

**SB304 INTRODUCED**



1 SB304  
2 278GSIS-1  
3 By Senator Carnley  
4 RFD: Judiciary  
5 First Read: 04-Apr-24



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SYNOPSIS:

Under existing law, certain defendants nearing the end of their sentence must be released by the Department of Corrections to mandatory supervision by the Board of Pardons and Paroles for specified periods prior to their end of sentence.

This bill would provide that a defendant who is released pursuant to mandatory supervision and who violates any term of release may have his or her release revoked by the Board of Pardons and Paroles and be required to serve the remainder of his or her sentence.

This bill would provide that a defendant who is released pursuant to mandatory supervision and whose release is revoked for committing a new criminal offense shall serve any sentence imposed on the new criminal offense consecutive with the revocation.

This bill would provide that a defendant who is released on parole or probation and whose parole or probation is revoked may not be released pursuant to mandatory supervised release until he or she has served a minimum of three months in the Department of Corrections following the revocation.

This bill would also provide that a defendant may waive release pursuant to this section.



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A BILL  
TO BE ENTITLED  
AN ACT

Relating to mandatory supervised release of defendants; to amend Section 15-22-26.2, Code of Alabama 1975; to further provide for the revocation of a sentence of a defendant released pursuant to mandatory supervision; to provide that a defendant who violates terms of his or her parole or probation must serve a period of time before being released pursuant to mandatory supervision; and to provide that a defendant may waive being released from the Department of Corrections custody pursuant to mandatory supervised release.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 15-22-26.2, Code of Alabama 1975, is amended to read as follows:

"§15-22-26.2

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

(1) If the defendant is sentenced to a period of five years or less, he or she shall be released by the department to supervision by the Board of Pardons and Paroles no less than three months and no more than five months prior to the



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57 defendant's release date.

58 (2) If the defendant is sentenced to a period of more  
59 than five years but less than 10 years, he or she shall be  
60 released by the department to supervision by the Board of  
61 Pardons and Paroles no less than six months and no more than  
62 nine months prior to the defendant's release date.

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

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

71 (c) Prior to the defendant's release to supervision  
72 pursuant to this section, notice of the release shall be  
73 provided by the department to the victim and interested  
74 parties through the victim notification system established  
75 pursuant to Section 15-22-36.2.

76 (d) (1) ~~An offender~~ A defendant released to supervision  
77 pursuant to this section shall be released to the supervision  
78 of the Board of Pardons and Paroles and shall be subject to  
79 this article.

80 (2) The board shall determine the level of supervision  
81 required for ~~an offender~~ the defendant based on the results of  
82 a validated risk and needs assessment.

83 (e) (1) ~~An offender~~ A defendant released pursuant to  
84 this section shall be subject to electronic monitoring for a



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85 period of time determined by the Director of the Board of  
86 Pardons and Paroles.

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

89 (f) A defendant who is released pursuant to this  
90 section and who violates any term of release may be sanctioned  
91 by the Board of Pardons and Paroles as provided in Section  
92 15-22-32. A defendant whose release is revoked pursuant to  
93 this subsection is not eligible for further release under this  
94 section.

95 (g) A defendant who is released pursuant to this  
96 section and whose release is revoked for committing a new  
97 criminal offense shall serve any sentence imposed on the new  
98 criminal offense consecutive with the revocation.

99 (h) A defendant who has been released on parole or  
100 probation and whose parole or probation has been revoked may  
101 not be released pursuant to this section until he or she has  
102 served a minimum of three months in the Department of  
103 Corrections following the revocation.

104 (i) A defendant may waive release pursuant to this  
105 section.

106 ~~(f)~~ (j) This section applies to a defendant in the  
107 custody of the department without regard to when he or she was  
108 sentenced for or committed the crime."

109 Section 2. This act shall become effective on October  
110 1, 2024.