

## HB524 INTRODUCED



1 HB524  
2 EJJLLC2-1  
3 By Representatives Ensler, England, Moore (M), Hassell,  
4 Chestnut, Drummond, Warren, Lands, Lawrence, Daniels, Bracy  
5 RFD: Judiciary  
6 First Read: 03-Apr-25



## SYNOPSIS:

Under existing law, the United States Supreme Court has held the Eight Amendment to the United States Constitution bars mandatory life without parole for juvenile offenders. A juvenile offender may be sentenced to life without parole, but that sentence may not be mandated under law.

This bill would provide that a juvenile offender serving life without parole becomes eligible for parole following the completion of 10 years of his or her prison sentence.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to parole; to amend Section 15-22-28, Code of Alabama 1975, to provide that a prisoner serving life without parole for an offense committed when the prisoner was under 18 years of age shall become eligible for parole following the completion of 10 years of the prison sentence.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 15-22-28, Code of Alabama 1975, is amended to read as follows:



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"§15-22-28

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

(b) ~~It shall be the duty of the~~The Department of Corrections ~~te~~and its officers, agents, and employees shall cooperate with the ~~Board of Pardons and Paroles~~board for the purpose of carrying out this article.

(c) Temporary leave from prison, including Christmas furloughs, may only be granted ~~only~~ by the Commissioner of the Department of Corrections to a prisoner for good and sufficient reason and may be granted within or without the state; provided, that Christmas furloughs ~~shall~~may not be granted to any prisoner convicted of drug ~~peddling~~distribution, child molesting, or rape, or to any maximum security prisoner. A permanent, ~~written~~ record of all temporary leaves, ~~together with~~ and the reasons ~~therefor,~~the leave was granted shall be kept by the commissioner. ~~He or~~



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57 ~~she~~The commissioner shall furnish the ~~Board of Pardons and~~  
58 ~~Paroles~~board with a record of each leave granted and the  
59 reasons ~~therefor~~the leave was granted, ~~and the same~~which shall  
60 be placed by the board in the prisoner's file.

61 (d) No prisoner ~~shall~~may be released on parole except  
62 by a majority vote of the board. The board ~~shall~~may not parole  
63 any prisoner for employment by any official of this state, nor  
64 shall any parolee be employed by an official of this state and  
65 be allowed to remain on parole; provided, however, that this  
66 ~~provision shall~~subsection does not apply in the case of a  
67 parolee whose employer, at the time of the parolee's original  
68 employment, was not a state official.

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

71 (1) For prisoners receiving sentence deductions  
72 pursuant to the Alabama Correctional Incentive Time Act,  
73 Article 3 of Chapter 9 of Title 14, the following schedule  
74 shall apply:

75 a. For terms of five years or less, the prisoner shall  
76 be scheduled for initial parole consideration on the current  
77 docket.

78 b. For terms over five years and up to 10 years, the  
79 prisoner shall be scheduled for initial parole consideration  
80 approximately 18 months prior to the minimum release date.

81 c. For terms of more than 10 years and up to 15 years,  
82 the prisoner shall be scheduled for initial parole  
83 consideration approximately two years and six months prior to  
84 the minimum release date.



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

a. Rape in the first degree.

b. Kidnapping in the first degree.

c. Murder.

d. Attempted murder.

e. Sodomy in the first degree.

f. Sexual torture.

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

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

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

(3) For all prisoners sentenced to life without parole for an offense that was committed when the prisoner was under 18 years of age, the prisoner shall become eligible for parole and the board shall set the initial parole consideration date for a date following the prisoner's completion of 10 years of the prisoner's sentence.

~~(3)~~ (4) For all other prisoners, the initial parole consideration date shall be set for a date following completion of one-third of the prisoner's sentence or 10 years, whichever is less.

~~(4)~~ (5) If the prisoner is serving consecutive



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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

(g)(1) Notwithstanding any law to the contrary, any prisoner who is charged with a new federal, state, or local offense punishable by a term of imprisonment exceeding 12 months shall not be considered for parole until after the charge has been disposed, whether by trial or other means.

(2) A prisoner shall immediately be notified by the Department of Corrections of any new charges pursuant to subdivision (1)."

Section 2. This act shall become effective on October 1, 2025.