

HB228 INTRODUCED



1 JPZAYN-1
2 By Representative England
3 RFD: Judiciary
4 First Read: 04-Apr-23
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SYNOPSIS:

Under existing law, the Board of Pardons and Paroles is required to consider parole release guidelines in determining whether to grant or deny parole.

This bill would require the Board of Pardons and Paroles to give weighted consideration to the health of an inmate in making its parole decision.

Under existing law, when a prisoner who has been convicted of a nonviolent offense 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 the parole release denial.

This bill would provide that when a prisoner who has served at least 10 years of his or her sentence and has reached the age of 50 is denied parole, the board shall reconsider releasing the prisoner on parole no more than two years after the denial of parole and shall provide the inmate with a detailed plan to improve the chances he or she will be granted parole at the next hearing.

This bill would provide that if the board fails to provide a detailed plan to the prisoner, he or she shall be provided a new parole hearing within 90 days of the denial.



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29 This bill would provide appellate relief for a
30 prisoner with a serious chronic health condition who
31 was denied parole in certain circumstances.

32 Under existing law, inmates that meet certain
33 criteria may be considered for medical parole.

34 This bill would require the board to hold a
35 medical parole hearing within 30 days of an inmate
36 becoming eligible for medical parole.

37 This bill would provide for appellate relief for
38 an inmate who was denied medical parole.

39 This bill would authorize an inmate released on
40 medical furlough to reside in any state.

41 Under existing law, an inmate may not attend his
42 or her parole hearing.

43 This bill would allow an inmate to virtually
44 attend his or her parole hearing.

45 This bill would also make nonsubstantive,
46 technical revisions to update the existing code
47 language to current style.

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A BILL

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TO BE ENTITLED

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AN ACT

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54 Relating to pardons and paroles; to amend Sections
55 15-22-26, 15-22-28, 15-22-37, and 15-22-43, Code of Alabama
56 1975, to require the Board of Pardons and Paroles to give



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57 weighted consideration to an inmate's age when determining
58 whether to grant parole, to require the board to hold a
59 rehearing once parole is denied for certain inmates, to
60 provide for appellate relief for a prisoner with a serious
61 chronic health condition who was denied parole in certain
62 circumstances; to require the board to hold a medical parole
63 hearing within a specified period of time of an inmate
64 becoming eligible for medical parole; provide for appellate
65 relief for an inmate who was denied medical parole; to amend
66 Section 14-14-5, Code of Alabama 1975, to provide that an
67 inmate released on medical furlough may reside in any state;
68 to add Section 15-22-25.5 to the Code of Alabama 1975, to
69 provide that an inmate may attend his or her parole hearing
70 virtually; and to make nonsubstantive, technical revisions to
71 update the existing code language to current
72 style.

73 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

74 Section 1. Sections 15-22-26, 15-22-28, 15-22-37, and
75 15-22-43, Code of Alabama 1975, are amended to read as
76 follows:

77 "§15-22-26

78 (a) (1) No-Except as provided in Section 15-22-28, no
79 prisoner ~~shall~~may be released on parole ~~merely~~ as a reward
80 for good conduct or efficient performance of duties assigned
81 in prison, but only if ~~the~~a majority of the Board of Pardons
82 and Paroles ~~is~~members are of the opinion that the prisoner
83 meets criteria and guidelines established by the board to
84 determine a prisoner's fitness for parole and to ensure public



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85 safety.

86 (2) The guidelines shall ~~serve~~ do all of the following:

87 a. ~~Serve~~ as an aid in the parole process ~~and shall~~
88 ~~promote.~~

89 b. ~~Promote~~ the use of prison space for the most violent
90 and greatest risk offenders, while recognizing that the
91 board's paramount duty is to protect public safety. ~~The~~
92 ~~guidelines shall be~~

93 c. ~~Be~~ structured, and actuarially based, ~~reviewed every~~
94 ~~three years by the board, after a specified open comment~~
95 ~~period determined by the board, and posted on the website of~~
96 ~~the board and include, but not be limited to,~~

97 (3) The guidelines shall consider all of the following:

98 ~~(1)~~ a. The prisoner's risk to reoffend, based upon a
99 validated risk and needs assessment as defined in Section
100 12-25-32.

101 ~~(2)~~ b. Progress by the prisoner and the Department of
102 Corrections to plan for reentry.

103 ~~(3)~~ c. Input from the victim or victims, the family of
104 the victim or victims, prosecutors, and law enforcement
105 entities.

106 ~~(4)~~ d. Participation in risk-reduction programs while
107 incarcerated.

108 ~~(5)~~ e. Institutional behavior of the prisoner while
109 incarcerated.

110 ~~(6)~~ f. Severity of the underlying offense for which the
111 prisoner was sentenced to incarceration.

112 (4) The board shall give weighted consideration to the



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113 health of the inmate when considering parole.

114 (b) Except as provided in Section 15-22-37, if the
115 board grants a prisoner parole, the prisoner shall be released
116 from prison upon the terms and conditions set by the board,
117 and while released on parole, shall remain in the legal
118 custody of the warden of the prison from which he or she is
119 paroled until the expiration of the maximum term specified in
120 his or her sentence or until he or she is fully pardoned.

121 (c) The board shall clearly articulate its reasons for
122 approval or denial of parole for each prisoner, based on its
123 established guidelines, and shall provide the reasons for
124 approval or denial to the prisoner, the victim, the Department
125 of Corrections, or any other interested party upon written
126 request submitted to the board. The use of established
127 guidelines for parole consideration shall not create a right
128 or expectation by a prisoner to parole release. Additionally,
129 the articulated reasons for denial of parole release shall not
130 create a right or expectation for parole release. The
131 guidelines shall serve as an aid in the parole decisionmaking
132 process, and the decision concerning parole release shall be
133 at the complete discretion of the board."

134 "§15-22-28

135 (a) ~~It shall be the duty of the Board of Pardons and~~
136 ~~Paroles, upon its own initiative, to make an investigation of~~
137 ~~any and~~ The Board of Pardons and Paroles shall investigate all
138 prisoners confined in the jails and prisons of the state,
139 through use of a validated risk and needs assessment, as
140 defined in Section 12-25-32, ~~with a view of determining the~~



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141 ~~feasibility of releasing the prisoners on parole and effecting~~
142 ~~their reclamation~~ to determine which prisoners may be released
143 on parole. Reinvestigations shall be ~~made from time to time~~
144 performed as determined by the board ~~may determine~~ or as
145 requested by the Department of Corrections ~~may request~~. ~~The~~
146 ~~investigations shall include such reports and other~~
147 ~~information as the board may require from the Department of~~
148 ~~Corrections or any of its officers, agents, or employees.~~

149 (b) ~~It shall be the duty of the~~ The Department of
150 Corrections ~~to~~ shall cooperate with the ~~Board of Pardons and~~
151 ~~Paroles~~ board for the purpose of carrying out this article.

152 (c) Temporary leave from prison, ~~including Christmas~~
153 ~~furloughs~~, may only be granted ~~only~~ by the Commissioner of the
154 Department of Corrections to a prisoner for good and
155 sufficient reason and may be granted within ~~or without~~ the
156 state; ~~provided, that Christmas furloughs shall~~ or outside the
157 state. Furlough may not be granted to any prisoner convicted
158 of ~~drug peddling, child molesting or rape,~~ a sex offense, as
159 defined in Section 15-20A-5, or to any maximum security
160 prisoner. A permanent, ~~written~~ record of all temporary leaves,
161 ~~together with~~ including the reasons ~~therefor~~ leave was granted,
162 shall be kept by the commissioner. He or she shall furnish the
163 Board of Pardons and Paroles with a record of each leave
164 granted and the reasons ~~therefor~~ leave was granted, and the
165 same shall be placed by the board in the prisoner's file.

166 (d) ~~No prisoner shall be released on parole except by a~~
167 ~~majority vote of the board.~~ The board ~~shall~~ may not parole any
168 prisoner for employment by any official of the State of



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169 Alabama, nor shall any parolee be employed by an official of
170 the State of Alabama and be allowed to remain on parole;
171 ~~provided, however, that this provision shall.~~ This subsection
172 does not apply ~~in the case of~~ to a parolee whose employer, at
173 the time of the parolee's original employment, was not a state
174 official.

175 (e) The board shall set a prisoner's initial parole
176 consideration date according to the following schedules:

177 (1) For prisoners receiving sentence deductions
178 pursuant to the Alabama Correctional Incentive Time Act,
179 Article 3 of Chapter 9 of Title 14, the following schedule
180 shall apply:

181 a. For terms of five years or less, the prisoner shall
182 be scheduled for initial parole consideration on the current
183 docket.

184 b. For terms over five years and up to 10 years, the
185 prisoner shall be scheduled for initial parole consideration
186 approximately 18 months prior to the minimum release date.

187 c. For terms of more than 10 years and up to 15 years,
188 the prisoner shall be scheduled for initial parole
189 consideration approximately two years and six months prior to
190 the minimum release date.

191 (2) For prisoners convicted on or after March 21, 2001,
192 of one or more of the following Class A felonies, the initial
193 parole consideration date shall be set for a date once a
194 prisoner has completed 85 percent of his or her total sentence
195 or 15 years, whichever is less.

196 a. Rape in the first degree.



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- 197 b. Kidnapping in the first degree.
- 198 c. Murder.
- 199 d. Attempted murder.
- 200 e. Sodomy in the first degree.
- 201 f. Sexual torture.
- 202 g. Robbery in the first degree with serious physical
203 injury as defined in Section 13A-1-2.
- 204 h. Burglary in the first degree with serious physical
205 injury as defined in Section 13A-1-2.
- 206 i. Arson in the first degree with serious physical
207 injury as defined in Section 13A-1-2.
- 208 (3) For all other prisoners, the initial parole
209 consideration date shall be set for a date following
210 completion of one-third of the prisoner's sentence or 10
211 years, whichever is less.
- 212 (4) If the prisoner is serving consecutive sentences,
213 the initial parole consideration date may not be set for a
214 date before the prisoner has separately served the time
215 prescribed in this subsection for each consecutive sentence
216 imposed.
- 217 (f) (1) The board may deviate from the initial parole
218 consideration date established in subsection (e) or any
219 reconsideration date prescribed by the board's rules only in
220 either of the following circumstances:
- 221 a. To comply with the policy and procedural guidelines
222 in effect on or before January 1, 2019, issued by the board
223 under Section 15-22-24~~(e)~~.
- 224 b. If the prisoner ~~shows~~, by clear and convincing



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225 evidence, shows that he or she is more likely than not to be
226 granted parole and that he or she would have been considered
227 for parole on an earlier date under generally applicable rules
228 or policies previously in effect.

229 (2) Any decision by the board to invoke the procedures
230 of this subsection shall be subject to legal review by the
231 deputy Attorney General or assistant Attorney General assigned
232 to the board, prior to the issuance of a parole certificate
233 and the prisoner's release. If it is determined that the grant
234 of parole consideration failed to satisfy the requirements of
235 this subsection or any rule adopted pursuant to this
236 subsection, the decision shall be reversed and the prisoner
237 shall be notified by the board.

238 (3) For purposes of paragraph (f)(1)b., the board shall
239 adopt rules to determine whether a prisoner is more likely
240 than not to be granted parole. These rules shall be designed
241 to minimize the risk a prisoner will be prejudiced by any
242 statutory or administrative changes in parole standards or
243 procedures that have occurred since the date of the prisoner's
244 conviction and shall include, but are not limited to, all of
245 the following:

246 a. A requirement that the prisoner has completed a
247 minimum total period of incarceration.

248 b. A requirement that the prisoner complete certain
249 programs while in custody of the Department of Corrections.

250 c. A requirement that the prisoner provide a statement
251 of support from a Department of Corrections staff member.

252 d. A requirement that the prisoner have no violent



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253 disciplinaries during a prescribed period preceding the
254 prisoner's current application for parole consideration.

255 e. A requirement that the prisoner have no
256 disciplinaries of any kind within a prescribed period
257 preceding the prisoner's current application for parole
258 consideration.

259 f. A requirement that the prisoner's risk of re-offense
260 is determined to be medium or low following the completion of
261 a validated risk and needs assessment, as defined in Section
262 15-25-32, conducted by a trained probation and parole officer.

263 (4) A 30 days' written notice shall be provided to the
264 Governor and Attorney General for any parole consideration
265 date set by the board under subdivision (f)(1). The Governor
266 and Attorney General shall have 14 days from the time notice
267 is received to object to the grant of parole. If the board
268 grants parole consideration under subdivision (f)(1) and did
269 not give adequate notice to the Governor or Attorney General
270 or granted parole consideration despite an objection from the
271 Governor or Attorney General, the decision shall be reversed
272 and the prisoner shall be notified by the board.

273 (g) (1) If a prisoner convicted of a nonviolent offense,
274 as defined in Section 12-25-32, with a sentence of 20 years or
275 less is denied parole, the board shall reconsider releasing
276 the prisoner on parole no more than two years after his or her
277 parole release denial.

278 (2) Any prisoner denied parole who has served at least
279 10 years of his or her sentence, and has reached the age of
280 50, shall have a reconsideration parole hearing at least every



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281 two years following a denial. If the board denies parole, the
282 board shall provide the prisoner with a detailed plan to
283 improve the chances parole will be granted at the next
284 hearing.

285 (3) If the board fails to provide the prisoner with a
286 detailed plan as provided in subdivision (2), the board shall
287 reconsider releasing the prisoner on parole within 90 days of
288 the denial.

289 (h) (1) A prisoner with a serious chronic health
290 condition whose parole was denied shall have the right to seek
291 judicial review of the denial as provided in this subsection.
292 For the purposes of this section, a "serious chronic health
293 condition" includes any non-terminal physical or medical
294 condition rendering an individual permanently and irreversibly
295 incapacitated as determined by reasonable medical judgment.

296 (2) Within 42 days of the board denying a prisoner
297 parole, the prisoner, or an individual acting on the
298 prisoner's behalf, may appeal the decision.

299 (3) The venue for an appeal shall be the circuit court
300 of the county of conviction.

301 (4) The petition shall be heard by the circuit judge
302 who presided over the trial or, if the judge is no longer
303 -serving, by any of the circuit judges in the circuit where the
304 prisoner was convicted.

305 (5) Review by the court shall be de novo by the circuit
306 court without a jury.

307 (6) The decision by the circuit court may be appealed
308 pursuant to the court of criminal appeals and is subject to



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309 the Rules of Appellate Procedure."

310 "§15-22-37

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

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

323 (1) Establish a program of limited supervision for
324 qualifying parolees ~~who qualify~~ addressing eligibility using
325 validated risk and needs assessments, as defined in Section
326 12-25-32, transfers among levels of supervision, to include
327 guidelines for the transfer of lower-risk individuals to an
328 administrative form of parole, and reporting requirements.

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

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



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

340 (4) Establish clear guidelines and procedures that
341 retain the board's discretion in individual parole release
342 cases. ~~The guidelines shall provide that, if a prisoner~~
343 ~~convicted of a nonviolent offense, as defined in Section~~
344 ~~12-25-32, with a sentence of 20 years or less is denied~~
345 ~~parole, the board shall reconsider releasing the prisoner on~~
346 ~~parole no more than two years after such parole release~~
347 ~~denial.~~ The guidelines shall ~~allow~~ use a current validated
348 risk and needs assessment as defined in Section 12-25-32, past
349 criminal history, program completion, institutional
350 misconduct, and other individual characteristics related to
351 the likelihood of offending in the future to be factored into
352 the release decision while working to allocate prison space
353 for the most violent and greatest risk prisoners.

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

357 (6) Establish criteria, guidelines, and procedures to
358 discharge parolees from parole supervision requirements prior
359 to the expiration of the full maximum term for which the
360 parolee was sentenced, unless the parolee was convicted of a
361 violent offense as defined in Section 12-25-32, which shall
362 include review of a parolee for discharge from parole
363 supervision at least every two years if the parolee has
364 satisfied all financial obligations owed to the court,



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365 including restitution, and has not had his or her supervision
366 revoked.

367 (c) Notwithstanding any other provision of law to the
368 contrary, subsections (a) through (c) of Section
369 41-22-5~~(a)-(e)~~, Section 41-22-5.1(b), Section 41-22-6, and
370 subsections (a) through (e) and subsection (g) of Section
371 41-22-23~~(a)-(e), (g)~~ of the Alabama Administrative Procedure
372 Act shall apply to the board's adoption, amendment, or repeal
373 of rules, procedures, guidelines, or other policies, except
374 rules, procedures, guidelines, or other policies concerning
375 the supervision of parolees or probationers. The Alabama
376 Administrative Procedure Act shall not otherwise apply to the
377 board. The notice required by ~~subdivision (a) (1) of~~ Section
378 41-22-5(a) (1) shall be given, and notice shall be given to the
379 Governor and Attorney General or their designees.

380 (d) The Director of Pardons and Paroles shall post on
381 the board's website the guidelines provided under subdivision
382 (b) (4) and the board's existing rules, procedures, guidelines,
383 or other policies concerning the grant or denial of pardons,
384 the grant or denial of paroles, the restoration of political
385 and civil rights, the remission of fines and forfeitures, and
386 the revocation of parole."

387 "§15-22-43

388 (a) (1) The Board of Pardons and Paroles shall establish
389 a special medical parole docket and adopt the rules for
390 implementation pursuant to Section 15-22-24(e). For each
391 person considered for medical parole, the board shall
392 determine whether the person is a geriatric inmate,



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393 permanently incapacitated inmate, or terminally ill inmate for
394 purposes of placing the person on a special medical parole
395 docket to be considered for parole by the board. An open
396 public hearing shall be held, pursuant to Section 15-22-23, to
397 consider the medical parole of the inmate. Notices of the
398 hearing shall be sent pursuant to Sections 15-22-23 and
399 15-22-36. The notice shall clearly state the inmate is being
400 considered for a medical parole.

401 (2) The Department of Corrections shall immediately
402 provide, upon request from the board, a list of geriatric,
403 permanently incapacitated, and terminally ill inmates who are
404 otherwise eligible for parole, subject to the limitations
405 provided under Section 15-22-28(e). By January 1 of each
406 calendar year, the Department of Corrections shall
407 additionally identify all inmates who have spent more than 30
408 or more days in an infirmary in the prior calendar year or
409 received costly and frequent medical treatment outside a
410 Department of Corrections facility in the previous 12 months,
411 as well as all inmates suffering from a life-threatening
412 illness and whose death is imminent within 12 months, who are
413 otherwise parole eligible, subject to the limitations provided
414 under Section 15-22-28(e), and shall immediately provide this
415 information to the board to determine if identified inmates
416 may be considered for a medical parole.

417 (3) Upon a determination that the inmate is eligible
418 for a medical parole, the board shall place the inmate on the
419 next available special medical parole docket pursuant to rules
420 adopted by the board for the board to consider the individual



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421 for medical parole.

422 (4) The board shall hold a medical parole hearing
423 within 30 days of an inmate being placed on the list of
424 geriatric, permanently incapacitated, or terminally ill
425 inmates.

426 (b) Medical parole consideration shall be in addition
427 to any other release for which an inmate may be eligible.

428 (c) In considering an inmate for medical parole, the
429 board may request that additional medical evidence be
430 produced, or that additional medical examinations be conducted
431 by the Department of Corrections.

432 (d) In determining factors for a medical parole, the
433 board shall take into consideration all of the following:

434 (1) Risk for violence.

435 (2) Criminal history.

436 (3) Institutional behavior.

437 (4) Age of the inmate, currently and at the time of the
438 offense.

439 (5) Severity of the illness, disease, or infirmities
440 and whether the same existed at the time of the offense.

441 (6) All available medical and mental health records.

442 (7) Reentry plans, which include alternatives to caring
443 for terminally ill or permanently incapacitated inmates in
444 traditional prison settings.

445 (e) This article shall not apply to inmates convicted
446 of capital murder or a sex offense.

447 (f) Unless provided otherwise in this article, any
448 medical parole under this article shall comply with Article 2,



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449 Chapter 22, Title 15.

450 (g) (1) An inmate whose medical parole was denied shall
451 have the right to seek judicial review of the denial as
452 provided in this subsection.

453 (2) Within 42 days of the board denying an inmate
454 medical parole, the inmate, or an individual acting on the
455 inmate's behalf, may appeal the decision.

456 (3) The venue for an appeal shall be the circuit court
457 of the county of conviction.

458 (4) The petition shall be heard by the circuit judge
459 who presided over the trial or, if the judge is no longer
460 serving, by any of the circuit judges in the circuit where the
461 inmate was convicted.

462 (5) Review by the court shall be de novo by the circuit
463 court without a jury.

464 (6) The decision by the circuit court may be appealed
465 pursuant to the court of criminal appeals and is subject to
466 the Rules of Appellate Procedure.

467 ~~(g)~~ (h) The board shall report annually to the Joint
468 Legislative Interim Prison Committee, House Judiciary
469 Sentencing Commission Subcommittee, and the Alabama Sentencing
470 Commission on the number of medical paroles granted, the
471 nature of the illnesses, diseases, and conditions of those
472 paroled, the number of inmates granted and denied medical
473 parole, and the number of cases granted medical parole, but
474 that could not be released. The crimes for which the inmates
475 have been convicted shall also be provided in the annual
476 report. The report shall be made in a manner that does not



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477 disclose any individual identifying information for any
478 particular inmate and shall be compliant in all respects with
479 the Health Insurance Portability and Accountability Act.

480 ~~(h)~~ (i) This article shall not be deemed to grant any
481 entitlement or right to release."

482 Section 2. Section 14-14-5, Code of Alabama 1975, is
483 amended to read as follows:

484 "§14-14-5

485 (a) An inmate, or any concerned person, including, but
486 not limited to, the inmate's attorney, family, physician, or
487 an employee or official of the department may ~~initiate~~
488 ~~consideration~~ apply for medical furlough by submitting to the
489 department ~~an initial~~ a medical ~~release~~ furlough application
490 form along with supporting documentation as required by the
491 department. The department shall provide an inmate with a copy
492 of all supporting documentation upon the inmate's request.
493 Supporting documentation shall include all of the following:

494 (1) Information concerning the inmate's medical
495 history, prognosis, and age.

496 (2) Medical authorization form.

497 (3) ~~(b) (1) The initial application form shall include~~
498 ~~the~~ A report of a physician ~~or physicians~~ employed by the
499 department or its health care provider ~~and a~~ stating that the
500 physician is of the opinion that the inmate is either
501 terminally ill, permanently incapacitated, or that the inmate
502 suffers from a chronic infirmity, illness, or disease related
503 to aging.

504 (4) A notarized report of at least one other duly



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505 licensed physician who is board certified in the field of
506 medicine for which the inmate is seeking a medical furlough,
507 ~~and~~ who is not an employee of the department. ~~These reports~~
508 ~~shall each be,~~ stating that the physician is of the opinion
509 that the inmate is either terminally ill, permanently
510 incapacitated, or that the inmate suffers from a chronic
511 infirmity, illness, or disease related to aging.

512 ~~(2)~~ (b) The commissioner shall provide the ~~initial~~
513 medical furlough application form and medical authorization
514 forms to all department medical care providers, ~~and.~~
515 Additionally, the forms shall be available at every
516 correctional facility for distribution to inmates.

517 (c) Consideration for medical furlough shall be
518 initiated by the submission of ~~an~~ a medical furlough
519 application form, along with supporting documentation, to the
520 commissioner from the department, the inmate, or the inmate's
521 representative, ~~along with the department's supporting~~
522 ~~documentation to the commissioner.~~

523 (d) If the appropriate medical documentation pursuant
524 to subsection ~~(b)~~ (a) has indicated that the inmate is a
525 geriatric inmate, permanently incapacitated, or terminally
526 ill, the commissioner, within 60 days of receipt of ~~an initial~~
527 a medical furlough application form, shall make a decision
528 regarding the release of the inmate on medical furlough
529 pursuant to ~~the provisions of~~ this chapter. ~~The initial~~
530 ~~application form and supporting document of inmates, who have~~
531 ~~been diagnosed by a physician as suffering from a chronic~~
532 ~~illness or disease related to aging, shall be submitted to the~~



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533 ~~commissioner within 60 days of receipt of the application by~~
534 ~~the department. Supporting documentation shall include~~
535 ~~information concerning the inmate's medical history and~~
536 ~~prognosis, age, and institutional behavior. At the inmate's~~
537 ~~request, the department shall also provide a copy of all~~
538 ~~supporting documentation to the inmate.~~

539 (e) In determining eligibility factors for a medical
540 furlough, the commissioner shall take into consideration all
541 of the following factors:

542 (1) Risk for violence.

543 (2) Criminal history.

544 (3) Institutional behavior.

545 (4) Age of the inmate, currently and at the time of the
546 offense.

547 (5) Severity of the illness, disease, or infirmities.

548 (6) All available medical and mental health records.

549 (7) Release plans, which include alternatives to caring
550 for terminally ill or permanently incapacitated inmates in
551 traditional prison settings.

552 (f) (1) If the commissioner determines that a geriatric
553 inmate, permanently incapacitated inmate, or terminally ill
554 inmate meets the requirements for release to medical furlough
555 pursuant to this chapter, the commissioner shall release the
556 inmate on medical furlough pursuant to ~~the provisions of~~ this
557 chapter within 90 days of receipt by the commissioner of the
558 ~~initial~~ medical furlough application form and supporting
559 documentation.

560 (2) An inmate released on medical furlough may reside



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561 in this state or another state.

562 (g) The commissioner ~~shall have the authority to~~ may
563 revoke the inmate's furlough pursuant to ~~subsection (h) of~~
564 Section 14-14-4 (h).

565 ~~(g)~~ (h) At least 30 days prior to release of a geriatric
566 inmate, permanently incapacitated inmate, or terminally ill
567 inmate under subsection (f), the commissioner shall provide
568 notification of the medical furlough release to the district
569 attorney of the jurisdiction where the inmate was last
570 sentenced and shall also provide notification of the medical
571 furlough release to the victim, victim's representative, and
572 other interested individual via certified mail, return receipt
573 requested, or by using the automated victim notification
574 system as provided in Section 15-22-36 and Section
575 15-22-36.2."

576 Section 3. Section 15-22-25.5 is added to the Code of
577 Alabama 1975, to read as follows:

578 §15-22-25.5

579 An inmate shall be eligible to virtually attend his or
580 her parole hearing.

581 Section 4. This act shall become effective on the first
582 day of the third month following its passage and approval by
583 the Governor, or its otherwise becoming law.