

SB324 INTRODUCED



1 SB324
2 FFEPD55-1
3 By Senator Chambliss
4 RFD: Judiciary
5 First Read: 10-Apr-25



SYNOPSIS:

Under existing law, there are three members of the Board of Pardons and Paroles.

Under existing law, the chair of the Board of Pardons and Paroles is selected by the Governor.

This bill would increase the number of board members to five.

This bill would provide that the chair of the board shall be selected by the board.

This bill would also provide guidelines for setting future parole consideration dates when parole is denied.

A BILL
TO BE ENTITLED
AN ACT

Relating to the Board of Pardons and Paroles; to amend Sections 15-22-20 and 15-22-37, Code of Alabama 1975, to increase the number of members on the Board of Pardons and Paroles; to further provide for the selection of the chair of the board; and to further provide for future parole consideration dates when parole is denied.



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BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 15-22-20 and 15-22-37, Code of Alabama 1975, are amended to read as follows:

"§15-22-20

(a) There shall be a Board of Pardons and Paroles ~~which shall consist~~ that consists of ~~three~~ five members. The membership of the board shall be inclusive and reflect the racial, gender, geographic, ~~urban/rural, or~~ urban, rural, and economic diversity of the state. At least ~~one member~~ two members shall be ~~a~~ current or former law enforcement ~~officer~~ officers with a minimum of 10 years' experience in or with a law enforcement agency ~~which~~ that has among ~~its~~ the primary duties and responsibilities the investigation of violent crimes or the apprehension, arrest, or supervision of the perpetrators ~~thereof~~.

(b) Any vacancy occurring on the board, whether for an expired or unexpired term, shall be filled by appointment by the Governor, with the advice and consent of the Senate, from a list of five qualified ~~persons nominated~~ individuals submitted by a ~~board~~ nominating committee consisting of the Lieutenant Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate. The nominating ~~board shall~~ committee, as soon as practicable after a vacancy occurs, whether for an expired or unexpired term, shall meet and select by majority vote the names of five ~~persons~~ individuals to be submitted to the Governor. The ~~board~~ nominating committee shall immediately submit its nominations to the Governor, who shall make his or her appointment from



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the list within 10 days. Appointees shall not begin serving ~~immediately upon appointment,~~ until confirmed ~~or rejected~~ by the Senate. ~~Appointments made at times when the Senate is not in regular session shall be effective ad interim.~~ Any appointment made by the Governor while the Senate is in regular session must be submitted to the Senate not later than the third legislative day following the date of the appointment; ~~any~~. Any appointment made while the Senate is not in regular session shall be submitted not later than the third legislative day following the reconvening of the Legislature in regular session. If the Senate fails to vote on an appointee's confirmation before adjourning sine die during the regular session in which the appointee is appointed, the ~~appointee appointment~~ is deemed to be ~~confirmed~~rejected. If an appointee is not confirmed by the Senate, the nominating committee shall repeat the nomination process provided in this subsection until an appointment is made and confirmed.

(c) Members of the board shall be appointed for terms of six years ~~commencing on July 1 in the years 1953, 1955, and 1957,~~ and shall serve until their successors are appointed and ~~qualified~~confirmed, but in no event more than one year. Any person appointed to fill the vacancy for an unexpired term shall ~~vacate the office upon the expiration~~ serve for the remainder of that unexpired term.

(d) The ~~Governor shall designate one of the members as chair, and the~~ board shall select a chair ~~shall preside at sessions of the board~~ from its membership by December 1 of each even-numbered year, who shall begin serving as chair on



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January 1.

(e) Each member shall take the constitutional oath of office and shall be subject to impeachment for any of the causes specified in Section 173 of the Constitution; ~~and the~~ of Alabama of 2022. The procedure in cases of impeachment shall be in the manner provided by Section 175 of the Constitution; ~~provided, however, that in the event~~ of Alabama of 2022. If the Governor ~~shall determine that~~ determines any member of the board is incapacitated by reason of physical or mental disability or illness to the extent that the member cannot efficiently perform the duties of his or her office, he or she shall direct the Attorney General to proceed to the determination of that issue in an inquisition proceeding instituted by him or her in the Circuit Court of Montgomery County, Alabama. ~~In the event the issue is determined in~~ If the court rules against the board member, the court shall declare the office vacant, ~~and the same office~~ shall be vacated, and a successor shall be appointed, as provided in this section.

(f) ~~Two~~ Three members of the board ~~shall~~ constitute a quorum for the transaction of the official business of the board.

(g) The members of the board shall hold no other office of profit during their incumbency.

(h) The annual compensation of the chair and each associate member of the Board of Pardons and Paroles shall be an amount as is provided by law. The salaries shall be paid in equal installments from the State Treasury in the same manner



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that salaries of other state officers are paid."

"§15-22-37

(a) The Board of Pardons and Paroles may adopt rules, not inconsistent with ~~the provisions of~~ this article, ~~touching upon relating to~~ all matters ~~dealt with~~ in this article, including, ~~among others~~ but not limited to, practice and procedure in matters pertaining to paroles, pardons, and remission of fines and forfeitures; provided, however, that no rule adopted by the board shall have the effect of denying to any person whose application for parole or the revocation of whose parole is being considered by the board from having the benefit of counsel or witnesses upon the hearing.

(b) The Board of Pardons and Paroles shall adopt rules to do all of the following:

(1) Establish a program of limited supervision for parolees who qualify addressing eligibility using validated risk and needs assessments, as defined in Section 12-25-32, transfers among levels of supervision, to include guidelines for the transfer of lower-risk individuals to an administrative form of parole, and reporting requirements.

(2) Develop policies and procedures for screening, assessment, and referral for parolees to connect with recidivism reduction services, including, but not limited to, cognitive behavioral intervention and substance abuse treatment.

(3) Establish a matrix of rewards for compliance and pro-social behaviors and swift, certain, and graduated sanctions to be imposed by the board, as provided under



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~~subsections (e) and (f) of~~ Section 15-22-32 (e) and (f), in response to corresponding violations of parole terms or conditions imposed.

(4) Establish clear guidelines and procedures that retain the board's discretion in individual parole release cases. ~~The guidelines shall provide that, if a prisoner convicted of a nonviolent offense, as defined in Section 12-25-32, with a sentence of 20 years or less is denied parole, the board shall reconsider releasing the prisoner on parole no more than two years after such parole release denial.~~ The guidelines shall allow a current validated risk and needs assessment as defined in Section 12-25-32, past criminal history, program completion, institutional misconduct, and other individual characteristics related to the likelihood of offending in the future to be factored into the release decision while working to allocate prison space for the most violent and greatest risk prisoners. The guidelines shall provide the following schedule of future parole consideration dates for cases in which the board denies parole:

a. For inmates serving a sentence of 20 years or less for a conviction of a nonviolent offense, no more than two years from the denial of parole.

b. Except as provided in paragraphs a., c., and d., no more than five years from the denial of parole.

c. For inmates serving a life sentence for one or more violent Class A felony offenses, no more than 10 years from the denial of parole.



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d. For inmates being considered for medical parole, no more than 180 days from the denial of parole.

(5) Ensure ~~that the provisions of subsections (k) and (l) of~~ Section 15-22-24 (k) and (l) ~~are~~ is implemented relating to the supervision and treatment of parolees.

(6) Establish criteria, guidelines, and procedures to discharge parolees from parole supervision requirements prior to the expiration of the full maximum term for which the parolee was sentenced, unless the parolee was convicted of a violent offense as defined in Section 12-25-32, which shall include review of a parolee for discharge from parole supervision at least every two years if the parolee has satisfied all financial obligations owed to the court, including restitution, and has not had his or her supervision revoked.

(c) Notwithstanding any other provision of law to the contrary, Section 41-22-5(a)-(c), Section 41-22-5.1(b), Section 41-22-6, and Section 41-22-23(a)-(e), (g) of the Alabama Administrative Procedure Act shall apply to the board's adoption, amendment, or repeal of rules, procedures, guidelines, or other policies, except rules, procedures, guidelines, or other policies concerning the supervision of parolees or probationers. The Alabama Administrative Procedure Act shall not otherwise apply to the board. The notice required by ~~subdivision (a) (1) of~~ Section 41-22-5 (a) (1) shall be given, and notice shall be given to the Governor and Attorney General or their designees.

(d) The Director of Pardons and Paroles shall post on



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197 the board's website the board's existing rules, procedures,
198 guidelines, or other policies concerning the grant or denial
199 of pardons, the grant or denial of paroles, the restoration of
200 political and civil rights, the remission of fines and
201 forfeitures, and the revocation of parole."

202 Section 2. The Governor shall appoint the two
203 additional members of the Board of Pardons and Paroles
204 required by the amendatory language of Section 15-22-20, Code
205 of Alabama 1975, no later than January 1, 2026.

206 Section 3. This act shall become effective on October
207 1, 2025.