

SB254 ENGROSSED



1 SB254
2 I37YCZZ-2
3 By Senator Givhan
4 RFD: Judiciary
5 First Read: 03-Feb-26



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A BILL
TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§15-22-32

(a) Whenever there is reasonable cause to believe that ~~a prisoner who has been paroled~~ a parolee has violated his or her parole, the Board of Pardons and Paroles, at its next meeting, may declare the parolee to be delinquent, and time



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29 owed shall date from the delinquency. The Department of
30 Corrections, after receiving notice from the sheriff of the
31 county jail where the parolee is being held, shall promptly
32 notify the board of the return of a parolee charged with
33 violation of his or her parole. The board, a single member of
34 the board, a parole revocation hearing officer, or a
35 designated parole officer shall hold a parole court and
36 consider the case of the parole violator. The parolee shall be
37 afforded all rights provided in subdivision (f)(1). The parole
38 court shall determine whether sufficient evidence supports the
39 violation charges. When a new arrest is the basis of the
40 violation, the parole court shall make a finding as to whether
41 the hearing officer is reasonably satisfied from the evidence
42 that the parolee committed the new offense. Except as provided
43 in subparagraph (f)(1)a.2., if a hearing is not held within 20
44 business days, the parolee shall be released back to parole
45 supervision.

46 (b) Upon finding sufficient evidence to support a
47 parole violation, the parole court may recommend to the board
48 revocation or reinstatement of parole, and the board may take
49 any of the following actions:

50 (1)a. If the underlying offense was a violent offense
51 as defined in Section 12-25-32 and classified as a Class A
52 felony, a sex offense pursuant to Section 15-20A-5, possession
53 of a firearm by a person forbidden from firearm possession
54 pursuant to Section 13A-11-72, or aggravated theft by
55 deception pursuant to Section 13A-8-2.1, the board shall
56 revoke parole and require the parolee to serve the balance of



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57 the term for which he or she was originally sentenced, or any
58 portion thereof, in a state prison facility, calculated from
59 the date of his or her rearrest as a delinquent parolee.

60 b. If the parole violation was for absconding,
61 possessing a firearm, or being arrested or convicted of a new
62 offense, the board may revoke parole and require the parolee
63 to serve the balance of the term for which he or she was
64 originally sentenced, or any portion thereof, in a state
65 prison facility, calculated from the date of his or her
66 rearrest as a delinquent parolee.

67 c. For all other parolees, the board may impose a
68 period of confinement of no more than 45 consecutive days to
69 be served in a residential transition center established
70 pursuant to Section 15-22-30.1 or a consenting county jail
71 designated for this purpose as provided in Section 14-1-23.
72 The parolee shall be held in the county jail of the county in
73 which the violation occurred while awaiting the revocation
74 hearing. The Department of Corrections shall reimburse the
75 state mileage rate to the county, as determined by the ~~Alabama~~
76 ~~Comptroller's Office~~ Comptroller, for any state inmate charged
77 with, or sanctioned or revoked for, a parole violation and who
78 is transferred to or from a Department of Corrections facility
79 or to or from a consenting county jail by the county.

80 (2) Upon completion of the confinement period and
81 release from confinement, the parolee shall automatically
82 continue on parole for the remaining term of the sentence
83 without further action from the board. The parole court may
84 not recommend and the board may not revoke parole unless the



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85 parolee has previously received a total of three periods of
86 confinement under this subsection. A parolee shall receive
87 only three total periods of confinement pursuant to this
88 subsection. The maximum 45-day term of confinement ordered
89 pursuant to this subsection shall be reduced by any time
90 served in custody prior to the imposition of the period of
91 confinement and shall be credited to the balance of the
92 incarceration term for which the parolee was originally
93 sentenced. In the event the time remaining on parole
94 supervision is 45 days or less, the term of confinement may
95 not exceed the remainder of the parolee's sentence.

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

99 (4) Confinement shall be immediate. The board shall
100 ensure that the Department of Corrections, a county jail, a
101 residential transition center, or a consenting county jail
102 receives necessary documentation for imposing a period of
103 confinement within five business days of the board's action.

104 (5) If the parolee is presented to a county jail,
105 excluding a consenting county jail designated for this
106 purpose, as provided in Section 14-1-23, for any period of
107 confinement with a serious health condition, if the admittance
108 of the parolee would create a security risk to the county
109 jail, or if the county jail is near, at, or over capacity, the
110 sheriff may refuse to admit the parolee. If, while in custody
111 of the county jail, the parolee develops a serious health
112 condition, if the presence of the parolee creates a security



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113 risk to the county jail, or if the county jail reaches near,
114 at, or over capacity, the sheriff may release the parolee upon
115 notification to the parole officer. A sheriff and employees in
116 the county jail shall be immune from liability for exercising
117 discretion pursuant to Section 36-1-12 in refusing to admit a
118 parolee into the jail or releasing a parolee from jail
119 pursuant to this subdivision.

120 (6)a. When parole revocation is solely based on an
121 arrest for a new offense, the board may place the parolee on
122 the next practicable parole hearing docket, subject to the
123 normal parole hearing scheduling process, if the parolee was
124 found not guilty of the offense, the offense was dismissed
125 with prejudice, or the offense was nolle prossed with
126 prejudice and without conditions.

127 b. A finding of not guilty, dismissal, or nolle pross
128 shall not warrant relief under this subsection where the
129 record independently establishes conduct constituting a parole
130 violation.

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

133 (d) The board may appoint or employ hearing officers
134 who shall conduct a parole court. The hearing officers shall
135 determine the sufficiency of evidence to support parole
136 violation charges and recommend to the board revocation of
137 parole pursuant to subsection (b) or reinstatement of parole.

138 (e) In lieu of subsections (a) and (b), when a parolee
139 violates his or her parole terms and conditions, his or her
140 parole officer, after an administrative review and approval by



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141 the parole officer's supervisor, may impose any of the
142 following sanctions:

143 (1) Mandatory behavior treatment.

144 (2) Mandatory substance abuse treatment.

145 (3) GPS monitoring.

146 (4) Any other treatment as determined by the board or
147 supervising officer.

148 (5)a. A short period of confinement in the county jail
149 of the county in which the violation occurred. Periods of
150 confinement under this subdivision may not exceed six days per
151 month during any three separate months during the period of
152 parole. The six days per month confinement periods may only be
153 imposed as two-day or three-day consecutive periods at any
154 single time. The total periods of confinement may not exceed
155 nine total days.

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

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

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



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169 2. If a parole court cannot be held within 20 business
170 days due to a state of emergency being proclaimed under
171 Chapter 9 of Title 31: (i) if the parolee is being held in a
172 Department of Corrections facility, the parole court shall be
173 held within 40 business days; or (ii) if the parolee is being
174 held in a county jail, the sheriff may agree to the parole
175 court being held within 40 business days. No parolee may be
176 held beyond 40 business days of the request to have a parole
177 court.

178 b. The right to present relevant witnesses and
179 documentary evidence.

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

182 d. The right to confront and cross examine any adverse
183 witnesses.

184 (2) Upon the signing of a waiver of these rights by the
185 parolee and the supervising parole officer, with approval of a
186 supervisor, the parolee may be treated, monitored, or confined
187 for the period recommended in the violation report and
188 designated on the waiver. The parolee may not request a review
189 if he or she has signed a written waiver of rights as provided
190 in this subsection.

191 (g) The board shall adopt guidelines and procedures to
192 implement the requirements of this section, which shall
193 include the requirement of a supervisor's approval prior to
194 exercise of the delegation of authority authorized by
195 subsection (e)."

196 Section 2. This act shall become effective on October

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197 1, 2026.

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200 Senate

201 Read for the first time and referred03-Feb-26
202 to the Senate committee on Judiciary
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204 Read for the second time and placed12-Feb-26
205 on the calendar:
206 0 amendments
207
208 Read for the third time and passed03-Mar-26
209 as amended
210 Yeas 26
211 Nays 2
212 Abstains 0
213
214

215 Patrick Harris,
216 Secretary.
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