

SB254 ENROLLED



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



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1 Enrolled, An Act,

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

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

19 "§15-22-32

20 (a) Whenever there is reasonable cause to believe that
21 ~~a prisoner who has been paroled~~ a parolee has violated his or
22 her parole, the Board of Pardons and Paroles, at its next
23 meeting, may declare the parolee to be delinquent, and time
24 owed shall date from the delinquency. The Department of
25 Corrections, after receiving notice from the sheriff of the
26 county jail where the parolee is being held, shall promptly
27 notify the board of the return of a parolee charged with
28 violation of his or her parole. The board, a single member of



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29 the board, a parole revocation hearing officer, or a
30 designated parole officer shall hold a parole court and
31 consider the case of the parole violator. The parolee shall be
32 afforded all rights provided in subdivision (f)(1). The parole
33 court shall determine whether sufficient evidence supports the
34 violation charges. When a new arrest is the basis of the
35 violation, the parole court shall make a finding as to whether
36 the hearing officer is reasonably satisfied from the evidence
37 that the parolee committed the new offense. Except as provided
38 in subparagraph (f)(1)a.2., if a hearing is not held within 20
39 business days, the parolee shall be released back to parole
40 supervision.

41 (b) Upon finding sufficient evidence to support a
42 parole violation, the parole court may recommend to the board
43 revocation or reinstatement of parole, and the board may take
44 any of the following actions:

45 (1)a. If the underlying offense was a violent offense
46 as defined in Section 12-25-32 and classified as a Class A
47 felony, a sex offense pursuant to Section 15-20A-5, possession
48 of a firearm by a person forbidden from firearm possession
49 pursuant to Section 13A-11-72, or aggravated theft by
50 deception pursuant to Section 13A-8-2.1, the board shall
51 revoke parole and require the parolee to serve the balance of
52 the term for which he or she was originally sentenced, or any
53 portion thereof, in a state prison facility, calculated from
54 the date of his or her rearrest as a delinquent parolee.

55 b. If the parole violation was for absconding,
56 possessing a firearm, or being arrested or convicted of a new



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57 offense, the board may revoke parole and require the parolee
58 to serve the balance of the term for which he or she was
59 originally sentenced, or any portion thereof, in a state
60 prison facility, calculated from the date of his or her
61 rearrest as a delinquent parolee.

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

75 (2) Upon completion of the confinement period and
76 release from confinement, the parolee shall automatically
77 continue on parole for the remaining term of the sentence
78 without further action from the board. The parole court may
79 not recommend and the board may not revoke parole unless the
80 parolee has previously received a total of three periods of
81 confinement under this subsection. A parolee shall receive
82 only three total periods of confinement pursuant to this
83 subsection. The maximum 45-day term of confinement ordered
84 pursuant to this subsection shall be reduced by any time



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85 served in custody prior to the imposition of the period of
86 confinement and shall be credited to the balance of the
87 incarceration term for which the parolee was originally
88 sentenced. In the event the time remaining on parole
89 supervision is 45 days or less, the term of confinement may
90 not exceed the remainder of the parolee's sentence.

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

94 (4) Confinement shall be immediate. The board shall
95 ensure that the Department of Corrections, a county jail, a
96 residential transition center, or a consenting county jail
97 receives necessary documentation for imposing a period of
98 confinement within five business days of the board's action.

99 (5) If the parolee is presented to a county jail,
100 excluding a consenting county jail designated for this
101 purpose, as provided in Section 14-1-23, for any period of
102 confinement with a serious health condition, if the admittance
103 of the parolee would create a security risk to the county
104 jail, or if the county jail is near, at, or over capacity, the
105 sheriff may refuse to admit the parolee. If, while in custody
106 of the county jail, the parolee develops a serious health
107 condition, if the presence of the parolee creates a security
108 risk to the county jail, or if the county jail reaches near,
109 at, or over capacity, the sheriff may release the parolee upon
110 notification to the parole officer. A sheriff and employees in
111 the county jail shall be immune from liability for exercising
112 discretion pursuant to Section 36-1-12 in refusing to admit a



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113 parolee into the jail or releasing a parolee from jail
114 pursuant to this subdivision.

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

122 b. A finding of not guilty, dismissal, or nolle pross
123 shall not warrant relief under this subsection where the
124 record independently establishes conduct constituting a parole
125 violation.

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

128 (d) The board may appoint or employ hearing officers
129 who shall conduct a parole court. The hearing officers shall
130 determine the sufficiency of evidence to support parole
131 violation charges and recommend to the board revocation of
132 parole pursuant to subsection (b) or reinstatement of parole.

133 (e) In lieu of subsections (a) and (b), when a parolee
134 violates his or her parole terms and conditions, his or her
135 parole officer, after an administrative review and approval by
136 the parole officer's supervisor, may impose any of the
137 following sanctions:

- 138 (1) Mandatory behavior treatment.
139 (2) Mandatory substance abuse treatment.
140 (3) GPS monitoring.



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141 (4) Any other treatment as determined by the board or
142 supervising officer.

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

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

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

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

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



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169 held in a county jail, the sheriff may agree to the parole
170 court being held within 40 business days. No parolee may be
171 held beyond 40 business days of the request to have a parole
172 court.

173 b. The right to present relevant witnesses and
174 documentary evidence.

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

177 d. The right to confront and cross examine any adverse
178 witnesses.

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

186 (g) The board shall adopt guidelines and procedures to
187 implement the requirements of this section, which shall
188 include the requirement of a supervisor's approval prior to
189 exercise of the delegation of authority authorized by
190 subsection (e)."

191 Section 2. This act shall become effective on October
192 1, 2026.



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President and Presiding Officer of the Senate

Speaker of the House of Representatives

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Senate 03-Mar-26

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives

Passed: 07-Apr-26

By: Senator Givhan