

SB255 ENROLLED



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



SB255 Enrolled

1 Enrolled, An Act,

2 Relating to pardons and paroles; to amend Section
3 15-22-32, Code of Alabama 1975, to expand the length of time
4 that the Board of Pardons and Paroles has to conduct a parole
5 court in certain circumstances; and to make nonsubstantive,
6 technical revisions to update the existing code language to
7 current style.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

11 "§15-22-32

12 (a) Whenever there is reasonable cause to believe that
13 a prisoner who has been paroled has violated his or her
14 parole, the Board of Pardons and Paroles, at its next meeting,
15 may declare the parolee to be delinquent, and time owed shall
16 date from the delinquency. The Department of Corrections,
17 after receiving notice from the sheriff of the county jail
18 where the parolee is being held, shall promptly notify the
19 board of the return of a parolee charged with violation of his
20 or her parole. The board, a single member of the board, a
21 parole revocation hearing officer, or a designated parole
22 officer shall hold a parole court ~~at the prison or at another~~
23 ~~place as it may determine within 20 business days~~ and consider
24 the case of the parole violator. The parolee shall be ~~given an~~
25 ~~opportunity to appear personally or by counsel before the~~
26 ~~parole court and to produce witnesses, and explain the charges~~
27 ~~made against him or her~~ afforded all rights provided in
28 subdivision (f) (1). The parole court shall determine whether



SB255 Enrolled

29 sufficient evidence supports the violation charges. ~~If~~ Except
30 as provided in subparagraph (f) (1) a.2., if a hearing is not
31 held within 20 business days, the parolee shall be released
32 back to parole supervision.

33 (b) Upon finding sufficient evidence to support a
34 parole violation, the parole court may recommend to the board
35 revocation or reinstatement of parole, and the board may take
36 any of the following actions:

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

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

52 c. For all other parolees, the board may impose a
53 period of confinement of no more than 45 consecutive days to
54 be served in a residential transition center established
55 pursuant to Section 15-22-30.1 or a consenting county jail
56 designated for this purpose as provided in Section 14-1-23.



SB255 Enrolled

57 The parolee shall be held in the county jail of the county in
58 which the violation occurred while awaiting the revocation
59 hearing. The Department of Corrections shall reimburse the
60 state mileage rate to the county, as determined by the Alabama
61 Comptroller's Office, for any state inmate charged with, or
62 sanctioned or revoked for, a parole violation and who is
63 transferred to or from a Department of Corrections facility or
64 to or from a consenting county jail by the county.

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

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

84 (4) Confinement shall be immediate. The board shall



SB255 Enrolled

85 ensure that the Department of Corrections, a county jail, a
86 residential transition center, or a consenting county jail
87 receives necessary documentation for imposing a period of
88 confinement within five business days of the board's action.

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

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

107 (d) The board may appoint or employ hearing officers
108 who shall conduct a parole court. The hearing officers shall
109 determine the sufficiency of evidence to support parole
110 violation charges and recommend to the board revocation of
111 parole pursuant to subsection (b) or reinstatement of parole.

112 (e) In lieu of subsections (a) and (b), when a parolee



SB255 Enrolled

113 violates his or her parole terms and conditions, his or her
114 parole officer, after an administrative review and approval by
115 the parole officer's supervisor, may impose any of the
116 following sanctions:

117 (1) Mandatory behavior treatment.

118 (2) Mandatory substance abuse treatment.

119 (3) GPS monitoring.

120 (4) Any other treatment as determined by the board or
121 supervising officer.

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

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

133 (f)(1) Prior to imposing a sanction pursuant to
134 subsection (e), the parolee must first be presented with a
135 violation report setting forth the alleged parole violations
136 and supporting evidence. The parolee shall be advised that he
137 or she has all of the following rights:

138 a.1. The right to have a parole court, in person or by
139 electronic means, on the alleged violation or violations.

140 ~~If~~Except as provided in subparagraph 2., if a parole court is



SB255 Enrolled

141 requested, no parolee ~~shall~~may be held beyond 20 business
142 days of the request. ~~Only requesting parolees posing a threat~~
143 ~~to public safety or a flight risk shall be arrested while~~
144 ~~awaiting parole court.~~

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

154 b. The right to present relevant witnesses and
155 documentary evidence.

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

158 d. The right to confront and cross examine any adverse
159 witnesses.

160 (2) Upon the signing of a waiver of these rights by the
161 parolee and the supervising parole officer, with approval of a
162 supervisor, the parolee may be treated, monitored, or confined
163 for the period recommended in the violation report and
164 designated on the waiver. The parolee may not request a review
165 if he or she has signed a written waiver of rights as provided
166 in this subsection.

167 (g) The board shall adopt guidelines and procedures to
168 implement the requirements of this section, which shall



SB255 Enrolled

169 include the requirement of a supervisor's approval prior to
170 exercise of the delegation of authority authorized by
171 subsection (e)."

172 Section 2. This act shall become effective on October
173 1, 2024.



SB255 Enrolled

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB255

Senate 25-Apr-24

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives

Passed: 07-May-24

By: Senator Givhan