

HB437 INTRODUCED



1 HB437
2 84RS92H-1
3 By Representative Hall
4 RFD: Judiciary
5 First Read: 12-Feb-26



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SYNOPSIS:

Under existing law, if an individual on parole for any offense except certain enumerated offenses commits a parole violation, the Board of Pardons and Paroles has the discretion to impose a range of sanctions, which may include revocation of parole, an imposed period of confinement of not more than 45 consecutive days, mandatory behavior treatment, mandatory substance abuse treatment, GPS monitoring, or any other treatment as determined by the board.

Also under existing law, if an individual on parole for certain enumerated offenses is arrested or commits any other type of parole violation, the board is required to automatically revoke parole for the entire balance of the parolee's sentence without discretion to consider the facts, circumstances, and severity of the violation.

This bill would provide the board with discretion to consider the recommendations of parole hearing officers and the totality of the circumstances surrounding parole violations for individuals on parole for enumerated offenses and would provide the board with discretion as to which sanctions are imposed for violations.

This bill would also provide that if the



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29 commission of a new criminal offense is the basis of
30 parole revocation for individuals on parole, including
31 those on parole for enumerated offenses, and the
32 charges are later dismissed, the parolee is acquitted
33 at trial, or the case is resolved as a misdemeanor or
34 criminal violation, the board would have the discretion
35 to immediately reinstate parole or conduct a hearing to
36 determine whether reinstatement of parole is in the
37 interest of public safety and the fair administration
38 of justice.

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A BILL

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TO BE ENTITLED

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AN ACT

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45 Relating to parole; to amend Section 15-22-32, Code of
46 Alabama 1975, as last amended by Act 2025-273, 2025 Regular
47 Session, to further provide for the authority of the Board of
48 Pardons and Paroles relating to parole; to provide various
49 conditions where the board would be required to revoke parole;
50 to provide various conditions where the board would have
51 discretion as to the imposed punishment for a parole
52 violation; and to provide various conditions where the board
53 would be authorized to require a parolee to serve a sentence
54 for a parole violation in a residential transition center or
55 consenting county jail.

56 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:



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57 Section 1. Section 15-22-32, Code of Alabama 1975, as
58 last amended by Act 2025-273, 2025 Regular Session, is amended
59 to read as follows:

60 "§15-22-32

61 (a) Whenever there is reasonable cause to believe that
62 ~~a prisoner who has been paroled~~ a parolee has violated his or
63 her parole, the Board of Pardons and Paroles, at its next
64 meeting, may declare the parolee to be delinquent, and time
65 owed shall date from the delinquency. The Department of
66 Corrections, after receiving notice from the sheriff of the
67 county jail where the parolee is being held, shall promptly
68 notify the board of the return of a parolee charged with
69 violation of his or her parole. The board, a single member of
70 the board, a parole revocation hearing officer, or a
71 designated parole officer shall hold a parole court and
72 consider the case of the parole violator. The parolee shall be
73 afforded all rights provided in subdivision (f)(1). The parole
74 court shall determine whether sufficient evidence supports the
75 violation charges. When a new arrest is the basis of the
76 violation, the parole court shall make a finding as to whether
77 the hearing officer is reasonably satisfied from the evidence
78 that the parolee committed the new offense. Except as provided
79 in subparagraph (f)(1)a.2., if a hearing is not held within 20
80 business days, the parolee shall be released back to parole
81 supervision.

82 (b) Upon finding sufficient evidence to support a
83 parole violation, the parole court may recommend to the board
84 revocation or reinstatement of parole, and the board may take



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85 any of the following actions:

86 (1)a. If the underlying offense was a violent offense
87 as defined in Section 12-25-32 and classified as a Class A
88 felony, a sex offense pursuant to Section 15-20A-5, possession
89 of a firearm by a person forbidden from firearm possession
90 pursuant to Section 13A-11-72, or aggravated theft by
91 deception pursuant to Section 13A-8-2.1, the following
92 applies:

93 1. The board shall revoke parole when a new arrest for
94 a felony charge or possessing a firearm is the basis of a
95 violation if the board is reasonably satisfied based on the
96 evidence that the parolee committed the new offense and
97 require the parolee to serve the balance of the term for which
98 he or she was originally sentenced, or any portion thereof, in
99 a state prison facility, calculated from the date of his or
100 her rearrest as a delinquent parolee.

101 2. The board may revoke parole when the violation is
102 based on a new arrest for a misdemeanor charge, criminal
103 violation, absconding, or other violation of the terms of
104 parole if the board is reasonably satisfied based on the
105 evidence supporting the parole violation charge that the
106 parolee committed the violation and may require the parolee to
107 serve the balance of the term for which he or she was
108 originally sentenced, or any portion thereof that is not less
109 than 45 days, in a state prison facility, residential
110 treatment center established pursuant to Section 15-22-30.1,
111 or a consenting county jail designated for this purpose as
112 provided in Section 14-1-23, calculated from the date of his



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113 or her rearrest as a delinquent parolee.

114 ~~b. If the parole violation was for absconding,~~
115 ~~possessing a firearm, or being arrested or convicted of a new~~
116 ~~offense, the board may revoke parole and require the parolee~~
117 ~~to serve the balance of the term for which he or she was~~
118 ~~originally sentenced, or any portion thereof, in a state~~
119 ~~prison facility, calculated from the date of his or her~~
120 ~~rearrest as a delinquent parolee.~~

121 b. If the underlying offense was other than those
122 enumerated in paragraph a., the following applies:

123 1. If the parole violation was for absconding,
124 possessing a firearm, or being arrested or convicted of a new
125 offense and the board is reasonably satisfied based on the
126 evidence that the parolee committed the violation, the board
127 may revoke parole and require the parolee to serve the balance
128 of the term for which he or she was originally sentenced, or
129 any portion thereof, in a state prison facility, calculated
130 from the date of his or her rearrest as a delinquent parolee.

131 2. If the parole violation was other than those
132 enumerated in subparagraph 1. and the board is reasonably
133 satisfied based on the evidence that the parolee committed the
134 violation, the board may impose a period of confinement of not
135 more than 45 days to be served in a residential transition
136 center established pursuant to Section 15-22-30.1 or a
137 consenting county jail designated for this purpose as provided
138 in Section 14-1-23. The parolee shall be held in the county
139 jail of the county in which the parole violation occurred
140 while awaiting the revocation hearing. The Department of



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141 Corrections shall reimburse the state mileage rate to the
142 county, as determined by the Comptroller, for any state inmate
143 charged with, sanctioned with, or revoked for a parole
144 violation and who is transferred to or from a Department of
145 Corrections facility or to or from a consenting county jail by
146 the county.

147 c. For all other parolees, the board may impose a
148 period of confinement of no more than 45 consecutive days to
149 be served in a residential transition center established
150 pursuant to Section 15-22-30.1 or a consenting county jail
151 designated for this purpose as provided in Section 14-1-23.
152 The parolee shall be held in the county jail of the county in
153 which the violation occurred while awaiting the revocation
154 hearing. The Department of Corrections shall reimburse the
155 state mileage rate to the county, as determined by the ~~Alabama~~
156 ~~Comptroller's Office~~Comptroller, for any state inmate charged
157 with, or sanctioned or revoked for, a parole violation and who
158 is transferred to or from a Department of Corrections facility
159 or to or from a consenting county jail by the county.

160 (2) Upon completion of the confinement period and
161 release from confinement, the parolee shall automatically
162 continue on parole for the remaining term of the sentence
163 without further action from the board. The parole court may
164 not recommend and the board may not revoke parole unless the
165 parolee has previously received a total of three periods of
166 confinement under this subsection. A parolee shall receive
167 only three total periods of confinement pursuant to this
168 subsection. The maximum 45-day term of confinement ordered



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169 pursuant to this subsection shall be reduced by any time
170 served in custody prior to the imposition of the period of
171 confinement and shall be credited to the balance of the
172 incarceration term for which the parolee was originally
173 sentenced. In the event the time remaining on parole
174 supervision is 45 days or less, the term of confinement may
175 not exceed the remainder of the parolee's sentence.

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

179 (4) Confinement shall be immediate. The board shall
180 ensure that the Department of Corrections, a county jail, a
181 residential transition center, or a consenting county jail
182 receives necessary documentation for imposing a period of
183 confinement within five business days of the board's action.

184 (5) If the parolee is presented to a county jail,
185 excluding a consenting county jail designated for this
186 purpose, as provided in Section 14-1-23, for any period of
187 confinement with a serious health condition, if the admittance
188 of the parolee would create a security risk to the county
189 jail, or if the county jail is near, at, or over capacity, the
190 sheriff may refuse to admit the parolee. If, while in custody
191 of the county jail, the parolee develops a serious health
192 condition, if the presence of the parolee creates a security
193 risk to the county jail, or if the county jail reaches near,
194 at, or over capacity, the sheriff may release the parolee upon
195 notification to the parole officer. A sheriff and employees in
196 the county jail shall be immune from liability for exercising



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197 discretion pursuant to Section 36-1-12 in refusing to admit a
198 parolee into the jail or releasing a parolee from jail
199 pursuant to this subdivision.

200 (6) In all cases where the basis of the parole
201 revocation is a new arrest for which charges are later
202 dismissed, result in an acquittal, or are resolved as a
203 criminal violation, the board may either immediately reinstate
204 parole or the parolee shall be immediately eligible for parole
205 and added to the earliest practicable parole hearing docket,
206 not later than 90 calendar days, for the board to consider the
207 circumstances surrounding the resolution of the charges and
208 determine if parole reinstatement is in the interest of public
209 safety and the fair administration of justice.

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

212 (d) The board may appoint or employ hearing officers
213 who shall conduct a parole court. The hearing officers shall
214 determine the sufficiency of evidence to support parole
215 violation charges and recommend to the board revocation of
216 parole pursuant to subsection (b) or reinstatement of parole.

217 (e) In lieu of subsections (a) and (b), when a parolee
218 violates his or her parole terms and conditions, his or her
219 parole officer, after an administrative review and approval by
220 the parole officer's supervisor, may impose any of the
221 following sanctions:

- 222 (1) Mandatory behavior treatment.
223 (2) Mandatory substance abuse treatment.
224 (3) GPS monitoring.



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225 (4) Any other treatment as determined by the board or
226 supervising officer.

227 (5)a. A short period of confinement in the county jail
228 of the county in which the violation occurred. Periods of
229 confinement under this subdivision may not exceed six days per
230 month during any three separate months during the period of
231 parole. The six days per month confinement periods may only be
232 imposed as two-day or three-day consecutive periods at any
233 single time. The total periods of confinement may not exceed
234 nine total days.

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

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

243 a.1. The right to have a parole court, in person or by
244 electronic means, on the alleged violation or violations.
245 Except as provided in subparagraph 2., if a parole court is
246 requested, no parolee may be held beyond 20 business days of
247 the request.

248 2. If a parole court cannot be held within 20 business
249 days due to a state of emergency being proclaimed under
250 Chapter 9 of Title 31: (i) if the parolee is being held in a
251 Department of Corrections facility, the parole court shall be
252 held within 40 business days; or (ii) if the parolee is being



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253 held in a county jail, the sheriff may agree to the parole
254 court being held within 40 business days. No parolee may be
255 held beyond 40 business days of the request to have a parole
256 court.

257 b. The right to present relevant witnesses and
258 documentary evidence.

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

261 d. The right to confront and cross examine any adverse
262 witnesses.

263 (2) Upon the signing of a waiver of these rights by the
264 parolee and the supervising parole officer, with approval of a
265 supervisor, the parolee may be treated, monitored, or confined
266 for the period recommended in the violation report and
267 designated on the waiver. The parolee may not request a review
268 if he or she has signed a written waiver of rights as provided
269 in this subsection.

270 (g) The board shall adopt guidelines and procedures to
271 implement the requirements of this section, which shall
272 include the requirement of a supervisor's approval prior to
273 exercise of the delegation of authority authorized by
274 subsection (e)."

275 Section 2. This act shall become effective on October
276 1, 2026.