to expand the length of time that the Board of Pardons and Paroles has to conduct a parole court in certain circumstances; and to make nonsubstantive, technical revisions to update the existing code language to current style.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 15-22-32, Code of Alabama 1975, is amended to read as follows:

"§15-22-32

(a) Whenever there is reasonable cause to believe that a prisoner who has been paroled has violated his or her parole, the Board of Pardons and Paroles, at its next meeting, may declare the parolee to be delinquent, and time owed shall date from the delinquency. The Department of Corrections, after receiving notice from the sheriff of the county jail where the parolee is being held, shall promptly notify the board of the return of a parolee charged with violation of his or her parole. The board, a single member of the board, a parole revocation hearing officer, or a designated parole officer shall hold a parole court ~~at the prison or at another place as it may determine within 20 business days~~ and consider



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29 the case of the parole violator. The parolee shall be ~~given an~~  
30 ~~opportunity to appear personally or by counsel before the~~  
31 ~~parole court and to produce witnesses, and explain the charges~~  
32 ~~made against him or her~~ afforded all rights provided in  
33 subdivision (f)(1). The parole court shall determine whether  
34 sufficient evidence supports the violation charges. ~~If~~ Except  
35 as provided in subparagraph (f) (1) a.2., if a hearing is not  
36 held within 20 business days, the parolee shall be released  
37 back to parole supervision.

38 (b) Upon finding sufficient evidence to support a  
39 parole violation, the parole court may recommend to the board  
40 revocation or reinstatement of parole, and the board may take  
41 any of the following actions:

42 (1)a. If the underlying offense was a violent offense  
43 as defined in Section 12-25-32 and classified as a Class A  
44 felony, a sex offense pursuant to Section 15-20A-5, or  
45 aggravated theft by deception pursuant to Section 13A-8-2.1,  
46 the board shall revoke parole and require the parolee to serve  
47 the balance of the term for which he or she was originally  
48 sentenced, or any portion thereof, in a state prison facility,  
49 calculated from the date of his or her rearrest as a  
50 delinquent parolee.

51 b. If the parole violation was for being arrested or  
52 convicted of a new offense or absconding, the board may revoke  
53 parole and require the parolee to serve the balance of the  
54 term for which he or she was originally sentenced, or any  
55 portion thereof, in a state prison facility, calculated from  
56 the date of his or her rearrest as a delinquent parolee.



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57           c. For all other parolees, the board may impose a  
58 period of confinement of no more than 45 consecutive days to  
59 be served in a residential transition center established  
60 pursuant to Section 15-22-30.1 or a consenting county jail  
61 designated for this purpose as provided in Section 14-1-23.  
62 The parolee shall be held in the county jail of the county in  
63 which the violation occurred while awaiting the revocation  
64 hearing. The Department of Corrections shall reimburse the  
65 state mileage rate to the county, as determined by the Alabama  
66 Comptroller's Office, for any state inmate charged with, or  
67 sanctioned or revoked for, a parole violation and who is  
68 transferred to or from a Department of Corrections facility or  
69 to or from a consenting county jail by the county.

70           (2) Upon completion of the confinement period and  
71 release from confinement, the parolee shall automatically  
72 continue on parole for the remaining term of the sentence  
73 without further action from the board. The parole court may  
74 not recommend and the board may not revoke parole unless the  
75 parolee has previously received a total of three periods of  
76 confinement under this subsection. A parolee shall receive  
77 only three total periods of confinement pursuant to this  
78 subsection. The maximum 45-day term of confinement ordered  
79 pursuant to this subsection shall be reduced by any time  
80 served in custody prior to the imposition of the period of  
81 confinement and shall be credited to the balance of the  
82 incarceration term for which the parolee was originally  
83 sentenced. In the event the time remaining on parole  
84 supervision is 45 days or less, the term of confinement may



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85 not exceed the remainder of the parolee's sentence.

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

89 (4) Confinement shall be immediate. The board shall  
90 ensure that the Department of Corrections, a county jail, a  
91 residential transition center, or a consenting county jail  
92 receives necessary documentation for imposing a period of  
93 confinement within five business days of the board's action.

94 (5) If the parolee is presented to a county jail,  
95 excluding a consenting county jail designated for this  
96 purpose, as provided in Section 14-1-23, for any period of  
97 confinement with a serious health condition, if the admittance  
98 of the parolee would create a security risk to the county  
99 jail, or if the county jail is near, at, or over capacity, the  
100 sheriff may refuse to admit the parolee. If, while in custody  
101 of the county jail, the parolee develops a serious health  
102 condition, if the presence of the parolee creates a security  
103 risk to the county jail, or if the county jail reaches near,  
104 at, or over capacity, the sheriff may release the parolee upon  
105 notification to the parole officer. A sheriff and employees in  
106 the county jail shall be immune from liability for exercising  
107 discretion pursuant to Section 36-1-12 in refusing to admit a  
108 parolee into the jail or releasing a parolee from jail  
109 pursuant to this subdivision.

110 (c) The position of Parole Revocation Hearing Officer  
111 is created and established, subject to the state Merit System.

112 (d) The board may appoint or employ hearing officers



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113 who shall conduct a parole court. The hearing officers shall  
114 determine the sufficiency of evidence to support parole  
115 violation charges and recommend to the board revocation of  
116 parole pursuant to subsection (b) or reinstatement of parole.

117 (e) In lieu of subsections (a) and (b), when a parolee  
118 violates his or her parole terms and conditions, his or her  
119 parole officer, after an administrative review and approval by  
120 the parole officer's supervisor, may impose any of the  
121 following sanctions:

122 (1) Mandatory behavior treatment.

123 (2) Mandatory substance abuse treatment.

124 (3) GPS monitoring.

125 (4) Any other treatment as determined by the board or  
126 supervising officer.

127 (5)a. A short period of confinement in the county jail  
128 of the county in which the violation occurred. Periods of  
129 confinement under this subdivision may not exceed six days per  
130 month during any three separate months during the period of  
131 parole. The six days per month confinement periods may only be  
132 imposed as two-day or three-day consecutive periods at any  
133 single time. The total periods of confinement may not exceed  
134 nine total days.

135 b. Confinement pursuant to this subdivision does not  
136 limit the board's ability to directly impose sanctions,  
137 periods of confinement, or revoke parole.

138 (f) (1) Prior to imposing a sanction pursuant to  
139 subsection (e), the parolee must first be presented with a  
140 violation report setting forth the alleged parole violations



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141 and supporting evidence. The parolee shall be advised that he  
142 or she has all of the following rights:

143 a. 1. The right to have a parole court, in person or by  
144 electronic means, on the alleged violation or violations.  
145 ~~If~~ Except as provided in subparagraph 2., if a parole court is  
146 requested, no parolee ~~shall~~ may be held beyond 20 business  
147 days of the request. ~~Only requesting parolees posing a threat~~  
148 ~~to public safety or a flight risk shall be arrested while~~  
149 ~~awaiting parole court.~~

150 2. If a parole court cannot be held within 20 business  
151 days due to a state of emergency being proclaimed under  
152 Chapter 9 of Title 31: (i) if the parolee is being held in a  
153 Department of Corrections facility, the parole court shall be  
154 considered within 40 business days; or (ii) if the parolee is  
155 being held in a county jail, the sheriff may agree to the  
156 parole court being considered within 40 business days. No  
157 parolee may held beyond 40 business days of the request to  
158 have a parole court.

159 b. The right to present relevant witnesses and  
160 documentary evidence.

161 c. The right to retain and have counsel at the hearing  
162 if he or she so desires.

163 d. The right to confront and cross examine any adverse  
164 witnesses.

165 (2) Upon the signing of a waiver of these rights by the  
166 parolee and the supervising parole officer, with approval of a  
167 supervisor, the parolee may be treated, monitored, or confined  
168 for the period recommended in the violation report and



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169 designated on the waiver. The parolee may not request a review  
170 if he or she has signed a written waiver of rights as provided  
171 in this subsection.

172 (g) The board shall adopt guidelines and procedures to  
173 implement the requirements of this section, which shall  
174 include the requirement of a supervisor's approval prior to  
175 exercise of the delegation of authority authorized by  
176 subsection (e)."

177 Section 2. This act shall become effective on October  
178 1, 2024.



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181 Senate

182 Read for the first time and referred .....21-Mar-24  
183 to the Senate committee on Judiciary

184  
185 Read for the second time and placed .....04-Apr-24  
186 on the calendar:

187 1 amendment

188  
189 Read for the third time and passed .....25-Apr-24  
190 as amended

191 Yeas 33

192 Nays 0

193 Abstains 0

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196 Patrick Harris,  
197 Secretary.

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