

HB127 INTRODUCED



1 HB127
2 NCRQ8J-1
3 By Representatives Pettus, Treadaway, Bedsole, Lee
4 RFD: Judiciary
5 First Read: 06-Feb-24



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SYNOPSIS:

Under existing law, certain inmates released from the physical custody of the Department of Corrections under mandatory supervision and certain inmates released on parole are subject to electronic monitoring.

Under existing law, certain inmates released on probation may be subject to electronic monitoring.

This bill would make it unlawful for an individual subject to electronic monitoring to knowingly alter, disable, deactivate, tamper with, remove, damage, or destroy any device used to facilitate electronic monitoring.

Section 111.05 of the Constitution of Alabama of 2022, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

The purpose or effect of this bill would be to require a new or increased expenditure of local funds



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29 within the meaning of the amendment. However, the bill
30 does not require approval of a local governmental
31 entity or enactment by a 2/3 vote to become effective
32 because it comes within one of the specified exceptions
33 contained in the amendment.

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A BILL

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TO BE ENTITLED

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AN ACT

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40 Relating to electronic monitoring; to amend Sections
41 15-22-26.2, 15-22-29, and 15-22-52, Code of Alabama 1975, to
42 make it unlawful for an individual subject to electronic
43 monitoring to knowingly alter, disable, deactivate, tamper
44 with, remove, damage, or destroy any device used to facilitate
45 electronic monitoring; and in connection therewith would have
46 as its purpose or effect the requirement of a new or increased
47 expenditure of local funds within the meaning of Section
48 111.05 of the Constitution of Alabama of 2022.

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BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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Section 1. Sections 15-22-26.2, 15-22-29, and 15-22-52,

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Code of Alabama 1975, are amended to read as follows:

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"§15-22-26.2

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(a) A convicted defendant sentenced to a period of

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confinement under the supervision of the Department of

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Corrections shall be subject to the following provisions,

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unless the defendant is released to a term of probation or



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57 released on parole under this chapter:

58 (1) If the defendant is sentenced to a period of five
59 years or less, he or she shall be released by the department
60 to supervision by the Board of Pardons and Paroles no less
61 than three months and no more than five months prior to the
62 defendant's release date.

63 (2) If the defendant is sentenced to a period of more
64 than five years but less than 10 years, he or she shall be
65 released by the department to supervision by the Board of
66 Pardons and Paroles no less than six months and no more than
67 nine months prior to the defendant's release date.

68 (3) If the defendant is sentenced to a period of 10
69 years or more, he or she shall be released by the department
70 to supervision by the Board of Pardons and Paroles no less
71 than 10 months and no more than 12 months prior to the
72 defendant's release date.

73 (b) This section shall not apply to a defendant
74 convicted of any sex offense involving a child, as defined in
75 Section 15-20A-4.

76 (c) Prior to the defendant's release to supervision
77 pursuant to this section, notice of the release shall be
78 provided by the department to the victim and interested
79 parties through the victim notification system established
80 pursuant to Section 15-22-36.2.

81 (d) (1) An offender released to supervision pursuant to
82 this section shall be released to the supervision of the Board
83 of Pardons and Paroles and shall be subject to this article.

84 (2) The board shall determine the level of supervision



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85 required for an offender based on the results of a validated
86 risk and needs assessment.

87 (e) (1) An offender released pursuant to this section
88 shall be subject to electronic monitoring for a period of time
89 determined by the Director of Pardons and Paroles.

90 (2) The board shall be responsible for the costs of the
91 electronic monitoring as required by this subsection.

92 (3) It shall be a Class C felony for any individual to
93 knowingly alter, disable, deactivate, tamper with, remove,
94 damage, or destroy any device used to facilitate electronic
95 monitoring under this subsection.

96 (f) This section applies to a defendant in the custody
97 of the department without regard to when he or she was
98 sentenced for or committed the crime."

99 "§15-22-29

100 (a) The Board of Pardons and Paroles, in releasing an
101 inmate on parole, shall specify in writing the conditions of
102 his or her parole and shall provide a copy of the conditions
103 to the parolee. A parolee who violates the conditions of
104 parole may be subject to arrest and reimprisonment.

105 (b) The Board of Pardons and Paroles shall adopt
106 general rules regarding the conditions of parole and their
107 violation and may make special rules to govern particular
108 cases. The rules, both general and special, shall include, but
109 are not limited to, all of the following:

110 (1) The parolee may not leave the state without the
111 consent of the board.

112 (2) The parolee shall contribute to the support of his



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113 or her dependents to the best of his or her ability.

114 (3) The parolee shall make reparation or restitution
115 for his or her crime.

116 (4) The parolee shall avoid persons or places of
117 disreputable or harmful character.

118 (5) The parolee shall follow the instructions of his or
119 her parole officer and shall cooperate with the parole
120 officer.

121 (6)a. The parolee shall be subject to electronic
122 monitoring for a period of time determined by the Director of
123 Pardons and Paroles.

124 b. The board shall be responsible for the costs of the
125 electronic monitoring as required by this subdivision.

126 c. It shall be a Class C felony for any individual to
127 knowingly alter, disable, deactivate, tamper with, remove,
128 damage, or destroy any device used to facilitate electronic
129 monitoring under this subdivision.

130 (7) The parolee shall submit to behavioral treatment,
131 substance abuse treatment, GPS monitoring, or any other
132 treatment as deemed necessary by the board or the supervising
133 parole officer.

134 (8) The parolee may not buy, own, or possess a firearm
135 in violation of federal law or in violation of Section
136 13A-11-72."

137 "§15-22-52

138 The court shall determine and may at any time modify
139 the conditions of probation-. The conditions of probation
140 shall include, but are not limited to, all of the following:



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- 141 (1) Avoid injurious or vicious habits.
- 142 (2) Avoid persons or places of disreputable or harmful
143 character.
- 144 (3) Report to the probation officer as directed.
- 145 (4) Permit the probation officer to visit him or her at
146 his or her home or elsewhere.
- 147 (5) Work faithfully at suitable employment as far as
148 possible.
- 149 (6) Remain within a specified place.
- 150 (7) Pay the fine imposed or costs or any portions of
151 fines or costs, as the court may determine, and in
152 installments as the court may direct.
- 153 (8) Make reparation or restitution to the aggrieved
154 party for the damage or loss caused by his or her offense in
155 an amount to be determined by the court.
- 156 (9) Support his or her dependents to the best of his or
157 her ability.
- 158 (10) a. Submit to behavioral treatment, substance abuse
159 treatment, GPS monitoring, or any other treatment as deemed
160 necessary by the court or supervising probation officer.
- 161 b. It shall be a Class C felony for any individual to
162 knowingly alter, disable, deactivate, tamper with, remove,
163 damage, or destroy any device used to facilitate electronic
164 monitoring under this subdivision.
- 165 (11) The probationer may not buy, own, or possess a
166 firearm in violation of federal law or in violation of Section
167 13A-11-72."
- 168 Section 2. Although this bill would have as its purpose



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169 or effect the requirement of a new or increased expenditure of
170 local funds, the bill is excluded from further requirements
171 and application under Section 111.05 of the Constitution of
172 Alabama of 2022, because the bill defines a new crime or
173 amends the definition of an existing crime.

174 Section 3. This act shall become effective on October
175 1, 2024.