

HB391 INTRODUCED



1 I88XWZ-1
2 By Representative Hill
3 RFD: Judiciary
4 First Read: 27-Apr-23
5
6 2023 Regular Session



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SYNOPSIS:

Under existing law the Board of Pardons and Paroles is responsible for the enhancement of public safety by providing effective supervision and rehabilitation to adult criminal offenders.

This bill would reconstitute the Board of Pardons and Paroles as the Bureau of Pardons and Paroles.

This bill would reorganize the functions and duties of the bureau and would provide for the duties of the Board of Pardons and Paroles within the bureau, which would be the body directly responsible for granting parole, pardons, parole revocations, remission of fines and forfeitures, and restoration of civil and political rights.

This bill would delete duplicative language.

This bill would transfer certain language relating to pardons and paroles to a new article within the Code of Alabama 1975.

This bill would specify the duties and responsibilities of the Director of the Bureau of Pardons and Paroles and would provide for the personnel of the bureau.

This bill would update relevant cross-references in existing law.



HB391 INTRODUCED

29 This bill would also make nonsubstantive,
30 technical revisions to update the existing code
31 language to current style.

32

33

34

A BILL

35

TO BE ENTITLED

36

AN ACT

37

38 Relating to pardons and paroles; to add Article 1A,
39 commencing with Section 15-22-10.01 to Chapter 22 of Title 15,
40 Code of Alabama 1975, to reconstitute the Board of Pardons and
41 Paroles as the Bureau of Pardons and Paroles; to reorganize
42 the functions and duties of the bureau and to provide for the
43 duties of the Board of Pardons and Paroles within the bureau;
44 to transfer certain language relating to pardons and paroles
45 to a new article within the Code of Alabama 1975; to specify
46 the duties and responsibilities of the Director of the Bureau
47 of Pardons and Paroles and to provide for the personnel of the
48 bureau; to amend 15-18-71, 15-18-72, 15-18-74, 15-18-76,
49 15-18-77, 15-22-42, 15-22-43, 15-22-51, 15-22-53, and Section
50 15-22-54, as corrected by Act 2022-371, the Codification Act,
51 2022 Regular Session, and Sections 15-22-56 and 15-22-57, Code
52 of Alabama 1975, to delete duplicative language; to make
53 nonsubstantive, technical revisions to update the existing
54 code language to current style; to amend Sections 12-17-184,
55 14-1-22, 14-1-23, 14-14-5, 15-18-176, 15-20A-48, 15-22-111,
56 15-22-112, Section 15-22-113, as last amended by Act 2022-382,



HB391 INTRODUCED

57 2022 Regular Session, Sections 15-22-115, 15-23-79, and
58 17-3-31, Code of Alabama 1975, to update relevant
59 cross-references in existing law; and to repeal Sections
60 15-22-20, 15-22-21, 15-22-21.1, 15-22-22, 15-22-23, 15-22-24,
61 15-22-25, 15-22-26, 15-22-26.1, 15-22-26.2, 15-22-27,
62 15-22-27.1, 15-22-27.2, 15-22-27.3, 15-22-27.4, 15-22-28,
63 15-22-29, 15-22-29.1, 15-22-30, 15-22-30.1, 15-22-30.2,
64 15-22-31, 15-22-32, 15-22-33, 15-22-34, 15-22-35, 15-22-36,
65 15-22-36.1, 15-22-36.2, 15-22-36.3, 15-22-37, 15-22-38,
66 15-22-39, and 15-22-40, Code of Alabama 1975.

67 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

68 Section 1. Article 1A, commencing with Section
69 15-22-10.01, is added to Chapter 22 of Title 15, Code of
70 Alabama 1975, to read as follows:

71 §15-22-10.01

72 (a) The Board of Pardons and Paroles shall be
73 reconstituted as the Bureau of Pardons and Paroles. The bureau
74 shall consist of the Director of the Bureau of Pardons and
75 Paroles, the Board of Pardons and Paroles, and other personnel
76 as further provided.

77 (b) Any funds currently appropriated to the Board of
78 Pardons and Paroles shall be reallocated to the Bureau of
79 Pardons and Paroles.

80 §15-22-10.02

81 As used in this article, the following terms have the
82 following meanings:

83 (1) BUREAU. The Bureau of Pardons and Paroles.

84 (2) BOARD. The Board of Pardons and Paroles.



HB391 INTRODUCED

85 (3) DIRECTOR. The Director of the Bureau of Pardons and
86 Paroles.

87 (4) VALIDATED RISK AND NEEDS ASSESSMENT. The term as
88 defined in Section 12-25-32.

89 §15-22-10.03

90 (a) The Governor shall appoint a Director of the Bureau
91 of Pardons and Paroles, who shall serve at the pleasure of the
92 Governor. The director's salary shall be fixed by the Governor
93 and shall not be subject to Section 36-6-6.

94 (b) The director shall serve as the chief executive
95 officer of the bureau and be vested with all power necessary
96 to perform the duties assigned to the bureau by law, except
97 specific powers assigned to the board, as provided in Section
98 15-22-10.41.

99 (c) As chief executive officer, the director shall be
100 responsible for all of the following:

101 (1) Employing and supervising, subject to the
102 provisions of the state Merit System, officials necessary to
103 carry out the duties of the bureau.

104 (2) Performing, on behalf of the bureau, all fiscal and
105 budgetary requirements imposed on the bureau by law.

106 (3) Developing and implementing, on behalf of the
107 bureau, all policies and procedures for the effective
108 supervision of parolees released by the board to supervision,
109 as well as those individuals granted probation by the
110 sentencing court.

111 (4) Attending all meetings of the board, in person or
112 by designee, to act as the board's secretary.



HB391 INTRODUCED

113 (5) Maintaining a record of the board's official
114 actions.

115 (6) Hiring additional employees as may be required by
116 the bureau to perform its duties and shall fix and determine
117 their qualifications, duties, and authority. The employees of
118 the bureau, except for the director, shall be subject to the
119 law with respect to the method, selection, classification, and
120 compensation of state employees on the basis of merit.

121 (d) Except for the director, all employees, including
122 executive-level employees, administrative hearing officers,
123 and probation and parole officers shall be subject to the
124 Merit System.

125 (e) Between October 1 and December 31 of each year, the
126 director, or his or her designee, shall report the bureau's
127 and board's activities and functions during the preceding year
128 to the Governor, to the Secretary of State, and to the
129 Department of Archives and History. A copy shall be maintained
130 in the permanent records of the bureau.

131 §15-22-10.04

132 (a) The bureau shall be responsible for all of the
133 following:

134 (1) Determining the initial parole consideration date
135 for inmates, pursuant to Section 15-22-10.12.

136 (2) Generating dockets for board meetings.

137 (3) Conducting investigations requested by the courts
138 or the board regarding parolees and probationers, pursuant to
139 Section 15-22-10.07.

140 (4) Implementing the use of the validated risk and



HB391 INTRODUCED

141 needs assessments.

142 (5) Supervising all inmates released on parole or
143 placed on probation by courts exercising criminal
144 jurisdiction.

145 (6) Providing written statements of conditions of
146 parole and probation to parolees and probationers under the
147 supervision of the bureau.

148 (7) Determining whether a parolee or probationer has
149 violated the conditions of his or her parole or probation.
150 Regarding parolees, reporting any parole violation to the
151 board. Regarding probationers, reporting any probation
152 violation to the judges of the courts having jurisdiction of
153 the probationers.

154 (8) Aiding parolees and probationers to secure
155 employment.

156 (b) The bureau may do any of the following:

157 (1) Accept grants, gifts, or other funds for the
158 operation of the bureau.

159 (2) Enter into contracts to accomplish the functions of
160 the bureau.

161 (3) Including members of the board, may administer
162 oaths and affirmations, examine witnesses, and receive
163 evidence on all matters to be considered by the bureau and the
164 board.

165 (4) Expend funds appropriated for the purposes of
166 recruitment materials and training of law enforcement officers
167 and support staff, educating the public, and promoting the
168 bureau's mission.



HB391 INTRODUCED

169 §15-22-10.05

170 One executive-level employee at the bureau, or its
171 successor agency, shall be known as the Deputy Director for
172 Parolee Rehabilitation. The Deputy Director for Parolee
173 Rehabilitation shall be responsible for the development,
174 implementation, and improvement of programs designed to reduce
175 recidivism.

176 §15-22-10.06

177 The bureau shall require all probation and parole
178 officers to complete all of the following training
179 requirements within two years of their hire date:

- 180 (1) Assessment techniques.
- 181 (2) Case planning.
- 182 (3) Risk reduction strategies.
- 183 (4) Effective communication skills.
- 184 (5) Behavioral health needs.
- 185 (6) Application of core correctional practices,
186 including motivational interviewing, basic principles of
187 cognitive therapy, structured skill building, problem solving,
188 reinforcement, and use of authority.

189 §15-22-10.07

190 (a) (1) For each inmate sentenced and received in the
191 jails and prisons of this state, the bureau shall immediately
192 perform an investigation, through use of a validated risk and
193 needs assessment, and generate a report to be used when an
194 inmate is being considered for parole which includes all of
195 the following:

196 a. A complete statement of the crime for which he or



HB391 INTRODUCED

197 she was sentenced.

198 b. The circumstances of the crime.

199 c. The nature of the sentence.

200 d. The court in which he or she was sentenced.

201 e. The name of the judge and district attorney who
202 handled the case.

203 f. Copies of probation reports, if any.

204 g. Reports regarding the inmate's social, physical,
205 mental, and psychiatric condition and history, if any.

206 h. A complete criminal record, if one exists.

207 (2) Reinvestigations may be done at any time as
208 determined by the bureau or as requested by the Department of
209 Corrections.

210 (b) The clerk of the court, any probation and parole
211 officers, and other appropriate officials shall send any
212 information in their possession or under their control to the
213 bureau, upon request. Additionally, the Department of
214 Corrections shall provide any requested information to the
215 bureau for the purpose of carrying out this section.

216 (c) Upon the receipt of requested information, if the
217 bureau determines additional investigation is necessary, it
218 may order further investigation.

219 (d) The board may not act on any application for
220 parole, pursuant to Section 15-22-10.43, until a complete
221 investigation has been completed and a written report has been
222 filed by the bureau.

223 §15-22-10.08

224 The bureau may request the Department of Corrections to



HB391 INTRODUCED

225 provide complete records kept of every inmate released on
226 parole, including fingerprints, aliases, photographs, and any
227 other relevant information.

228 §15-22-10.09

229 (a) The position of Parole Revocation Hearing Officer
230 is created and established in the bureau.

231 (b) The director may appoint or employ parole
232 revocation hearing officers who shall conduct parole court.
233 The hearing officers shall have the authority to determine the
234 sufficiency of the evidence to support parole violation
235 charges and recommend to the board revocation of parole,
236 pursuant to Section 15-22-10.45, or the reinstatement of
237 parole.

238 §15-22-10.10

239 (a) The bureau, by rule, shall establish parole release
240 guidelines to assist the board in determining an inmate's
241 fitness for parole.

242 (b) The parole release guidelines shall consider all of
243 the following:

244 (1) The inmate's risk to reoffend, based on a validated
245 risk and needs assessment.

246 (2) Progress by the inmate in complying with the
247 Department of Corrections' plan for reentry.

248 (3) Input from the victim or victims, the family of the
249 victim or victims, prosecutors, and law enforcement entities.

250 (4) Participation by the inmate in risk-reduction
251 programs while incarcerated.

252 (5) Institutional behavior of the inmate while



HB391 INTRODUCED

253 incarcerated.

254 (6) Severity of the underlying offense for which the
255 inmate was sentenced to incarceration.

256 (c) The parole release guidelines shall be structured,
257 actuarially based, and reviewed every three years by the
258 bureau.

259 (d) The parole release guidelines shall promote the use
260 of prison space for the most violent and greatest risk
261 offenders.

262 (e) The parole release guidelines shall be made
263 available on the bureau's website.

264 §15-22-10.11

265 (a) The bureau, by rule, shall adopt guidelines and
266 policies to ensure that any treatment programs or providers
267 used by the bureau in the supervision of probationers and
268 parolees implement evidence-based practices, as defined in
269 Section 12-25-32, designed to reduce recidivism among
270 probationers and parolees and shall cooperate with the Office
271 of the Governor in evaluating the programs and providers. The
272 Office of the Governor shall ensure that treatment programs
273 and providers that receive funding from the state or through
274 court-ordered monies use funding and monies for programs
275 reasonably expected to reduce recidivism among probationers
276 and parolees.

277 (b) The bureau, by rule, shall adopt guidelines and
278 policies to ensure that the supervision and treatment of
279 probationers and parolees is based on the individual
280 probationer's or parolee's risk of reoffending, as determined



HB391 INTRODUCED

281 through a validated risk and needs assessment, and that
282 supervision and treatment resources of the bureau are
283 prioritized to focus on those probationers and parolees with
284 the highest risk of reoffending.

285 (c) The bureau shall use resources available to
286 veterans and service members and shall annually coordinate
287 with the Department of Veterans Affairs to ensure the most
288 current benefits and services are identified and available.

289 (d) Supervision and treatment of probationers and
290 parolees shall include all of the following:

291 (1) Use of a validated risk and needs assessment.

292 (2) Use of assessment results to guide the appropriate
293 level of supervision responses consistent with the level of
294 supervision and evidence-based practices used to reduce
295 recidivism.

296 (3) Use of collateral and personal contacts with the
297 probationer or parolee and community as often as needed based
298 on the probationer's or parolee's supervision level. The
299 supervision level shall be based on risk of reoffense as
300 determined through a validated risk and needs assessment. The
301 contacts shall keep the supervising officers informed of the
302 probationer's or parolee's conduct, compliance with
303 conditions, and progress in community-based intervention.

304 (4) Case planning for each probationer or parolee based
305 on risk of reoffense and needs, identified and prioritized
306 based on associated risk.

307 (5) Use of practical and suitable methods that are
308 consistent with evidence-based practices to aid and encourage



HB391 INTRODUCED

309 the probationer or parolee to improve his or her conduct and
310 circumstances so as to reduce his or her level of risk.

311 (e) The bureau shall develop policies and procedures
312 for screening, assessment, and referral for parolees to
313 connect with recidivism reduction services including, but not
314 limited to, cognitive behavioral intervention and substance
315 abuse treatment.

316 §15-22-10.12

317 (a) In establishing an inmate's initial parole
318 consideration date, the bureau shall consider all of the
319 following:

320 (1) Evaluation of an inmate's prior record.

321 (2) The nature and severity of the present offense.

322 (3) The potential for future violence.

323 (4) The community attitude toward the inmate to include
324 input from the victim or victims, the family of the victim or
325 victims, prosecutors, and law enforcement entities.

326 (b) The initial parole consideration date shall be set
327 according to the following schedules:

328 (1) For inmates receiving sentence deductions pursuant
329 to the Alabama Correctional Incentive Time Act, Article 3 of
330 Chapter 9 of Title 14, the following schedule shall apply:

331 a. For terms of five years or less, the inmate shall be
332 scheduled for initial parole consideration on the current
333 docket.

334 b. For terms over five years and up to 10 years, the
335 inmate shall be scheduled for initial parole consideration
336 approximately 18 months prior to the minimum release date.



HB391 INTRODUCED

337 c. For terms of more than 10 years and up to 15 years,
338 the inmate shall be scheduled for initial parole consideration
339 approximately two years and six months prior to the minimum
340 release date.

341 (2) For inmates convicted on or after March 21, 2001,
342 of one or more of the following Class A felonies, the initial
343 parole consideration date shall be set for a date once an
344 inmate has completed 85 percent of his or her total sentence
345 or 15 years, whichever is less:

346 a. Rape in the first degree.

347 b. Kidnapping in the first degree.

348 c. Murder.

349 d. Attempted murder.

350 e. Sodomy in the first degree.

351 f. Sexual torture.

352 g. Robbery in the first degree with serious physical
353 injury, as defined in Section 13A-1-2.

354 h. Burglary in the first degree with serious physical
355 injury, as defined in Section 13A-1-2.

356 i. Arson in the first degree with serious physical
357 injury, as defined in Section 13A-1-2.

358 (3) For all other inmates, the initial parole
359 consideration date shall be set for a date following
360 completion of one-third of the inmate's sentence or 10 years,
361 whichever is less.

362 (4) If the inmate is serving consecutive sentences, the
363 initial parole consideration date may not be set for a date
364 before the inmate has separately served the time prescribed in



HB391 INTRODUCED

365 this subsection for each consecutive sentence imposed.

366 (c) (1) The bureau may deviate from the initial parole
367 consideration date established in subsection (b) only in
368 either of the following circumstances:

369 a. In order to comply with the policy and procedural
370 guidelines in effect on or before January 1, 2019, issued by
371 the bureau pursuant to Section 15-22-10.10.

372 b. If the inmate, by clear and convincing evidence,
373 demonstrates that he or she is more likely than not to be
374 granted parole and that he or she would have been considered
375 for parole on an earlier date under generally applicable rules
376 or policies in effect prior to September 2019.

377 (2) Any decision by the bureau to invoke the procedures
378 of this subsection shall be subject to legal review by the
379 deputy attorney general or assistant attorney general assigned
380 to the bureau, prior to the issuance of a parole certificate
381 and the inmate's release. If it is determined that the grant
382 of parole consideration failed to satisfy the requirements of
383 this subsection or any rule adopted pursuant to this
384 subsection, the decision shall be reversed and the inmate
385 shall be notified by the bureau.

386 (3) For purposes of paragraph (c) (1) b., the bureau
387 shall adopt rules to determine whether an inmate is more
388 likely than not to be granted parole. These rules shall be
389 designed to minimize the risk an inmate will be prejudiced by
390 any statutory or administrative changes in parole standards or
391 procedures that have occurred since the date of the inmate's
392 conviction and shall include, but are not limited to, all of



HB391 INTRODUCED

393 the following requirements:

394 a. The inmate has completed a minimum total period of
395 incarceration.

396 b. The inmate has completed certain programs while in
397 custody of the Department of Corrections.

398 c. The inmate provides a positive official report from
399 the Department of Corrections.

400 d. The inmate has no violent disciplinarys during a
401 prescribed period preceding the inmate's current application
402 for parole consideration.

403 e. The inmate has no disciplinarys of any kind within
404 a prescribed period preceding the inmate's current application
405 for parole consideration.

406 f. The inmate's risk of re-offense is determined to be
407 medium or low following the completion of a validated risk and
408 needs assessment.

409 (4) A 30 days' written notice shall be provided to the
410 Governor and Attorney General for any parole consideration
411 date set by the bureau under subdivision (1). The Governor and
412 Attorney General shall have 14 days from the time notice is
413 received to object to the grant of parole. If the bureau
414 grants parole consideration under subdivision (1) and did not
415 give adequate notice to the Governor or Attorney General, or
416 granted parole consideration despite an objection from the
417 Governor or Attorney General, the decision shall be reversed
418 and the inmate shall be notified by the bureau.

419 §15-22-10.13

420 (a) (1) The Victim Notification Implementation Task



HB391 INTRODUCED

421 Force, created pursuant to Act 2011-681, shall continue to
422 guide and support the implementation of a statewide automated
423 victim notification system in Alabama.

424 (2) The task force shall be composed of all of the
425 following members:

426 a. Four crime victims' rights advocates designated by
427 the Attorney General.

428 b. A designee from the bureau.

429 c. A designee from the Department of Corrections.

430 d. A designee from the Alabama State Law Enforcement
431 Agency.

432 e. A designee from the Alabama Crime Victims
433 Compensation Commission.

434 f. A designee from the District Attorney's Association
435 or a district attorney representative.

436 g. The Attorney General or his or her designee.

437 h. A designee from the Administrative Office of Courts.

438 i. A designee from the Alabama Circuit Judges'
439 Association.

440 j. A designee from the Office of Prosecution Services.

441 k. A designee from the Alabama Circuit Clerk's
442 Association.

443 l. A designee of any other entity or organization as
444 deemed appropriate by a majority vote of the current
445 representatives composing the task force.

446 (3) The task force shall elect a chair to function as
447 the administrative head. The task force shall meet initially
448 by March 1, 2012, at the call of the Attorney General. The



HB391 INTRODUCED

449 task force shall meet not less than quarterly after January 1,
450 2012, and otherwise at the call of the chair or a majority
451 vote of the current task force representatives.

452 (4) The task force shall be responsible for overseeing
453 the development of the automated victim notification system by
454 the Alabama State Law Enforcement Agency and integration of a
455 process to automatically update victim information into the
456 automated victim notification system on a continual basis.

457 (5) The task force shall also oversee a statewide
458 public education and awareness campaign for the implementation
459 of the automated victim notification system and shall be
460 charged with confirming, by majority vote, that the automated
461 victim notification system complies with the requirements of
462 this section. Approval from the task force shall not be
463 required for the validity of any action taken by any entity
464 represented on the task force in the exercise of any of the
465 power or authority granted to it by the Legislature.

466 (b) (1) Immediately upon approval from the task force by
467 majority vote that the automated notification system complies
468 with the requirements of this section, the task force shall
469 automatically convert to the Victim Notification Oversight
470 Council for the purpose of continuing to provide direction to
471 the Alabama State Law Enforcement Agency on development,
472 support, expansion, and maintenance of the automated
473 notification system.

474 (2) The council shall consist of those task force
475 representatives serving on the task force, including
476 appointees, at the time of conversion. Upon conversion,



HB391 INTRODUCED

477 representatives from partner agencies may be added by majority
478 vote of the council.

479 (3) The appointees designated by the Attorney General
480 shall serve four-year terms to ensure that a variety of victim
481 advocates are included in the oversight of the system. The
482 Attorney General shall designate a replacement as required at
483 the expiration of the term of a victim advocate. No victim
484 advocate may be appointed for more than two consecutive terms.

485 (c) The Alabama State Law Enforcement Agency shall
486 develop, support, house, and maintain the automated
487 notification system for the use of the Bureau of Pardons and
488 Paroles and the Department of Corrections to make automated
489 notices as required. The system shall additionally be used to
490 provide notices of an offender's change in status or custody,
491 or notices regarding criminal justice proceedings deemed to be
492 in the best interest of crime victims in this state and public
493 safety, by a majority vote of the task force or, after its
494 conversion, the Victim Notification Oversight Council. The
495 automatic notification system shall be the automated
496 notification system used by the state in providing
497 notifications to the crime victims in this state.

498 (d) A Victim Notification System Fund is created in the
499 State Treasury. The fund shall consist of all monies
500 appropriated for the development, expansion, support, and
501 maintenance of the automated victim notification system by the
502 Alabama State Law Enforcement Agency. Any monies in the fund
503 may be expended solely for the use of the victim notification
504 system. The Secretary of the Alabama State Law Enforcement



HB391 INTRODUCED

505 Agency may only expend monies in the Victim Notification
506 System Fund with the approval of the Victim Notification
507 Implementation Task Force or, after its conversion, the Victim
508 Notification Oversight Council, created by this section.

509 (e) (1) Electronic notices, as required by this section
510 and Sections 14-14-5, 15-22-10.14, 15-22-10.15, and
511 15-22-10.42 shall be produced through the automated
512 notification system developed and maintained by the Alabama
513 State Law Enforcement Agency.

514 (2) All data and records required to produce the
515 notices shall be provided to the Alabama State Law Enforcement
516 Agency to be incorporated into the automated notification
517 system. Bureau records and information accessible to the
518 public through the automated notification system shall be
519 limited to those notification items specified in subdivision
520 Section 15-22-10.42(b), as well as the inmate's age, sex,
521 race, and unique identifiers. Records concerning the status of
522 supervised inmates on probation and parole shall also be made
523 available to the public, including information on when
524 supervision began, the date the supervision term will end, and
525 information on whether or how supervision was terminated.
526 Otherwise, access to the bureau's records and information
527 through the automated notification system shall be limited in
528 use to the legitimate law enforcement purpose of entering and
529 updating contact information on behalf of crime victims,
530 assisting victims with registration, and ensuring victims
531 receive notice.

532 (3) Information and records of the bureau accessible



HB391 INTRODUCED

533 for law enforcement purposes through the automated
534 notification system, in addition to that available to the
535 public as specified in this section, shall be limited to the
536 inmate's date of birth, the supervising probation and parole
537 officer's name, the county of residence for those inmates
538 currently supervised in this state, and the supervising
539 probation and parole officer's phone number.

540 (4) Misuse of the automated notification system or
541 records or information contained in the automated notification
542 system shall be subject to criminal prosecution under Article
543 5A of Chapter 8 of Title 13A, Sections 41-9-601 and 41-9-602,
544 and any other law of this state.

545 §15-22-10.14

546 At least 30 days prior to an inmate's participation in
547 a work release program or supervised reentry program
548 established under Chapter 8 of Title 14, participation in a
549 community punishment and corrections program established under
550 Article 9 of Chapter 18 of this title, participation in the
551 Supervised Intensive Restitution program established under
552 Article 7 of Chapter 18 of this title, or any temporary leave
553 from prison or furlough, notification of the prisoner's
554 participation in the program, leave, or furlough shall be
555 provided to the district attorney and to the victim and
556 interested parties through the automated victim notification
557 system established pursuant to Section 15-22-10.13.

558 §15-22-10.15

559 (a) An inmate sentenced to a period of confinement
560 under the supervision of the Department of Corrections shall



HB391 INTRODUCED

561 be subject to the following provisions, unless the inmate is
562 released to a term of probation, released on parole under this
563 chapter, or voluntarily waives release pursuant to this
564 section:

565 (1) If the inmate is sentenced to a period of five
566 years or less, he or she shall be released by the department
567 to supervision by the bureau no less than three months and no
568 more than five months prior to the inmate's release date.

569 (2) If the inmate is sentenced to a period of more than
570 five years but less than 10 years, he or she shall be released
571 by the department to supervision by the bureau no less than
572 six months and no more than nine months prior to the inmate's
573 release date.

574 (3) If the inmate is sentenced to a period of 10 years
575 or more, he or she shall be released by the department to
576 supervision by the bureau no less than 10 months and no more
577 than 12 months prior to the inmate's release date.

578 (b) This section shall not apply to an inmate convicted
579 of any sex offense involving a child, as defined in Section
580 15-20A-4.

581 (c) Prior to the inmate's release to supervision
582 pursuant to this section, notice of the release shall be
583 provided by the department to the victim and interested
584 parties through the victim notification system established
585 pursuant to Section 15-22-10.13.

586 (d) (1) An inmate released to supervision pursuant to
587 this section shall be released to the supervision of the
588 bureau and shall be subject to this article.



HB391 INTRODUCED

589 (2) The bureau shall determine the level of supervision
590 required for an inmate based on the results of a validated
591 risk and needs assessment.

592 (e) (1) An inmate released pursuant to this section
593 shall be subject to electronic monitoring for a period of time
594 as determined by the director.

595 (2) The bureau shall be responsible for the costs of
596 the electronic monitoring as required by this subsection.

597 (f) This section applies to an inmate in the custody of
598 the department without regard to when he or she was sentenced
599 for or committed the crime.

600 §15-22-10.16

601 (a) When a probation and parole officer has reasonable
602 cause to believe a parolee whom he or she is supervising has
603 violated a condition of parole, the probation and parole
604 officer may report the violation to the Department of
605 Corrections and request the department to issue a warrant to
606 arrest the parolee. Upon request, the department shall issue
607 an arrest warrant, and the parolee shall be returned to the
608 prison designated on the warrant.

609 (b) Any probation and parole officer may arrest a
610 parolee without a warrant and any law enforcement officer with
611 power of arrest may arrest a parolee without a warrant if the
612 law enforcement officer has a written statement from the
613 probation and parole officer setting forth that the parolee,
614 in the judgment of the parole officer, has violated the
615 conditions of his or her parole. The written statement
616 delivered with the parolee by the arresting officer to the



HB391 INTRODUCED

617 county jail or other appropriate detention facility shall be
618 sufficient warrant for the detention of the parolee until the
619 warrant issued by the Department of Corrections has been
620 received at the place of detention. A parolee may not be held
621 longer than 20 business days on the order of the probation and
622 parole officer awaiting the arrival of the warrant issued by
623 the department. If a warrant is not issued within 20 business
624 days, the parolee shall be released from custody.

625 (c) The probation and parole officer shall immediately
626 notify the board of the arrest and detention of the parolee
627 and shall submit a written report showing in what manner the
628 parolee has violated the conditions of parole.

629 (d) (1) If the parolee is presented to the county jail
630 with a serious medical condition, if the admittance of the
631 parolee would create a security risk to the county jail, or if
632 the jail is near, at, or over capacity, the sheriff may refuse
633 to admit the parolee. If, while in custody of the county jail,
634 the parolee develops a serious medical condition, if the
635 presence of the parolee creates a security risk to the county
636 jail, or if the county jail reaches near, at, or over
637 capacity, the sheriff may release the parolee upon
638 notification to his or her probation and parole officer,
639 unless the Department of Corrections has issued an arrest
640 warrant directing the return of the parolee to a designated
641 prison.

642 (2) A sheriff and his or her employees shall be immune
643 from liability for exercising discretion pursuant to Section
644 36-1-12 in refusing to admit a parolee into the jail or



HB391 INTRODUCED

645 releasing a parolee from jail pursuant to this subsection.

646 (e) Any probation and parole officer or any law
647 enforcement officer with power of arrest to whom the warrant
648 is delivered shall execute the warrant by arresting the
649 parolee and returning him or her to the prison designated by
650 the Department of Corrections. The parolee shall be held by
651 the department awaiting the action of the board.

652 (f) An officer, other than a probation and parole
653 officer or an officer of the prison, shall receive fees for
654 the execution of an arrest warrant pursuant to this section.
655 An officer who transports the parolee from the place of arrest
656 to the designated prison shall receive fees for transporting
657 the parolee to the prison. The fees shall be paid out of the
658 funds of the Department of Corrections.

659 §15-22-10.17

660 (a) When a parolee violates his or her parole terms and
661 conditions, in lieu of Section 15-22-10.45(c), his or her
662 probation and parole officer, after an administrative review
663 and approval by the probation and parole officer's supervisor,
664 may impose any of the following sanctions:

665 (1) Mandatory behavior treatment.

666 (2) Mandatory substance abuse treatment.

667 (3) GPS monitoring.

668 (4) Any other treatment as determined by the board or
669 supervising probation and parole officer.

670 (5)a. A short period of confinement in the county jail
671 of the county in which the violation occurred. Periods of
672 confinement may not exceed nine 24-hour periods during the



HB391 INTRODUCED

673 period of parole. The nine 24-hour periods of confinement may
674 only be imposed as 48-hour or 72-hour consecutive periods at
675 any single time.

676 b. Confinement pursuant to this subdivision does not
677 limit the bureau's or the board's ability to directly impose
678 sanctions, periods of confinement, or revoke parole.

679 (b) (1) Prior to imposing a period of confinement
680 pursuant to subdivision (a) (5), the parolee must first be
681 presented with a written violation report setting forth the
682 alleged parole violations and supporting evidence. The parolee
683 shall be provided a written notice that he or she has the
684 right to have a parole court hearing pursuant to Section
685 15-22-10.45.

686 (2) The parolee may waive the right to have a hearing.
687 Upon the signing of a waiver of these rights by the parolee
688 and the supervising probation and parole officer, with
689 approval of the probation and parole officer's supervisor, the
690 parolee may be confined for the period recommended in the
691 violation report and designated on the waiver. The parolee may
692 not request a review if he or she has signed a written waiver
693 of rights as provided in this subsection.

694 (c) The bureau, by rule, shall adopt guidelines and
695 procedures to implement the requirements of this section.

696 §15-22-10.18

697 (a) Any other provision of law notwithstanding, any
698 individual, regardless of the date of his or her sentence, may
699 apply to the bureau for a Certificate of Eligibility to
700 Register to Vote if all of the following requirements are met:



HB391 INTRODUCED

701 (1) The individual has lost his or her right to vote by
702 reason of conviction in a state or federal court in any case
703 except those listed in subsection (f).

704 (2) The individual has no criminal felony charges
705 pending against him or her in any state or federal court.

706 (3) The individual has paid all fines, court costs,
707 fees, and victim restitution ordered by the sentencing court
708 on disqualifying offenses.

709 (4) For any disqualifying offense, any of the following
710 are true:

711 a. The individual has been released upon completion of
712 sentence.

713 b. The individual has been pardoned.

714 c. The individual has successfully completed probation
715 or parole and has been released from compliance by the
716 ordering entity.

717 (b) The Certificate of Eligibility to Register to Vote
718 shall be granted upon a determination that all of the
719 requirements in subsection (a) are fulfilled.

720 (c) Upon receipt of an application under this section,
721 the bureau shall verify, through court records, bureau
722 records, and records of the Department of Corrections, that
723 the individual has met the qualifications set out in
724 subsection (a).

725 (d) If the individual has met all of the eligibility
726 criteria set forth in subsection (a), the bureau shall issue a
727 Certificate of Eligibility to Register to Vote within 45 days
728 of receipt of the application.



HB391 INTRODUCED

729 (e) If the individual has not met all of the
730 eligibility criteria set forth in subsection (a), the bureau
731 may not issue a Certificate of Eligibility to Register to Vote
732 and shall notify the individual of the decision and reason for
733 the decision within 45 days of receipt of the application. The
734 individual, upon completion of the eligibility requirements in
735 subsection (a), may submit a new application at any time if he
736 or she has met the certification criteria.

737 (f) An individual who has lost his or her right to vote
738 by reason of conviction in a state or federal court for any of
739 the following shall not be eligible to apply for a Certificate
740 of Eligibility to Register to Vote under this section:

- 741 (1) Impeachment.
- 742 (2) Murder.
- 743 (3) Rape in any degree.
- 744 (4) Sodomy in any degree.
- 745 (5) Sexual abuse in any degree.
- 746 (6) Incest.
- 747 (7) Sexual torture.
- 748 (8) Enticing a child to enter a vehicle for immoral
749 purposes.
- 750 (9) Enticing a child by computer.
- 751 (10) Production of obscene matter involving a minor.
- 752 (11) Production of obscene matter.
- 753 (12) Parents or guardians permitting children to engage
754 in obscene matter.
- 755 (13) Possession of obscene matter.
- 756 (14) Possession with intent to distribute child



HB391 INTRODUCED

757 pornography.

758 (15) Treason.

759 (g) This section does not affect the right of any
760 individual to apply to the board for a pardon with restoration
761 of civil and political rights pursuant to Section 15-22-10.50.

762 (h) Each state or county correctional facility, prison,
763 or jail shall post materials prepared by the Secretary of
764 State and the bureau notifying incarcerated individuals of the
765 requirements and procedures for having one's voting rights
766 restored.

767 §15-22-10.19

768 Any individual who retires from the bureau as a
769 probation and parole officer shall receive his or her badge
770 and pistol as part of the retirement benefits without cost to
771 him or her.

772 §15-22-10.20

773 The bureau may conditionally transfer an inmate to the
774 authorities of the federal government or any other
775 jurisdiction entitled to his or her custody to answer pending
776 charges or to begin serving a sentence in response to a
777 properly filed detainer from the other jurisdiction. The
778 conditionally transferred inmate shall remain in the legal
779 custody of the warden of the institution from which he or she
780 was transferred. Should any conditionally transferred inmate
781 satisfy all detainers against him or her prior to completion
782 of the Alabama sentence, the inmate may not be released from
783 custody without further order of the board.

784 §15-22-10.21



HB391 INTRODUCED

785 The bureau may establish and maintain one or more
786 residential transition centers for the housing of parolees and
787 probationers ordered to serve a period of confinement pursuant
788 to Section 15-22-10.17 or 15-22-54.

789 §15-22-10.22

790 (a) The bureau may charge each parolee resident of a
791 community residential facility a monthly amount for room and
792 board which shall not exceed 25 percent of the adjusted gross
793 monthly income of the parolee; provided, that under hardship
794 circumstances, the charge may be waived for a parolee resident
795 upon written recommendation by the director of the facility.

796 (b) The proceeds from any charges collected shall be
797 paid into the State Treasury to the credit of the State
798 General Fund and shall be used exclusively for funding the
799 community residential facilities program of the bureau.

800 §15-22-10.23

801 (a) The bureau, in consultation with the board, may
802 adopt rules, not inconsistent with this article, relating to
803 practice and procedure relating to paroles, pardons, and
804 remission of fines and forfeitures; provided, however, that no
805 rule adopted by the bureau shall have the effect of denying to
806 any person whose application for parole or the revocation of
807 whose parole is being considered by the board from having the
808 benefit of counsel or witnesses upon the hearing.

809 (b) The bureau shall adopt rules to establish a program
810 of limited supervision for qualifying parolees and
811 probationers addressing eligibility using validated risk and
812 needs assessments transfers among levels of supervision, to



HB391 INTRODUCED

813 include the transfer of lower-risk individuals to an
814 administrative form of parole or probation, and reporting
815 requirements.

816 (c) Notwithstanding any other provision of law to the
817 contrary, Section 41-22-5(a) through (c), Section
818 41-22-5.1(b), Section 41-22-6, and Section 41-22-23(a) through
819 (e), and (g) of the Alabama Administrative Procedure Act apply
820 to the bureau's adoption, amendment, or repeal of rules,
821 procedures, guidelines, or other policies, except rules,
822 procedures, guidelines, or other policies concerning the
823 supervision of parolees or probationers. The Alabama
824 Administrative Procedure Act shall not otherwise apply to the
825 bureau. The notice required by Section 41-22-5(a)(1) shall be
826 given and notice shall be given to the Governor and Attorney
827 General, or their designees.

828 (d) The bureau's existing rules, procedures,
829 guidelines, or other policies concerning the grant or denial
830 of pardons, the grant or denial of paroles, the restoration of
831 political and civil rights, the remission of fines and
832 forfeitures, and the revocation of parole shall be posted on
833 the bureau's website.

834 §15-22-10.24

835 (a) In this section, PREP pilot program means the Pilot
836 Program for Small Business Development by Ex-Offenders.

837 (b)(1) On or before October 1, 2022, subject to the
838 availability of funds, the Bureau of Pardons and Paroles, in
839 consultation with the Department of Corrections, shall
840 establish the PREP pilot program to assist individuals exiting



HB391 INTRODUCED

841 the correctional system by providing both of the following:

842 a. Training, in consultation with J. F. Ingram State
843 Technical College, in how to establish small businesses.

844 b. Assistance in obtaining funding to establish small
845 businesses.

846 (2) The bureau and the Department of Corrections may
847 coordinate with other entities, including J. F. Ingram State
848 Technical College, which offer to provide resources for the
849 program, including funding, training, and mentoring services.

850 (c) The Bureau of Pardons and Paroles in consultation
851 with the Department of Corrections shall develop an evaluation
852 process for the PREP pilot program that includes a mechanism
853 to evaluate whether the Prison Entrepreneurs Training Program
854 developed and operated by the Department of Corrections has
855 operated to encourage the establishment of stable small
856 businesses by individuals who:

857 (1) Have completed the Prison Entrepreneurship Training
858 Program during the last two years of incarceration.

859 (2) Have identified an interest or a skill set that
860 indicates a likelihood of successful implementation of the
861 business plan proposed by the individual.

862 (d) An individual selected to participate in the
863 program shall receive training and mentoring in the
864 development of a business plan and related business subjects.

865 (e) The Bureau of Pardons and Paroles and the
866 Department of Corrections shall develop an evaluation process
867 as prescribed in this section for the program developed and
868 operated by the bureau that identifies all the following:



HB391 INTRODUCED

869 (1) Provide Training locations, participants, and
870 funding for individuals who did not receive entrepreneurship
871 training during incarceration.

872 (2) Individuals who need training on how to start a
873 business.

874 (3) Partner an individual participating in the program
875 with a mentor who will guide the individual over a three-year
876 period following the implementation of the individual's
877 business plan.

878 (f) The Bureau of Pardons and Paroles and the
879 Department of Corrections shall report to the Legislature and
880 the Director of the Legislative Services Agency annually, by
881 the fifth legislative day of each regular session of the
882 Legislature, on the effectiveness of the PREP pilot program
883 established under this section in assisting individuals who
884 have completed the Prison Entrepreneurship Training Program
885 and who have been recently released from the correctional
886 system in establishing successful, stable small businesses.

887 (g) This section shall take effect July 1, 2022. It
888 shall remain effective for a period of five years and six
889 months. On December 31, 2027, with no further action required
890 by the Legislature, this section shall be repealed and of no
891 further force and effect.

892 (h) Any funds appropriated by the Legislature for this
893 program shall be designated to the Bureau of Pardons and
894 Paroles, the Department of Corrections, and J. F. Ingram State
895 Technical College.

896 §15-22-10.40



HB391 INTRODUCED

897 (a) There shall be a Board of Pardons and Paroles
898 within the bureau that consists of three members. The
899 membership of the board shall be inclusive and reflect the
900 racial, gender, geographic, urban, rural, and economic
901 diversity of the state. At least one member shall be a current
902 or former law enforcement officer with a minimum of 10 years'
903 experience in or with a law enforcement agency that has had
904 among its primary duties and responsibilities the
905 investigation of violent crimes or the apprehension, arrests,
906 or supervision of perpetrators.

907 (b) Any vacancy occurring on the board, whether for an
908 expired or unexpired term, shall be filled by appointment by
909 the Governor, with the advice and consent of the Senate, from
910 a list of five qualified individuals submitted by a nominating
911 committee consisting of the Lieutenant Governor, the Speaker
912 of the House of Representatives, and the President Pro Tempore
913 of the Senate. The nominating committee, as soon as
914 practicable after a vacancy occurs, whether for an expired or
915 unexpired term, shall meet and select by majority vote the
916 names of five individuals to be submitted to the Governor. The
917 nominating committee shall immediately submit its nominations
918 to the Governor, who shall make his or her appointment from
919 the list within 10 days. Appointees shall begin serving
920 immediately upon appointment until confirmed or rejected by
921 the Senate. Appointments made at times when the Senate is not
922 in regular session shall be effective ad interim. Any
923 appointment made by the Governor while the Senate is in
924 regular session shall be submitted to the Senate not later



HB391 INTRODUCED

925 than the third legislative day following the date of the
926 appointment. Any appointment made while the Senate is not in
927 regular session shall be submitted not later than the third
928 legislative day following the reconvening of the Legislature
929 in regular session. If the Senate fails to vote on an
930 appointee's confirmation before adjourning sine die during the
931 regular session in which the appointee is appointed, the
932 appointee is deemed to be confirmed.

933 (c) Members of the board shall be appointed for terms
934 of six years and shall serve until their successors are
935 appointed and qualified. Any individual appointed to fill a
936 vacancy for an unexpired term shall vacate the office upon the
937 expiration of that unexpired term.

938 (d) The Governor shall designate one of the members as
939 chair, and the chair shall preside at sessions of the board.

940 (e) Each board member shall take the constitutional
941 oath of office and shall be subject to impeachment for any of
942 the causes specified in Section 173 of the Constitution of
943 Alabama of 2022. The procedure in cases of impeachment shall
944 be in the manner provided by Section 175 of the Constitution
945 of Alabama of 2022. If the Governor determines that any member
946 of the board is incapacitated by reason of physical or mental
947 disability or illness to the extent that the member cannot
948 efficiently perform the duties of his or her office, the
949 Governor shall direct the Attorney General to proceed to the
950 determination of that issue in an inquisition proceeding
951 instituted by the Attorney General in the Circuit Court of
952 Montgomery County, Alabama. In the event the issue is



HB391 INTRODUCED

953 determined in the court against the board member, the court
954 shall declare the office vacant, the office shall be vacated,
955 and a successor appointed as provided in this section.

956 (f) Two members of the board constitutes a quorum for
957 the transaction of the official business of the board.

958 (g) The board members may not hold another office of
959 profit during their incumbency.

960 (h) The annual compensation of the chair and each
961 associate member of the board shall be established by the
962 Governor. The salaries shall be paid in equal installments
963 from the State Treasury in the same manner that salaries of
964 other state officers are paid.

965 §15-22-10.41

966 (a) The board responsibilities are limited to the
967 following:

968 (1) Determining which inmates serving sentences in the
969 jails and prisons of this state may be released on parole and
970 when and under what conditions.

971 (2) Deciding what action should be taken for a parole
972 violation when the bureau has determined a parolee has
973 violated the conditions of his or her parole.

974 (3) Determining whether to remit fines and forfeitures.

975 (4) Determining whether to grant a pardon and what, if
976 any, civil and political rights to restore.

977 (b) (1) Meetings set for the purpose of conducting
978 hearings and making determinations concerning pardons,
979 paroles, restoration of civil and political rights, remission
980 of fines and forfeitures, and parole revocations may be set by



HB391 INTRODUCED

981 the chair or by a quorum of the board.

982 (2) The bureau shall docket the cases to be heard by
983 the board.

984 (c) The board may not approve, grant, or order any
985 pardon, parole, remission of fines and forfeitures, or
986 restoration of civil and political rights unless the action
987 occurs in an open public meeting after notice has been
988 provided to each board member and the notice requirements
989 provided in Section 15-22-10.42 have been satisfied.

990 (d) Each member of the board favoring a pardon, parole,
991 remission of a fine or forfeiture, or restoration of civil and
992 political rights shall enter in the file his or her detailed
993 reasons for the decision. The board members' entries and the
994 order shall be public records, but all other portions of the
995 file shall be privileged.

996 §15-22-10.42

997 (a) Except as provided in paragraph (8)b., the board
998 may not grant a pardon, parole, remit a fine or forfeiture, or
999 restore civil and political rights until 30 days' notice that
1000 the inmate is being considered has been given by the bureau to
1001 all of the following:

1002 (1) The Attorney General.

1003 (2) The judge who presided over the case; if the judge
1004 is no longer serving, to one of the judges of the circuit.

1005 (3) The district attorney who tried the inmate's case;
1006 if the district attorney is no longer serving, to the current
1007 district attorney.

1008 (4) The chief of police in the municipality in which



HB391 INTRODUCED

1009 the crime occurred if the crime was committed in an
1010 incorporated area with a police department, or if the chief of
1011 police is no longer serving, to the current chief of police.

1012 (5) The sheriff of the county where convicted.

1013 (6) To the same officials of the county where the crime
1014 occurred if different from the county of conviction.

1015 (7) The Crime Victims Compensation Commission.

1016 (8) The victim, victim's representative, or any other
1017 interested individuals.

1018 a. The victim, victim's representative, or any other
1019 interested individual shall submit a preferred method of
1020 notification through the automated victim notification system
1021 or directly to the bureau. The submission must be received by
1022 the bureau at least 45 days prior to the board's actions.

1023 b. If the victim, victim's representative, or other
1024 interested individual has not registered for notice through
1025 the automated victim notification system or has not made a
1026 direct request to the bureau for notice at least 45 days in
1027 advance of the board's action to be considered, the bureau,
1028 working with the appropriate district attorney and the
1029 Attorney General's Office, shall exercise due diligence in
1030 locating the victim or the victim's immediate family members.
1031 If all attempts to locate a victim or his or her immediate
1032 family members have failed, and the agent of the bureau
1033 certifies that due diligence has been exercised, the board may
1034 approve or order any parole, pardon, remission of fine or
1035 forfeiture, or restoration of civil and political rights.

1036 (b) Notice shall be provided by U.S. certified mail,



HB391 INTRODUCED

1037 return receipt requested, U.S. mail, electronic transmission,
1038 or by other commonly accepted method of delivery, upon a
1039 request made through the automated victim notification system
1040 or a direct request made to the bureau. Notice shall include
1041 all of the following:

1042 (1) The name of the inmate involved.

1043 (2) The crime for which the inmate was convicted.

1044 (3) The date of the sentence.

1045 (4) The court in which the conviction occurred.

1046 (5) The sentence imposed.

1047 (6) The actual time the inmate has been held in
1048 confinement and the inmates's minimum release date, as
1049 computed by the Department of Corrections.

1050 (7) The action to be considered by the board.

1051 (8) The date, time, and location of the board meeting
1052 at which the action is to be considered.

1053 (9) The right of the victim named in the indictment, a
1054 victim's representative, or if the victim is deceased as a
1055 result of the offense, the victim's immediate family, as
1056 defined by the bureau's operating rules, or, in the event
1057 there is no immediate family, a relative of a victim, to
1058 present his or her views to the board in person or in writing.
1059 Notice for robbery victims who were robbed while on duty as an
1060 employee of a business establishment shall be sufficient if
1061 mailed to the last address provided by the victim or as
1062 otherwise noted on the indictment or in the bureau's files.

1063 (c) If a victim, victim's representative, or otherwise
1064 interested individual requests not to be notified, the request



HB391 INTRODUCED

1065 shall be made to the bureau in writing or by electronic
1066 signature. Confirmation of a request to not be notified shall
1067 be provided by the bureau to the victim so requesting. After a
1068 request is received, the bureau shall provide no further
1069 notifications, unless the victim, victim's representative, and
1070 otherwise interested individual subsequently requests future
1071 notifications through the automated victim notification system
1072 or by directly contacting the bureau in writing, in person, or
1073 by telephone.

1074 (d) When a probation and parole officer is assigned to
1075 prepare a pre-sentence or post-sentence investigation report,
1076 pursuant to Section 12-17-184, the probation and parole
1077 officer shall enter the most recent contact information for
1078 the victim into the automated victim notification system. In
1079 case of a homicide, the information of immediate family
1080 members shall be entered into the automated victim
1081 notification system. If a surviving victim is a minor, the
1082 information for parents or guardians shall be entered into the
1083 automated victim notification system. Upon entering the
1084 information into the automated victim notification system, the
1085 probation and parole officer shall report to the sentencing
1086 court that all most current victim information has been
1087 registered. The sentencing court shall then record into the
1088 case record that the victim information has been entered into
1089 the automated victim notification system.

1090 (e) After any board action is taken granting any pardon
1091 or parole, the bureau shall promptly notify all persons who
1092 timely requested pre-hearing notice, pursuant to this section,



HB391 INTRODUCED

1093 as to the action taken by the board and the conditions, if
1094 any, via the preferred method of communication provided.

1095 (f) Any pardon or parole decisions made by the board
1096 shall be posted publicly on the bureau's website.

1097 §15-22-10.43

1098 (a) In determining whether to release an inmate on
1099 parole, the board shall consider the report of investigation
1100 prepared by the bureau and the parole release guidelines
1101 established by the bureau, pursuant to Section 15-22-10.10. An
1102 inmate may not be released on parole merely as a reward for
1103 good conduct or efficient performance of duties assigned in
1104 prison, but only if the board determines the prisoner meets
1105 criteria and guidelines established by the bureau to determine
1106 the prisoner's fitness for parole and protect public safety.

1107 (b) The parole release guidelines shall serve as an aid
1108 in the parole decision-making process, and the decision
1109 concerning parole release shall be at the complete discretion
1110 of the board.

1111 (c) The board shall clearly articulate its reasons for
1112 approval or denial of parole for each inmate, based on the
1113 established parole release guidelines, established pursuant to
1114 Section 15-22-10.10, and shall provide the reasons for
1115 approval or denial to the inmate, the victim, the Department
1116 of Corrections, or, upon written request, to any other
1117 interested party. The use of parole release guidelines for
1118 parole consideration does not create a right or expectation by
1119 an inmate to parole release. Additionally, the articulated
1120 reasons for denial of parole release does not create a right



HB391 INTRODUCED

1121 or expectation for parole release.

1122 (d) No inmate may be released on parole except by a
1123 majority vote of the board.

1124 (e) The board shall reconsider releasing an inmate who
1125 was denied parole no more than two years after the parole
1126 release denial if the inmate was convicted of a nonviolent
1127 offense, as defined in Section 12-25-32, and who was sentenced
1128 to 20 years or less.

1129 (f) The board may not grant parole to any inmate for
1130 the purpose of employment by any public official of this
1131 state, nor shall any parolee be employed by an official of
1132 this state be allowed to remain on parole; provided, however,
1133 this subsection does not apply in the case of a parolee whose
1134 employer, at the time of the parolee's original employment,
1135 was not a state official.

1136 §15-22-10.44

1137 (a) The board, in releasing a prisoner on parole, shall
1138 specify in writing the conditions of his or her parole and
1139 shall provide a copy of the conditions to the parolee. A
1140 parolee who violates the conditions of parole may be subject
1141 to arrest and reimprisonment.

1142 (b) The board shall adopt general rules regarding the
1143 conditions of parole and may make special rules to govern
1144 particular cases. The rules, both general and special, shall
1145 include, but are not limited to, all of the following:

1146 (1) A parolee may not leave the state without the
1147 consent of the board.

1148 (2) A parolee shall contribute to the support of his or



HB391 INTRODUCED

1149 her dependents to the best of his or her ability.

1150 (3) A parolee shall make reparation or restitution for
1151 his or her crime.

1152 (4) A parolee shall avoid persons or places of
1153 disreputable or harmful character.

1154 (5) A parolee shall follow the instructions of his or
1155 her parole officer and shall cooperate with the parole
1156 officer.

1157 (6)a. A parolee released pursuant to Section
1158 15-22-10.15 shall be subject to electronic monitoring for a
1159 period of time as determined by the director.

1160 b. The bureau shall be responsible for the costs of the
1161 electronic monitoring as required by this subdivision.

1162 (7) A parolee shall submit to behavioral treatment,
1163 substance abuse treatment, GPS monitoring, or any other
1164 treatment as deemed necessary by the board or the supervising
1165 probation and parole officer.

1166 (8) A parolee may not buy, own, or possess a firearm in
1167 violation of state law or federal law.

1168 §15-22-10.45

1169 (a) Whenever there is reasonable cause to believe that
1170 an inmate who has been paroled has violated his or her parole,
1171 the board, a single member of the board, or a parole
1172 revocation hearing officer shall hold parole court hearing at
1173 the prison or at another place as may be determined. The
1174 Department of Corrections, after receiving notice from the
1175 sheriff of the county jail where the parolee is being held,
1176 shall promptly notify the bureau of the return of a parolee



HB391 INTRODUCED

1177 charged with a violation of his or her parole.

1178 (b) (1) The parole court hearing shall be held within 20
1179 business days and shall consider the case of the parole
1180 violator. The parolee shall be given an opportunity to appear
1181 personally or by counsel before the parole court, to produce
1182 witnesses, and to explain the charges made against him or her.
1183 The parole court shall determine whether sufficient evidence
1184 supports the violation charges.

1185 (2) If a hearing is not held within 20 business days,
1186 the parolee shall be released back to parole supervision
1187 pending the hearing, unless the parole court determines
1188 exigent circumstances exist that preclude holding the hearing
1189 within 20 business days.

1190 (c) (1) After conducting a parole court hearing and upon
1191 a finding of sufficient evidence to support a parole
1192 violation, the parole court may recommend to the board
1193 revocation or reinstatement of parole, and the board may take
1194 any of the following actions:

1195 a. If the underlying offense was a violent offense as
1196 defined in Section 12-25-32 and classified as a Class A
1197 felony, a sex offense pursuant to Section 15-20A-5, or
1198 aggravated theft by deception pursuant to Section 13A-8-2.1,
1199 the board shall revoke parole and require the parolee to serve
1200 the balance of the term for which he or she was originally
1201 sentenced, or any portion thereof, in a state prison facility,
1202 calculated from the date of his or her rearrest as a
1203 delinquent parolee.

1204 b. If the parole violation was for being arrested or



HB391 INTRODUCED

1205 convicted of a new offense or absconding, the board may revoke
1206 parole and require the parolee to serve the balance of the
1207 term for which he or she was originally sentenced, or any
1208 portion thereof, in a state prison facility, calculated from
1209 the date of his or her rearrest as a delinquent parolee.

1210 c. For all other parolees, the board may impose a
1211 period of confinement of no more than 45 consecutive days to
1212 be served in a residential transition center established
1213 pursuant to Section 15-22-10.21, or a consenting county jail
1214 designated for this purpose as provided in Section 14-1-23.
1215 The parolee shall be held in the county jail of the county in
1216 which the violation occurred while awaiting the revocation
1217 hearing. The parole court may not recommend and the board may
1218 not revoke parole unless the parolee has previously received a
1219 total of three periods of confinement under this paragraph. A
1220 parolee shall only receive three total periods of confinement.
1221 The maximum 45-day term of confinement ordered pursuant to
1222 this paragraph shall be reduced by any time served in custody
1223 prior to the imposition of the period of confinement and shall
1224 be credited to the balance of the incarceration term for which
1225 the parolee was originally sentenced. If the time remaining on
1226 parole supervision is 45 days or less, the term of confinement
1227 may not exceed the remainder of the parolee's sentence. The
1228 Department of Corrections shall reimburse the state mileage
1229 rate to the county, as determined by the state Comptroller's
1230 Office, for any parolee charged with, or sanctioned or revoked
1231 for, a parole violation and who is transferred to or from a
1232 Department of Corrections facility or to or from a consenting



HB391 INTRODUCED

1233 county jail by the county.

1234 (2) Upon completion of the confinement period and
1235 release from confinement, the parolee shall automatically
1236 continue on parole for the remaining term of the sentence
1237 without further action from the board.

1238 (3) The total time spent in confinement under this
1239 subsection may not exceed the term of the parolee's original
1240 sentence.

1241 (4) Confinement shall be immediate. The board shall
1242 ensure that the Department of Corrections, a county jail, a
1243 residential transition center, or a consenting county jail
1244 receives necessary documentation for imposing a period of
1245 confinement within five business days of the board's action.

1246 (5) If a parolee with a serious health condition is
1247 presented to a county jail, excluding a consenting county jail
1248 designated for this purpose as provided in Section 14-1-23,
1249 for any period of confinement, if the confinement of a parolee
1250 would create a security risk to the county jail, or if the
1251 county jail is near, at, or over capacity, the sheriff may
1252 refuse to admit the parolee. If, while in custody of the
1253 county jail, a parolee develops a serious health condition, if
1254 the confinement of a parolee creates a security risk to the
1255 county jail, or if the county jail reaches near, at, or over
1256 capacity, the sheriff may release the parolee upon
1257 notification to the parole officer. A sheriff and his or her
1258 employees shall be immune from liability for exercising
1259 discretion pursuant to Section 36-1-12 in refusing to admit a
1260 parolee into the jail or releasing a parolee from jail



HB391 INTRODUCED

1261 pursuant to this subdivision.

1262 §15-22-10.46

1263 No state official shall appear or otherwise represent
1264 an applicant before the board for any consideration or thing
1265 of value unless the official was counsel of record for the
1266 applicant during a trial or hearing in the regular judicial
1267 process that led to the applicant's present status. A state
1268 official may not be prohibited from appearing without
1269 consideration before the board or board panel on behalf of an
1270 applicant.

1271 §15-22-10.47

1272 (a) (1) Excluding parolees convicted of a violent
1273 offense, as defined in Section 12-25-32, and parolees
1274 convicted of aggravated theft by deception, pursuant to
1275 13A-8-21, no individual released on parole may be discharged
1276 from parole prior to the expiration of the full maximum term
1277 for which he or she was sentenced, unless the board chooses to
1278 discharge the parolee early based on a review of the parolee
1279 under guidelines established by the bureau.

1280 (2) The board shall review a parolee for discharge from
1281 parole supervision at least every two years if the parolee has
1282 satisfied all financial obligations owed to the court,
1283 including restitution, and has not had his or her supervision
1284 revoked.

1285 (b) The board may at any time relieve a parolee from
1286 making further reports and may permit the parolee to leave the
1287 state or county if satisfied that this is for the best
1288 interests of society.



HB391 INTRODUCED

1289 §15-22-10.48

1290 (a) Any inmate convicted of any of the following
1291 offenses, or attempts thereof, that directly and proximately
1292 resulted in serious physical injury to another, where the
1293 offense was committed within five years of a prior felony
1294 conviction, or attempt thereof, resulting in serious physical
1295 injury to another, upon conviction and a sentence to a term of
1296 years, shall serve his or her sentence without the possibility
1297 of parole:

1298 (1) Murder.

1299 (2) Rape.

1300 (3) Robbery.

1301 (4) Assault with a deadly weapon.

1302 (b) Any person convicted of a sex offense involving a
1303 child, as defined in Section 15-20A-4, which is a Class A or
1304 Class B felony, shall not be eligible for parole.

1305 §15-22-10.49

1306 (a) Any individual whose sentence to death has been
1307 commuted by the Governor is not eligible for a pardon unless
1308 sufficient evidence is presented to the board to satisfy that
1309 the individual was innocent of the crime for which he or she
1310 was convicted and the board votes unanimously to grant the
1311 individual a pardon.

1312 (b) Any individual whose sentence to death has been
1313 commuted by the Governor is not eligible for parole.

1314 (c) This section may not be construed to deny any
1315 individual whose sentence of death has been commuted the right
1316 to apply to the courts of this state for any remedy that the



HB391 INTRODUCED

1317 individual is entitled to under the laws of this state.

1318 (d) The board may not grant a parole or pardon to an
1319 individual whose sentence of death has been commuted by the
1320 Governor unless subsection (a) is applicable.

1321 §15-22-10.50

1322 (a) No pardon shall relieve one from civil and
1323 political disabilities unless specifically expressed in the
1324 pardon. No pardon shall be granted unless the inmate has
1325 successfully completed at least three years of parole or until
1326 the expiration of his or her sentence if his or her sentence
1327 was for less than three years.

1328 (b) Notwithstanding subsection (a), a pardon based on
1329 innocence may be granted upon the unanimous affirmative vote
1330 of the board following receipt and filing of clear proof of
1331 his or her innocence of the crime for which he or she was
1332 convicted and the written approval from the judge who tried
1333 the case or district attorney, or, if the judge who tried his
1334 or her case is deceased or no longer serving, with the written
1335 approval from a circuit judge in the circuit where he or she
1336 was convicted.

1337 §15-22-10.51

1338 (a) The duties imposed upon the members of the board by
1339 this article are mandatory, and the limitations and
1340 restrictions on the powers of the board or the members shall
1341 be strictly construed.

1342 (b) Any member of the board who knowingly or willfully
1343 neglects or fails to perform any of his or her duties shall be
1344 guilty of a felony and, upon his or her conviction, shall be



HB391 INTRODUCED

1345 punished by imprisonment for not less than one nor more than
1346 five years.

1347 §15-22-10.52

1348 Any pardon, parole, remission of a fine or forfeiture,
1349 or restoration of civil and political rights granted, ordered,
1350 or made contrary to this article shall be void and shall have
1351 no force or effect.

1352 §15-22-10.53

1353 (a) As used in this section, the following terms have
1354 the following meanings:

1355 (1) CHEMICAL CASTRATION TREATMENT. The receiving of
1356 medication, including, but not limited to, medroxyprogesterone
1357 acetate treatment or its chemical equivalent, that, among
1358 other things, reduces, inhibits, or blocks the production of
1359 testosterone, hormones, or other chemicals in an individual's
1360 body.

1361 (2) SEX OFFENSE INVOLVING A PERSON UNDER THE AGE OF 13
1362 YEARS. A sex offense, as described in Section 15-20A-5, which
1363 is committed against an individual who has not attained 13
1364 years of age.

1365 (b) Subject to Section 15-22-10.49, as a condition of
1366 parole, a court shall order an offender convicted of a sex
1367 offense involving an individual under 13 years of age to
1368 undergo chemical castration treatment, in addition to any
1369 other punishment prescribed for that offense or any other
1370 provision of law.

1371 (c) An offender required to undergo chemical castration
1372 treatment shall begin the treatment not less than one month



HB391 INTRODUCED

1373 prior to his or her release from custody of the Department of
1374 Corrections and shall continue receiving treatment until the
1375 court determines the treatment is no longer necessary. The
1376 treatment shall be administered by the Department of Public
1377 Health.

1378 (d) (1) The offender shall pay for all of the costs
1379 associated with the chemical castration treatment. The cost of
1380 the treatment shall be in addition to any court costs;
1381 assessments for crime victim's compensation fund; Department
1382 of Forensic Sciences assessments; drug, alcohol, or anger
1383 management treatments required by law; restitution; or costs
1384 of supervision of the treatment. An offender may not be denied
1385 parole based solely on his or her inability to pay for the
1386 costs associated with the treatment required under this
1387 section.

1388 (2) If an offender required to receive chemical
1389 castration treatment under this section, upon application,
1390 claims indigency, he or she shall be brought before a court of
1391 competent jurisdiction for a determination of indigency. In
1392 the event that a court determines the offender to be indigent,
1393 any fees or costs shall not be waived or remitted unless the
1394 offender proves to the reasonable satisfaction of the court
1395 that he or she is not capable of paying the fees or costs
1396 within the reasonably foreseeable future. In the event the
1397 offender is determined to be indigent, a periodic review of
1398 the offender's indigent status may be conducted by the court
1399 upon motion of the district attorney to determine if the
1400 offender is no longer indigent.



HB391 INTRODUCED

1401 (e) In addition to any condition of parole under
1402 subsection (b), as a condition of parole, an offender released
1403 on parole under this section shall authorize the Department of
1404 Public Health to share with the bureau all medical records
1405 relating to the offender's chemical castration treatment.

1406 (f) An offender may elect to stop receiving the
1407 treatment at any time and may not be forced to receive the
1408 treatment; provided, the refusal shall constitute a violation
1409 of parole and he or she shall be immediately remanded to the
1410 custody of the Department of Corrections for the remainder of
1411 the sentence from which he or she was paroled.

1412 (g) Prior to the administration of any chemical
1413 castration treatment, the court shall inform the offender
1414 about the effect of the treatment and any side effects that
1415 may result from it. The offender shall sign a written
1416 acknowledgment of receipt of the information.

1417 (h) Only a bona fide employee of the Alabama Department
1418 of Public Health may administer the treatment.

1419 (i) Except as provided in subsection (f), an offender
1420 who intentionally stops receiving the treatment required under
1421 this section shall be guilty of a Class C felony.

1422 Section 2. Sections 15-18-71, 15-18-72, 15-18-74,
1423 15-18-76, and 15-18-77, Code of Alabama 1975, are amended to
1424 read as follows:

1425 "§15-18-71

1426 When a defendant is sentenced to a term of
1427 imprisonment, the order of restitution shall be enforceable
1428 during the period of imprisonment when the defendant has any



HB391 INTRODUCED

1429 asset or other income or any portion thereof to which a
1430 defendant is or may be entitled. The ~~Board~~ Bureau of Pardons
1431 and Paroles shall be notified of the amount of restitution by
1432 its probation and parole officers and when and if the
1433 defendant is paroled, it shall be made a condition of the
1434 parole to continue the restitution payments to the victim. If
1435 during the period of the defendant's parole, he or she fails
1436 to make restitution as ordered by the original court, it shall
1437 be grounds for revocation of parole."

1438 "§15-18-72

1439 (a) When a defendant who has been ordered to pay
1440 restitution and whose sentence has been suspended and placed
1441 on probation by the court, ~~and ordered to make restitution,~~
1442 defaults in the payment ~~thereof~~ or ~~of~~ any installment of
1443 restitution, the court, on motion of the victim ~~or,~~ the
1444 district attorney, or upon its own motion, shall require the
1445 defendant to show cause why ~~his~~ the default should not be
1446 treated as violation of a condition of ~~his~~ probation.

1447 (b) When the defendant is sentenced to the penitentiary
1448 by the court, and the court orders restitution, ~~it shall be~~
1449 ~~made~~ a condition of his or her parole shall be that
1450 restitution be ~~made~~ paid. When the parolee defaults in the
1451 payment ~~thereof~~ or any installment of restitution, the ~~parole~~
1452 ~~board~~ Board of Pardons and Paroles on motion of the victim ~~or,~~
1453 the district attorney, or the supervising probation and parole
1454 officer, ~~may~~ require the defendant to show cause why ~~his~~ the
1455 default should not be treated as a violation of a condition of
1456 parole, and the board may declare the parolee delinquent and



HB391 INTRODUCED

1457 after due process may revoke his parole.

1458 (c) The court shall ~~cause~~ transmit all restitution
1459 payments ~~to be transmitted in not less than~~ within 15 business
1460 days of receipt of ~~such~~ the payment."

1461 "§15-18-74

1462 ~~Whenever~~ When an offender in the custody of the
1463 Department of Corrections is paroled, the Board of Pardons and
1464 Paroles ~~will~~ shall inform him or her of the court's imposition
1465 of restitution payments and the supervising parole officer
1466 ~~will~~ shall see that the schedule of payment of restitution is
1467 resumed and continued until paid in full."

1468 "§15-18-76

1469 (a) The county commissions of the several counties and
1470 the governing authorities of municipalities ~~are hereby~~
1471 ~~authorized to~~ may cooperate with the ~~State Board~~ Bureau of
1472 Pardons and Paroles in the establishment of restitution
1473 centers. ~~Such~~ The centers shall be operated by the ~~State Board~~
1474 ~~of~~ Bureau of Pardons and Paroles. County or municipal property
1475 may be utilized, with the approval of the county commission or
1476 municipal governing authority, for the construction,
1477 renovation, and maintenance of facilities owned by the state
1478 or a local political subdivision. ~~Such a~~ A facility may be
1479 furnished or leased to the ~~Board~~ Bureau of Pardons and Paroles
1480 for a period of time for use as a restitution center.

1481 (b) It is the intent of this section that county and
1482 local governments contribute only to the establishment,
1483 renovation, furnishing, and maintenance of the physical plant
1484 of the restitution center and that the ~~Board of~~ Bureau of



HB391 INTRODUCED

1485 Pardons and Paroles support the operation of the centers and
1486 have the responsibility of offenders in ~~such~~the centers.
1487 Provided,~~however~~, that no provision of this article shall
1488 operate ~~so as~~ to deprive the court of its power to revoke
1489 probation of residence or the ~~State~~ Board of Pardons and
1490 Paroles' power to revoke parolees housed in the center."

1491 "§15-18-77

1492 (a) ~~The State Board~~ Bureau of Pardons and Paroles, the
1493 county commissions, and the governing authorities of
1494 municipalities ~~are hereby authorized to~~ may cooperate in the
1495 institution and administration of services at restitution
1496 centers as authorized in Section 15-18-76.

1497 (b) ~~The Board~~ Bureau of Pardons and Paroles, the
1498 county commissions, and the governing authorities of
1499 municipalities ~~are authorized~~ may jointly do any of the
1500 following:

1501 (1) ~~To seek~~ Seek funding from federal or other sources
1502 to provide the maximum supportive services for offenders and
1503 the families of offenders who are participating in the
1504 restitution program; .

1505 (2) ~~To develop~~ Develop additional programs ~~whereby the~~
1506 where offenders may be afforded the opportunity to contribute
1507 to society and the support of their families through
1508 restitution programs; ~~and~~ .

1509 (3) ~~To develop~~ Develop pilot programs of counseling,
1510 training, and job placement ~~whereby~~ where restitution may be
1511 accomplished; ~~such~~ The programs may be residential or
1512 nonresidential as appropriate."



HB391 INTRODUCED

1513 Section 3. Sections 15-22-42, 15-22-43, 15-22-51,
1514 15-22-53, 15-22-54, 15-22-56, and 15-22-57, Code of Alabama
1515 1975, are amended to read as follows:

1516 "§15-22-42

1517 For the purposes of this article, the following terms
1518 ~~shall~~ have the following meanings:

1519 (1) BOARD. The Board of Pardons and Paroles.

1520 (2) BUREAU. The Bureau of Pardons and Paroles.

1521 ~~(2)~~ (3) GERIATRIC INMATE. A ~~person~~ state inmate who is
1522 60 years of age or older convicted in this state of a
1523 non-capital felony offense and sentenced to the penitentiary,
1524 who suffers from a chronic life-threatening infirmity,
1525 life-threatening illness, or chronic debilitating disease
1526 related to aging, who requires assistance with a necessary
1527 daily life function and poses a low risk to the community, and
1528 who does not constitute a danger to himself ~~or~~, herself, or
1529 society.

1530 ~~(3)~~ (4) NECESSARY DAILY LIFE FUNCTION. Eating,
1531 breathing, toileting, walking, or bathing.

1532 ~~(4)~~ (5) PERMANENTLY INCAPACITATED INMATE. A state inmate
1533 who satisfies both of the following:

1534 a. Is unable to perform one and requires assistance
1535 with one or more necessary daily life functions or who is
1536 completely immobile.

1537 b. Has ~~such~~ limited physical or mental ability,
1538 strength, or capacity so that he or she poses an extremely low
1539 risk of physical threat to others or to the community.

1540 ~~(5)~~ (6) TERMINALLY ILL INMATE. A state inmate who has an



HB391 INTRODUCED

1541 incurable condition caused by illness or disease which would,
1542 with reasonable medical judgment, produce death within 12
1543 months, and who does not constitute a danger to himself ~~or,~~
1544 herself, or society."

1545 "§15-22-43

1546 (a) (1) The ~~bureau~~Board of Pardons and Paroles, by
1547 rule, shall establish a ~~special~~ medical parole docket ~~and~~
1548 ~~adopt the rules for implementation pursuant to Section~~
1549 ~~15-22-24(e). For each person considered for medical parole,~~
1550 ~~the board shall determine whether the person is a.~~ The medical
1551 parole docket shall contain inmates who have been classified
1552 by the Department of Corrections as geriatric ~~inmate,~~
1553 permanently incapacitated ~~inmate,~~ or terminally ill ~~inmate for~~
1554 ~~purposes of placing the person on a special medical parole~~
1555 ~~docket to be considered for parole by the board.~~ An open
1556 public hearing shall be held, pursuant to Section
1557 ~~15-22-23~~15-22-10.41, to consider the medical parole of the
1558 inmate. Notices of the hearing shall be sent pursuant to
1559 ~~Sections 15-22-23 and 15-22-36~~Section 15-22-10.42. The notice
1560 shall clearly state the inmate is being considered for a
1561 medical parole.

1562 (2) ~~The~~Upon request from the bureau, the Department of
1563 Corrections shall immediately provide, ~~upon request from the~~
1564 ~~board,~~ a list of geriatric, permanently incapacitated, and
1565 terminally ill inmates who are otherwise eligible for parole,
1566 subject to the limitations provided under Section
1567 ~~15-22-28(e)~~15-22-10.12.

1568 (3) By January 1 of each calendar year, the Department



HB391 INTRODUCED

1569 of Corrections shall additionally ~~identify~~ provide the bureau
1570 with a list of all inmates who have spent ~~more than~~ 30 or more
1571 days in an infirmary in the prior calendar year ~~or~~, inmates
1572 who have received costly and frequent medical treatment
1573 outside a Department of Corrections facility in the previous
1574 12 months, ~~as well as all~~ and inmates suffering from a
1575 life-threatening illness and whose death is imminent within 12
1576 months, who are otherwise parole eligible, subject to the
1577 limitations provided under Section ~~15-22-28(e)~~ 15-22-10.12, ~~and~~
1578 ~~shall immediately provide this information to the board to~~.
1579 The bureau shall determine if any identified inmates may be
1580 considered for a medical parole.

1581 ~~(3)~~ (4) Upon a determination that ~~the~~ an inmate is
1582 eligible for a medical parole, the ~~board~~ bureau shall place
1583 the inmate on the next available ~~special~~ medical parole docket
1584 ~~pursuant to rules adopted by the board~~ for the board to
1585 consider the individual for medical parole.

1586 (b) Medical parole consideration shall be in addition
1587 to any other release for which an inmate may be eligible.

1588 (c) In considering an inmate for medical parole, the
1589 board may request that additional medical evidence be
1590 produced, or that additional medical examinations be conducted
1591 by the Department of Corrections.

1592 (d) In determining factors for a medical parole, the
1593 board shall take into consideration all of the following:

- 1594 (1) Risk for violence.
- 1595 (2) Criminal history.
- 1596 (3) Institutional behavior.



HB391 INTRODUCED

1597 (4) Age of the inmate, currently and at the time of the
1598 offense.

1599 (5) Severity of the illness, disease, or infirmities
1600 and whether the same existed at the time of the offense.

1601 (6) All available medical and mental health records.

1602 (7) Reentry plans, ~~which include~~ including alternatives
1603 to caring for terminally ill or permanently incapacitated
1604 inmates in traditional prison settings.

1605 (e) This article shall not apply to inmates convicted
1606 of capital murder or a sex offense.

1607 (f) Unless provided otherwise in this article, any
1608 medical parole under this article shall comply with Article
1609 2A, Chapter 22, Title 15.

1610 (g) The ~~board~~ bureau shall report annually to the Joint
1611 Legislative Interim Prison Committee, House Judiciary
1612 Sentencing Commission Subcommittee, and the Alabama Sentencing
1613 Commission on the number of medical paroles granted, the
1614 nature of the illnesses, diseases, and conditions of those
1615 paroled, the number of inmates granted and denied medical
1616 parole, ~~and~~ the number of cases granted medical parole, but
1617 that could not be released. ~~The, and the~~ and the crimes for which the
1618 inmates have been convicted ~~shall also be provided in the~~
1619 ~~annual report~~. The report shall ~~be made in a manner that does~~
1620 not disclose any individual identifying information for any
1621 particular inmate and shall be compliant in all respects with
1622 the Health Insurance Portability and Accountability Act.
1623 (h) This article shall not be deemed to grant any
1624 entitlement or right to release."



HB391 INTRODUCED

1625 "§15-22-51

1626 (a) When directed by the court, a probation officer or
1627 specialist shall ~~fully investigate and~~ conduct an
1628 investigation, using a validated risk and needs assessment, as
1629 defined in Section 12-25-32, and provide a written report to
1630 the court ~~in writing the~~ containing all of the following:

1631 (1) The circumstances of the offense~~;~~.

1632 (2) The defendant's criminal record~~;~~.

1633 (3) The defendant's social history ~~and.~~.

1634 (4) The defendant's present condition ~~of a defendant~~
1635 ~~through use of a validated risk and needs assessment, as~~
1636 ~~defined in Section 12-25-32.~~

1637 (b) No defendant, unless ~~the court shall~~ otherwise
1638 ~~direct~~ directed by the court, shall be placed on probation or
1639 released under suspension of sentence until the report of ~~such~~
1640 investigation ~~shall have been,~~ as required by subsection (a),
1641 is presented to and considered by the court; ~~provided,~~
1642 ~~however, that after.~~

1643 (c) (1) After conviction, the court may continue the
1644 case for ~~such any amount of~~ time ~~as may be~~ reasonably
1645 necessary to enable the probation officer or specialist to
1646 ~~make his~~ conduct the investigation and generate the written
1647 report of investigation.

1648 (2) ~~(b) Whenever practicable, such investigation shall~~
1649 ~~include physical and mental examinations of the defendant;~~
1650 ~~and, if such defendant is committed to an institution, a copy~~
1651 ~~of the report of such investigation shall be sent to the~~
1652 ~~Department of Corrections at the time of commitment; provided,~~



HB391 INTRODUCED

1653 ~~that in all cases where the~~ If a defendant was on bond prior
1654 ~~to the time of~~ to the trial and an application for probation
1655 ~~is was~~ made to the court, ~~then the judge of such court, in his~~
1656 ~~discretion,~~ may suspend the execution of the sentence pending
1657 the disposition of the application for probation and ~~continue~~
1658 ~~may allow~~ the defendant to remain under the same bond ~~that he~~
1659 ~~was under or, in his discretion,~~ or the judge may raise ~~the~~
1660 ~~bond or lower the same pending the disposition of the~~
1661 ~~application for probation, and such bond shall remain in full~~
1662 ~~force and effect until the application for probation is~~
1663 ~~finally disposed of~~ bond."

1664 "§15-22-53

1665 (a) A probation officer or specialist shall ~~investigate~~
1666 ~~all cases referred to him or her for investigation by any~~
1667 ~~court or by the Board of Pardons and Paroles and shall report~~
1668 ~~in writing thereon. He or she shall furnish to persons~~
1669 ~~released on probation~~ provide each probationer under his or
1670 her supervision a written statement of the conditions of
1671 probation and shall ~~instruct them regarding the same~~ explain
1672 the conditions of probation. ~~Such~~ The probation officer shall
1673 ~~keep informed concerning the~~ monitor the conduct and condition
1674 of each ~~person on probation~~ probationer under his or her
1675 supervision by visiting, requiring reports, and ~~in other ways~~
1676 taking other measures as necessary, based on the
1677 ~~offender's~~ probationer's measured risk of ~~offending, and he or~~
1678 ~~she shall report thereon in writing as often as the court or~~
1679 ~~the board may require~~ reoffending. Additionally, the probation
1680 officer, upon the court's request, shall provide written



HB391 INTRODUCED

1681 reports regarding the probationers. The probation officer
1682 shall use all practicable and suitable evidence-based
1683 practices, as defined in Section 12-25-32, ~~not inconsistent~~
1684 ~~with the provisions imposed by the court,~~ to aid and encourage
1685 ~~persons on probation and to bring about improvements in~~
1686 probationers improve their conduct and condition. The
1687 probation officer shall keep detailed records of his or her
1688 work and ~~shall make such reports in writing,~~ upon request,
1689 provide written reports to the court and the board ~~as they may~~
1690 ~~require.~~

1691 (b) A probation officer ~~shall have,~~ in the execution of
1692 his or her duties, shall have the powers of arrest and the
1693 same right to execute process ~~as is now given or may hereafter~~
1694 ~~be~~ given by law to the sheriffs of this state.

1695 (c) Supervision and treatment of probationers shall be
1696 conducted pursuant to ~~and consistent with the provisions of~~
1697 ~~subsections (k) and (l) of Section 15-22-24 and Section~~
1698 ~~15-22-57~~ Section 15-22-10.11.

1699 ~~(b)~~ (d) All reports, records, and data assembled by any
1700 probation officer or the specialist, or in the Bureau of
1701 Pardons and Paroles' custody, and referred to the court shall
1702 be privileged and shall not be available for public inspection
1703 except upon order of the court to which the same was referred.

1704 ~~(c)~~ (e) In no case shall the right to inspect the report
1705 ~~be denied the defendant~~ or right to his or her counsel be
1706 denied the defendant after the report has been completed or
1707 filed."

1708 "§15-22-54



HB391 INTRODUCED

1709 (a) The period of probation or suspension of execution
1710 of sentence shall be determined by the court and may not be
1711 waived by the defendant. The period of probation or suspension
1712 may be continued, extended, or terminated as determined by the
1713 court. Except as provided in Section 32-5A-191, relating to
1714 ignition interlock requirements, the maximum probation period
1715 of a defendant guilty of a misdemeanor may not exceed two
1716 years, nor shall the maximum probation period of a defendant
1717 guilty of a felony exceed five years, except as provided in
1718 Section 13A-8-2.1. When the conditions of probation or
1719 suspension of sentence are fulfilled, the court, by an order
1720 duly entered on its minutes, shall discharge the defendant.

1721 (b) The court granting probation, upon the
1722 recommendation of the officer supervising the probationer, may
1723 terminate all authority and supervision over the probationer
1724 prior to the declared date of completion of probation upon
1725 showing a continued satisfactory compliance with the
1726 conditions of probation over a sufficient portion of the
1727 period of the probation. At least every two years, and after
1728 providing notice to the district attorney, the court shall
1729 review the probationer's suitability for discharge from
1730 probation supervision if the probationer has satisfied all
1731 financial obligations owed to the court, including
1732 restitution, and has not had his or her supervision revoked.

1733 (c) At any time during the period of probation or
1734 suspension of execution of sentence, the court may issue a
1735 warrant and have the ~~defendant~~probationer arrested for
1736 violating any of the conditions of probation or suspension of



HB391 INTRODUCED

1737 sentence, and the court shall hold a violation hearing. No
1738 probationer shall be held in jail awaiting the violation
1739 hearing for longer than 20 business days, unless new criminal
1740 charges are pending. If the hearing is not held within the
1741 specified time, the sheriff shall release the probation
1742 violator unless there are other pending criminal charges. A
1743 judge may issue a bond to a probationer for release from
1744 custody.

1745 (d) Except as provided in Chapter 15 of Title 12, any
1746 probation officer, police officer, or other officer with power
1747 of arrest, when requested by the probation officer, may arrest
1748 a probationer without a warrant. When an arrest is made
1749 without a warrant, the arresting officer shall have a written
1750 statement by the probation officer setting forth that the
1751 probationer has, in his or her judgment, violated the
1752 conditions of probation, and the statement shall be sufficient
1753 warrant for the detention of the probationer in the county
1754 jail or other appropriate place of detention until the
1755 probationer is brought before the court. The probation officer
1756 shall report the arrest and detention to the court and submit
1757 in writing a report showing in what manner the probationer has
1758 violated probation.

1759 (e) After conducting a violation hearing and finding
1760 sufficient evidence to support a probation violation, the
1761 court may take any of the following actions:

1762 (1)a. If the underlying offense was a Class D felony
1763 and his or her probation is revoked, the incarceration portion
1764 of any split sentence imposed due to revocation shall be



HB391 INTRODUCED

1765 limited to two years or one-third of the original suspended
1766 prison sentence, whichever is less.

1767 b. If the underlying offense was a violent offense as
1768 defined in Section 12-25-32 and classified as a Class A
1769 felony, a sex offense pursuant to Section 15-20A-5, or
1770 aggravated theft by deception pursuant to Section 13A-8-2.1,
1771 the court shall revoke probation and require the probationer
1772 to serve the balance of the term for which he or she was
1773 originally sentenced, or any portion thereof, in a state
1774 prison facility, calculated from the date of his or her
1775 rearrest as a delinquent probationer.

1776 c. If the probation violation was for being arrested or
1777 convicted of a new offense or absconding, the court may revoke
1778 probation and require the probationer to serve the balance of
1779 the term for which he or she was originally sentenced, or any
1780 portion thereof, in a state prison facility, calculated from
1781 the date of his or her rearrest as a delinquent probationer.

1782 d. For all other probationers, the court may impose a
1783 period of confinement of no more than 45 consecutive days to
1784 be served in a residential transition center established
1785 pursuant to Section ~~15-22-30.1~~ 15-22-10.21 or a consenting
1786 county jail designated for this purpose as provided in Section
1787 14-1-23. The probationer shall be held in the county jail of
1788 the county in which the violation occurred while awaiting the
1789 revocation hearing. The court may not revoke probation unless
1790 the defendant has previously received a total of three periods
1791 of confinement under this paragraph. For purposes of
1792 revocation, the court may take judicial notice of the three



HB391 INTRODUCED

1793 total periods of confinement under this paragraph. A defendant
1794 shall only receive three total periods of confinement. The
1795 maximum 45-day term of confinement ordered pursuant to this
1796 paragraph for a felony shall be reduced by any time served in
1797 custody prior to the imposition of the period of confinement
1798 and shall be credited to the suspended sentence. If the time
1799 remaining on the imposed sentence is 45 days or less, the term
1800 of confinement may not exceed the remainder of the defendant's
1801 sentence. The Department of Corrections shall reimburse the
1802 state mileage rate to the county, as determined by the Alabama
1803 Comptroller's Office, for any probationer charged with, or
1804 sanctioned or revoked for, a probation violation and who is
1805 transferred to or from a Department of Corrections facility or
1806 to or from a consenting county jail by the county.

1807 (2) Upon completion of the confinement period, the
1808 remaining probation period or suspension of sentence shall
1809 automatically continue upon the defendant's release from
1810 confinement. ~~The court may not revoke probation unless the~~
1811 ~~defendant has previously received a total of three periods of~~
1812 ~~confinement pursuant to this subsection. For purposes of~~
1813 ~~revocation, the court may take judicial notice of the three~~
1814 ~~total periods of confinement under this subsection. A~~
1815 ~~defendant shall only receive three total periods of~~
1816 ~~confinement pursuant to this subsection. The maximum 45 day~~
1817 ~~term of confinement ordered pursuant to this subsection for a~~
1818 ~~felony shall be reduced by any time served in custody prior to~~
1819 ~~the imposition of the period of confinement and shall be~~
1820 ~~credited to the suspended sentence. If the time remaining on~~



HB391 INTRODUCED

1821 ~~the imposed sentence is 45 days or less, the term of~~
1822 ~~confinement may not exceed the remainder of the defendant's~~
1823 ~~sentence.~~

1824 (3) The total time spent in confinement under this
1825 subsection may not exceed the term of the defendant's original
1826 sentence.

1827 (4) Confinement shall be immediate. The court shall
1828 ensure that the circuit clerk receives the order revoking
1829 probation within five business days. The circuit clerk shall
1830 ensure that the Department of Corrections, a county jail, a
1831 residential transition center, or a consenting county jail
1832 receives necessary transcripts for imposing a period of
1833 confinement within five business days of its receipt of the
1834 court's order.

1835 (5) If a probation violator with a serious health
1836 condition is presented to a county jail, excluding a
1837 consenting county jail designated for this purpose, as
1838 provided in Section 14-1-23, for any period of confinement
1839 ~~with a serious health condition~~, if the confinement of the
1840 probation violator would create a security risk to the county
1841 jail, or if the county jail is near, at, or over capacity, the
1842 sheriff may refuse to admit the probation violator. If, while
1843 in custody of the county jail, ~~the~~ a probation violator
1844 develops a serious health condition, if ~~the~~ a confinement of
1845 the probation violator creates a security risk to the county
1846 jail, or if the county jail reaches near, at, or over
1847 capacity, the sheriff may release the probation violator upon
1848 notification to the probation officer and to the court who has



HB391 INTRODUCED

1849 jurisdiction over the probation violator. A sheriff and his or
1850 her employees ~~in the county jail~~ shall be immune from
1851 liability for exercising discretion pursuant to Section
1852 36-1-12 in refusing to admit a probation violator into the
1853 jail or releasing a probation violator from jail pursuant to
1854 this subdivision.

1855 (f) In lieu of subsections (c) through (e), when a
1856 probationer violates his or her probation terms and conditions
1857 imposed by the court, his or her probation officer, after an
1858 administrative review and approval by the probation officer's
1859 supervisor, may impose any of the following sanctions:

1860 (1) Mandatory behavioral treatment.

1861 (2) Mandatory substance abuse treatment.

1862 (3) GPS monitoring.

1863 (4) Any other treatment as determined by the court or
1864 supervising officer.

1865 (5) a. A short period of confinement in the county jail
1866 of the county in which the violation occurred. Periods of
1867 confinement ~~under this subdivision~~ may not exceed ~~six days per~~
1868 ~~month during any three separate months~~ nine 24-hour periods
1869 during the period of probation. The ~~six days per month~~
1870 ~~confinement period~~ nine 24-hour periods of confinement may
1871 only be imposed as ~~two-day or three-day~~ 48-hour or 72-hour
1872 consecutive periods at any single time. ~~The total periods of~~
1873 ~~confinement may not exceed nine total days.~~

1874 b. Confinement pursuant to this subdivision does not
1875 limit the court's ability to directly impose sanctions,
1876 periods of confinement, or revoke probation.



HB391 INTRODUCED

1877 (g) (1) Prior to imposing a ~~sanction period of~~
1878 confinement pursuant to ~~subsection subdivision~~ (f) (5), the
1879 probationer must first be presented with a written violation
1880 report, ~~with~~ setting forth the alleged probation violations
1881 and supporting evidence. The probationer shall be ~~advised~~
1882 provided a written notice that he or she has the right to all
1883 of the following:

1884 a. ~~The right to have~~ Have a hearing before the court on
1885 the alleged violation or violations in person or by electronic
1886 means. If a hearing is requested, no probationer shall be held
1887 beyond 20 business days of the request. Only requesting
1888 probationers posing a threat to public safety or a flight risk
1889 shall be arrested while awaiting a hearing.

1890 b. ~~The right to present~~ Present relevant witnesses and
1891 documentary evidence.

1892 c. ~~The right to retain~~ Retain and have counsel at the
1893 hearing and that counsel ~~will~~ shall be appointed if the
1894 probationer is indigent.

1895 d. ~~The right to confront~~ Confront and cross examine any
1896 adverse witnesses.

1897 (2) The probationer may waive the right to have a
1898 hearing. Upon the signing of a waiver of these rights by the
1899 probationer and the supervising probation officer, with
1900 approval of ~~a~~ the probation officer's supervisor, the
1901 probationer may be ~~treated, monitored, or~~ confined for the
1902 period recommended in the violation report and designated ~~in~~
1903 on the waiver. The probationer may not request a review if he
1904 or she has signed a written waiver of rights as provided in



HB391 INTRODUCED

1905 this subsection.

1906 (h) The ~~board~~ Bureau of Pardons and Paroles shall adopt
1907 guidelines and procedures to implement the requirements of
1908 this section, ~~which shall include the requirement of a~~
1909 ~~supervisor's approval prior to a supervising probation~~
1910 ~~officer's exercise of the delegation of authority authorized~~
1911 ~~by subsection (f).~~"

1912 "§15-22-56

1913 (a) The ~~Board~~ Bureau of Pardons and Paroles ~~may~~, by
1914 whatever criteria it deems reasonable, may classify certain
1915 ~~persons~~ individuals under the supervision of its probation and
1916 parole officers as deserving of intensive supervision. Special
1917 conditions may be imposed on such ~~persons~~ individuals,
1918 individually or as a class.

1919 (b) The ~~board is hereby authorized to~~ Bureau of Pardons
1920 and Paroles may charge each ~~person~~ individual participating in
1921 the intensive supervision program a fee for supervision costs,
1922 which shall not exceed 25 percent of their gross monthly
1923 income. The ~~board shall~~ bureau, by ~~regulation~~ rule, shall
1924 establish criteria for determining the fee to be charged in
1925 each case. ~~Such~~ The sums shall be retained by the ~~board~~ bureau
1926 and placed in the Probationer's Upkeep Fund in the State
1927 Treasury to defray the expense of administering this program
1928 and are hereby appropriated therefor."

1929 "§15-22-57

1930 The ~~Board~~ Bureau of Pardons and Paroles shall adopt ~~and~~
1931 ~~promulgate regulations~~ rules and guidelines to do all of the
1932 following:



HB391 INTRODUCED

1933 (1) Establish a program of limited supervision for
1934 probationers who qualify, addressing eligibility using
1935 validated risk and needs assessments, as defined in Section
1936 12-25-32, transfers among levels of supervision, ~~to~~ which
1937 include the transfer of lower-risk individuals to an
1938 administrative form of probation, and reporting requirements~~;~~.

1939 (2) Develop policies and procedures for screening,
1940 assessment, and referral for probationers to connect with
1941 recidivism reduction services including, but not limited to,
1942 cognitive behavioral intervention and substance abuse
1943 treatment~~;~~.

1944 (3) Establish a matrix of rewards for compliance and
1945 pro-social behaviors and swift, certain, and graduated
1946 sanctions to be imposed by the ~~board~~ bureau under ~~the~~
1947 ~~provisions of subsections (f) and (g) of~~ Section 15-22-54 in
1948 response to corresponding violations of probation terms or
1949 conditions imposed~~;~~ and.

1950 (4) Ensure that ~~the provisions of subsections (k) and~~
1951 ~~(l) of Section 15-22-24 are~~ Section 15-22-10.10 is implemented
1952 relating to the supervision and treatment of probationers."

1953 Section 4. Sections 12-17-184, 14-1-22, 14-1-23,
1954 14-14-5, 15-18-176, 15-20A-48, 15-22-111, 15-22-112, Section
1955 15-22-113, as last amended by Act 2022-382, 2022 Regular
1956 Session, and Sections 15-22-115, 15-23-79, and 17-3-31, Code
1957 of Alabama 1975, are amended to read as follows:

1958 "§12-17-184

1959 It is the duty of every district attorney and assistant
1960 district attorney, within the circuit, county, or other



HB391 INTRODUCED

1961 territory for which he or she is elected or appointed to do
1962 all of the following:

1963 (1) ~~To attend on the~~ Attend grand juries, advise them
1964 in relation to matters of law, and examine and swear witnesses
1965 before them.

1966 (2) ~~To draw~~ Draw up all indictments and to prosecute
1967 all indictable offenses.

1968 (3) ~~To prosecute~~ Prosecute and defend any civil action
1969 in the circuit court in the prosecution or defense of which
1970 the state is interested.

1971 (4) ~~To inquire~~ Inquire whether registers have performed
1972 the duty required of them by Section 12-17-117 and ~~shall, in~~
1973 ~~every case of failure, move against the~~ where a register has
1974 failed to perform his or her duties, file charges against the
1975 register as provided by ~~subsection (b) of~~ Section
1976 12-17-114 (b).

1977 (5) If a criminal prosecution is removed from a court
1978 of his or her circuit, county, or division of a county to a
1979 court of the United States, ~~to~~ appear in that court and
1980 represent the state; ~~and, if it is impracticable, consistent~~
1981 ~~with his or her other duties, to.~~ If he or she is unable to
1982 attend that court, he or she may designate and appoint ~~an~~ a
1983 practicing attorney ~~practicing therein~~ to appear for and
1984 represent the state.

1985 (6) ~~To attend~~ Attend each special session of the
1986 circuit court held for the trial of persons charged with
1987 criminal offenses; and on failure to do so, a conditional
1988 judgment may be rendered against him or her for fifty dollars



HB391 INTRODUCED

1989 (\$50), to be made permanent on notice at the next session
1990 ~~thereafter~~ of court unless a good excuse is rendered.

1991 (7) ~~To perform~~ Perform other duties and exercise other
1992 powers as are or may be required by law.

1993 (8) ~~To give~~ Provide every county official ~~an opinion in~~
1994 ~~writing~~ a written opinion on all matters connected with their
1995 respective offices, except in civil actions against official
1996 bonds. ~~But county~~ County commissions may retain or employ
1997 attorneys when it is deemed advisable or necessary, and the
1998 agreed compensation to them may be paid as are claims to grand
1999 and petit jurors.

2000 (9) ~~To, whenever~~ Whenever requested to do so by the
2001 ~~Governor of Alabama or by the Board~~ Bureau of Pardons and
2002 Paroles, ~~make a full and thorough investigation in~~ fully
2003 investigate each case arising in their circuit, county, or
2004 division of a county, ~~and fully report their findings, with~~
2005 and make recommendations ~~that as to whether a~~ pardon or parole
2006 shall be granted or refused, ~~and they shall assign fully and~~
2007 ~~in detail their~~ including detailed reasons for the
2008 recommendations. ~~They shall advise any parole officer who may~~
2009 ~~have jurisdiction in their respective circuits, county, or~~
2010 ~~division of a county and shall, when called upon by parole~~
2011 ~~officer, make a full, thorough, and impartial investigation of~~
2012 ~~each case being investigated and give all information possible~~
2013 ~~with reference to such case and shall advise him or her upon~~
2014 ~~his or her request with reference to the law and procedure on~~
2015 ~~all matters pertaining to the office of the parole officer.~~
2016 ~~They shall, whenever called upon by the Governor or the Board~~



HB391 INTRODUCED

2017 ~~of Pardons and Paroles, go to Montgomery or to any other place~~
2018 ~~where a case with which they are familiar is being~~
2019 ~~investigated and appear specially before the Governor or~~
2020 ~~before the Board of Pardons and Paroles. They shall cooperate~~
2021 ~~fully with the Governor and with the Board of Pardons and~~
2022 ~~Paroles with reference to any cases which have arisen in their~~
2023 ~~respective circuits, counties, or division of a county and~~
2024 ~~shall render all assistance possible in furnishing information~~
2025 ~~needed by the Governor or the Board of Pardons and Paroles,~~
2026 ~~furnishing any information and making any investigation which~~
2027 ~~may be needed in the proper handling of such pardon or parole~~
2028 ~~and the investigation thereof. Additionally, they shall appear~~
2029 ~~before the Board of Pardons and Paroles and provide their~~
2030 ~~recommendations on whether a pardon or parole shall be~~
2031 ~~granted.~~

2032 (10) ~~To go to any place in the State of Alabama and~~
2033 ~~prosecute any case or cases, or work with any grand jury, when~~
2034 ~~called upon to do so by the Attorney General or the Governor~~
2035 ~~of the State of Alabama, and to attend sessions of courts and~~
2036 ~~Appear before any court or grand jury of this state to~~
2037 ~~transact all of the duties of the district attorney in the~~
2038 ~~courts whenever called upon by the Attorney General or the~~
2039 ~~Governor to do so.~~

2040 (11) ~~All district attorneys and all full-time assistant~~
2041 ~~district attorneys shall devote Devote their entire time to~~
2042 ~~the discharge of the duties of their respective ~~offices~~office,~~
2043 ~~and ~~each and every one of the officers~~ are prohibited from~~
2044 ~~practicing law, directly or indirectly, in any court of this~~



HB391 INTRODUCED

2045 state or of the United States, or in any other manner or form
2046 ~~whatsoever~~, except in the discharge of the official duties of
2047 their ~~offices~~office.

2048 (12) ~~To carefully~~ Carefully read and check the record
2049 on appeal in all criminal cases appealed from the circuit
2050 court of their judicial circuit to the Court of Criminal
2051 Appeals or the Supreme Court of Alabama, and ~~call to the~~
2052 ~~attention of~~ inform the trial judge of any errors or
2053 discrepancies that may appear in the record.

2054 (13) ~~To, whenever~~ Whenever requested by the Attorney
2055 General of the State of Alabama, file memorandum briefs in all
2056 criminal cases appealed from the circuit court of their
2057 judicial circuits to the Court of Criminal Appeals or the
2058 Supreme Court of Alabama.

2059 (14) ~~To attend~~ Attend all hearings in their judicial
2060 circuits on any application for probation and furnish the
2061 trial judge or the judge hearing the application with all
2062 information in their possession concerning the applicant for
2063 probation.

2064 (15) ~~To represent~~ Represent the board of registrars of
2065 the county or counties comprising their judicial circuits in
2066 all civil actions for damages that are filed against the
2067 boards of registrars arising out of the performance of their
2068 official duties, in either the circuit court of their judicial
2069 circuits or in the United States district courts.

2070 ~~(16) To attend all clemency hearings before the~~
2071 ~~Governor of Alabama, in all cases arising in their judicial~~
2072 ~~circuits, and furnish to the Governor, at those hearings, all~~



HB391 INTRODUCED

2073 ~~pertinent information in their possession concerning the~~
2074 ~~applicant or applicants for clemency.~~

2075 ~~(17) To attend~~ (16) Attend all hearings in their
2076 respective judicial circuits for revocation of probation and
2077 furnish the trial judge~~,~~ or the judge hearing the revocation~~,~~
2078 with all information in their possession concerning the case.

2079 ~~(18) To, at~~ (17) At any time the grand jury is not in
2080 session, issue subpoenas to persons to come before them~~,~~ and
2081 ~~they shall have power to~~ administer oaths to those persons and
2082 examine them as to any violation of the criminal laws of the
2083 state.

2084 ~~(19) To make~~ (18) Make application to the courts to
2085 place witnesses in criminal cases under bond for their
2086 appearance in court when they have information that the
2087 witnesses are about to leave the state.

2088 ~~(20) To, when~~ (19) When requested to do so, represent
2089 the chief of police of any municipality in their respective
2090 judicial circuits in all habeas corpus proceedings filed in
2091 the circuit courts of their respective judicial circuits.

2092 ~~(21) To, when~~ (20) When requested to do so by the
2093 Attorney General, assist the Attorney General in the
2094 prosecution of all impeachment proceedings which it is his or
2095 her duty to institute before the Supreme Court of Alabama
2096 involving any official or officials in their respective
2097 judicial circuits.

2098 ~~(22) To report~~ (21) Report to the State Board of Medical
2099 Examiners the name and address of any physician who is
2100 indicted or otherwise charged with any felony or any



HB391 INTRODUCED

2101 misdemeanor related to the practice of medicine~~r~~ or any
2102 violation of Section 32-5A-191. The report required by this
2103 subdivision shall be made within 30 days of the filing of any
2104 indictment, information, or other charge in any district or
2105 circuit court of this state. In addition, a report shall be
2106 rendered to the State Board of Medical Examiners of the
2107 conviction of any physician for any felony or any misdemeanor
2108 related to the practice of medicine~~r~~ or any violation of
2109 Section 32-5A-191. The report of conviction shall be submitted
2110 within 30 days after sentencing without regard to any appeal
2111 of the conviction. For the purposes of this subdivision a
2112 physician is an individual licensed to practice medicine by
2113 the Medical Licensure Commission of Alabama."

2114 "§14-1-22

2115 On or before January 1, 2022, the Department of
2116 Corrections shall enter into agreements, and operation shall
2117 begin pursuant to the agreements, with at least one
2118 residential transition center established pursuant to Section
2119 ~~15-22-30.1~~ 15-22-10.21 or at least three consenting county
2120 jails designated pursuant to Section 14-1-23, ~~and~~ whose
2121 facilities will be used for the housing and care of parolees
2122 and probationers charged with, or sanctioned or revoked for, a
2123 parole or probation violation pursuant to Section ~~15-22-32~~
2124 15-22-10.45 or 15-22-54. Where county jails are used for the
2125 housing and care of such parolees and probationers, the
2126 agreements shall be implemented and the county jails shall be
2127 designated as provided by Section 14-1-23."

2128 "§14-1-23



HB391 INTRODUCED

2129 (a) For the purpose of establishing consenting county
2130 jails for the housing and care of parolees and probationers
2131 pursuant to Sections ~~15-22-32~~ 15-22-10.45 and 15-22-54, the
2132 Department of Corrections, in consultation with the Alabama
2133 Sheriffs' Association and the Association of County
2134 Commissions of Alabama, shall develop an application and a
2135 standard memorandum of agreement to be used by county
2136 commissions and sheriffs who agree to provide housing and care
2137 to parolees and probationers who have been charged with, or
2138 sanctioned or revoked for, a parole or probation violation.

2139 (b) The application shall include, but is not limited
2140 to, both of the following:

2141 (1) A determination of the number of excess beds
2142 available in the county jail, based on the evaluation of the
2143 inmate census, and the available occupied beds in the jail
2144 during the previous 12-month period.

2145 (2) A determination of the daily cost of housing and
2146 caring for prisoners in the county jail during the previous
2147 12-month period. This amount shall be in addition to the cost
2148 of providing health care services.

2149 (c) (1) A county commission that, with the consent of
2150 the sheriff, elects to provide for the housing and care of
2151 parole and probation violators, pursuant to Sections ~~15-22-32~~
2152 15-22-10.45 and 15-22-54, shall submit an application to the
2153 Department of Corrections, submit to an inspection of the
2154 county jail by the department to determine its ability to
2155 house inmates and to provide for their housing and care, and
2156 provide any other documentation and information required by



HB391 INTRODUCED

2157 the department.

2158 (2) The department shall review all applications
2159 annually and shall select the county jails for participation
2160 in the program. Any county jail selected for participation
2161 shall enter into a memorandum of agreement with the department
2162 for the services.

2163 (3) The department shall select at least one county
2164 jail located in the northern region, one county jail located
2165 in the central region, and one county jail located in the
2166 southern region of the state.

2167 (d) (1) Memoranda of agreement shall be for 12 months
2168 and may be renewed for up to two additional 12-month periods
2169 following an inspection and application as required in
2170 subsections (b) and (c).

2171 (2) The memorandum of agreement shall require the
2172 department to provide for the cost of health care for parolees
2173 and probationers and to provide a per diem for each parolee
2174 and probationer as provided in Section 14-1-21.

2175 (3) The memorandum of agreement shall provide for the
2176 reimbursement to the county for any increased costs of
2177 liability insurance premiums that are required by its
2178 insurance carrier for coverage attributed to the housing of
2179 inmates pursuant to this section.

2180 (4) The memorandum of agreement shall establish a
2181 process for the submittal of monthly payments to the
2182 participating counties upon receipt of required documentation.

2183 (e) Procedures for the transfer or release of parolees
2184 and probationers at the end of confinement for violations and



HB391 INTRODUCED

2185 other procedures necessary to efficiently implement this
2186 section shall be established by the department, in
2187 consultation with the Alabama Sheriffs' Association and the
2188 Association of County Commissions of Alabama.

2189 (f) Any county that elects to provide for the housing
2190 and care of parole and probation violators pursuant to this
2191 section, and is participating in the liability self-insurance
2192 fund established pursuant to Chapter 30 of Title 11, shall be
2193 eligible for the liability self-insurance fund's coverage for
2194 any claims arising out of the housing and care of parole and
2195 probation violators."

2196 "§14-14-5

2197 (a) An inmate, or any concerned ~~person~~individual,
2198 including, but not limited to, the inmate's attorney, family,
2199 physician, or an employee or official of the department may
2200 initiate consideration for medical furlough by submitting to
2201 the department an initial medical release application form
2202 along with supporting documentation.

2203 (b) (1) The initial application form shall include the
2204 report of a physician or physicians employed by the department
2205 or its health care provider and a notarized report of at least
2206 one other duly licensed physician who is board certified in
2207 the field of medicine for which the inmate is seeking a
2208 medical furlough and who is not an employee of the department.
2209 These reports shall each be of the opinion that the inmate is
2210 either terminally ill, permanently incapacitated, or that the
2211 inmate suffers from a chronic infirmity, illness, or disease
2212 related to aging.



HB391 INTRODUCED

2213 (2) The commissioner shall provide the initial
2214 application and medical authorization forms to all department
2215 medical care providers, and the forms shall be available at
2216 every correctional facility for distribution to inmates.

2217 (c) Consideration for medical furlough shall be
2218 initiated by the submission of an application from the
2219 department, the inmate, or the inmate's representative, along
2220 with the department's supporting documentation to the
2221 commissioner.

2222 (d) If the appropriate medical documentation pursuant
2223 to subsection (b) has indicated that the inmate is permanently
2224 incapacitated or terminally ill, the commissioner, within 60
2225 days of receipt of an initial application form, shall make a
2226 decision regarding the release of the inmate on medical
2227 furlough pursuant to the provisions of this chapter. The
2228 initial application form and supporting document of inmates^r
2229 who have been diagnosed by a physician as suffering from a
2230 chronic illness or disease related to aging^r shall be
2231 submitted to the commissioner within 60 days of receipt of the
2232 application by the department. Supporting documentation shall
2233 include information concerning the inmate's medical history
2234 and prognosis, age, and institutional behavior. At the
2235 inmate's request, the department shall also provide a copy of
2236 all supporting documentation to the inmate.

2237 (e) In determining eligibility factors for a medical
2238 furlough, the commissioner shall take into consideration all
2239 of the following factors:

2240 (1) Risk for violence.



HB391 INTRODUCED

2241 (2) Criminal history.

2242 (3) Institutional behavior.

2243 (4) Age of the inmate, currently and at the time of the
2244 offense.

2245 (5) Severity of the illness, disease, or infirmities.

2246 (6) All available medical and mental health records.

2247 (7) Release plans, which include alternatives to caring
2248 for terminally ill or permanently incapacitated inmates in
2249 traditional prison settings.

2250 (f) If the commissioner determines that a geriatric
2251 inmate, permanently incapacitated inmate, or terminally ill
2252 inmate meets the requirements for release to medical furlough
2253 pursuant to this chapter, the commissioner shall release the
2254 inmate on medical furlough pursuant to ~~the provisions of~~ this
2255 chapter within 90 days of receipt by the commissioner of the
2256 initial application form and supporting documentation. The
2257 commissioner shall have the authority to revoke the inmate's
2258 furlough pursuant to ~~subsection (h) of~~ Section 14-14-4(h).

2259 (g) At least 30 days prior to release of a geriatric
2260 inmate, permanently incapacitated inmate, or terminally ill
2261 inmate under subsection (f), the commissioner shall provide
2262 notification of the medical furlough release to the district
2263 attorney of the jurisdiction where the inmate was last
2264 sentenced and shall also provide notification of the medical
2265 furlough release to the victim, victim's representative, and
2266 other interested individual via certified mail, return receipt
2267 requested, or by using the automated victim notification
2268 system as provided in Section ~~15-22-36 and Section~~



HB391 INTRODUCED

2269 ~~15-22-36.2~~15-22-10.42."

2270 "§15-18-176

2271 (a) A community punishment and corrections plan shall
2272 be developed and submitted to the department which
2273 sufficiently documents the local need and support for the
2274 proposed program. The community punishment and corrections
2275 plan shall have the approval of the county commission in the
2276 affected counties prior to submission to the department. Any
2277 plan shall specifically state the maximum number of inmates
2278 eligible to participate in the program.

2279 (b) The format for any community punishment and
2280 corrections plan shall be specified by the division in its
2281 application process and procedures as defined in Section
2282 15-18-171. Funding and grant evaluation criteria shall be
2283 outlined in the application process and procedures to be
2284 developed by the division as defined in Section 15-18-171 in
2285 order that each applicant may know the basis upon which funds
2286 will be granted. The department shall adopt rules pursuant to
2287 the Administrative Procedure Act outlining the application
2288 process and procedures.

2289 (c) The application process and procedures ~~should~~shall
2290 include a performance-based reimbursement funding plan~~7~~
2291 developed by the department~~7~~ for funding community punishment
2292 and corrections plans that utilize evidence-based practices as
2293 defined in Section 12-25-32 in the treatment and supervision
2294 of community punishment and corrections program participants
2295 and that meet specified treatment and supervision targets as
2296 outlined in the application. The performance-based



HB391 INTRODUCED

2297 reimbursement plan outlined in the application process and
2298 procedures ~~should~~ shall also include higher reimbursement
2299 rates for community punishment and corrections plans that
2300 include behavioral health assessment and treatment referral,
2301 to include behavioral and substance abuse treatment, for
2302 community punishment and corrections program participants, as
2303 well as for local probationers and parolees under the
2304 supervision of the ~~Board~~ Bureau of Pardons and Paroles. The
2305 Department of Corrections, along with the ~~Board of Pardons and~~
2306 ~~Paroles~~ bureau, the Department of Veterans Affairs, the
2307 Department of Public Health, and the Department of Mental
2308 Health, shall collaborate with the Office of the Governor to
2309 implement the provisions of this subsection relating to
2310 behavioral health treatment and substance abuse treatment
2311 services. The Office of the Governor shall ensure that
2312 treatment services that receive funding from the state or
2313 through court-ordered monies utilize ~~such~~ the funding and
2314 monies for programs reasonably expected to reduce recidivism
2315 among community corrections offenders.

2316 (d) The application process and procedures ~~should~~ shall
2317 include a requirement that each community punishment and
2318 corrections plan establish guidelines to ensure that the
2319 supervision and treatment of offenders participating in a
2320 community punishment and corrections program ~~is~~, to the extent
2321 practicable, is individualized based on the offender's risk of
2322 reoffending, as determined through a validated risk and needs
2323 assessment as defined in Section 12-25-32, and is administered
2324 by the community punishment and corrections program, and that



HB391 INTRODUCED

2325 treatment and supervision resources, as well as behavioral
2326 health assessment and treatment referral services, ~~are~~, within
2327 the resources available, are prioritized based on those
2328 offenders who have the highest risk of reoffending. The plan
2329 shall include a list of services available for veterans and ~~r~~
2330 ~~servicemen~~ service members, and ~~r~~ when appropriate, ~~shall~~
2331 ~~include~~ any Veterans Treatment Court in operation in the
2332 appropriate county or circuit as a possible alternative for
2333 mentoring and supervision.

2334 (e) Participation in the programs set forth in this
2335 article is voluntary. Any participating authority, county
2336 commission, or other nonprofit entity may notify the director
2337 of the division of its intention to withdraw from
2338 participation in the community punishment and corrections
2339 program contract. The withdrawal ~~will~~ shall become effective
2340 on the last day of the grant year."

2341 "§15-20A-48

2342 (a) For the purposes of Sections 13A-5-2, 13A-5-6,
2343 14-9-41, 15-18-8, ~~15-22-27.3~~ 15-22-10.48, or any other section
2344 of the Code of Alabama 1975, a criminal sex offense involving
2345 a child shall mean a conviction for any sex offense in which
2346 the victim was a child under the age of 12 or any offense
2347 involving child pornography.

2348 (b) For the purpose of Section 12-15-107(a)(7), a
2349 juvenile probation officer shall notify the state and either
2350 the parent, legal guardian, or legal custodian of a juvenile
2351 sex offender, or the child's attorney for the juvenile sex
2352 offender, of the pending release of the sex offender and



HB391 INTRODUCED

2353 provide them with a copy of the risk assessment pursuant to
2354 ~~subsection (e) of~~ Section 15-20A-26 (c).

2355 (c) For the purpose of Section 12-15-116(a) (5), a
2356 juvenile court shall have exclusive original jurisdiction to
2357 try any individual who is 18 years of age or older and
2358 violates any of the juvenile criminal sex offender provisions
2359 ~~of subdivision (1) of subsection (b)~~ of Section
2360 15-20A-27 (b) (1).

2361 (d) For the purpose of Section 13A-5-6(c), an offender
2362 is designated a sexually violent predator pursuant to Section
2363 15-20A-19.

2364 (e) For the purpose of Sections 36-18-24(b) (6) and
2365 36-18-25(c) (1), sexual offenses shall include, but not be
2366 limited to, those offenses pursuant to Section 15-20A-5.

2367 (f) For the purpose of Section 32-6-49.24, a person who
2368 is registered as a sex offender or convicted of a crime that
2369 requires registration as a sex offender is a person who is
2370 required to register as a sex offender pursuant to this
2371 chapter. A crime or offense that requires registration as a
2372 sex offender shall include, but not be limited to, those
2373 offenses pursuant to Section 15-20A-5.

2374 (g) For the purpose of Sections 38-13-2 and 38-13-4, a
2375 sex crime shall also include any offense listed in this
2376 chapter pursuant to Section 15-20A-5."

2377 "§15-22-111

2378 The purpose of this article is to establish a process
2379 for the consideration of posthumous pardons by the ~~State~~ Board
2380 of Pardons and Paroles for certain felons."



HB391 INTRODUCED

2381 "§15-22-112

2382 The following words ~~shall~~ have the following meanings
2383 for ~~the~~ purposes of this article:

2384 (1) BOARD. ~~State~~ Board of Pardons and Paroles.

2385 (2) BUREAU. Bureau of Pardons and Paroles

2386 ~~(2)~~ (3) CANDIDATE. A person who is considered for a
2387 posthumous pardon.

2388 ~~(3)~~ (4) PETITION. A document signed by a petitioner
2389 requesting the posthumous pardon of a person.

2390 ~~(4)~~ (5) PETITIONER. A judge or district attorney in the
2391 judicial circuit where the person was tried and convicted ~~or~~
2392 ~~the district attorney in the person's county of conviction.~~

2393 ~~(5)~~ (6) POSTHUMOUS PARDON. A pardon granted by the ~~State~~
2394 ~~Board of Pardons and Paroles~~ board to certain deceased
2395 felons."

2396 "§15-22-113

2397 (a) A person convicted of a Class A or Class B felony
2398 in this state shall be a candidate for a posthumous pardon if
2399 all of the following conditions are satisfied:

2400 (1) He or she is deceased.

2401 (2) The person's circumstances of conviction provide a
2402 compelling reason or reasons to consider granting a posthumous
2403 pardon to remedy social injustice.

2404 (3) He or she did not receive a pardon for his or her
2405 felony conviction at issue from this state while living.

2406 (4) The acts forming the basis for his or her felony
2407 conviction or convictions at issue were committed at least 80
2408 years prior to the date of the petition.



HB391 INTRODUCED

2409 (b) A petitioner may petition the board to consider
2410 granting a posthumous pardon for a specific compelling reason
2411 or reasons for the purpose of remedying social injustice
2412 evident by the person's circumstances of conviction.

2413 (c) (1) The petition shall include attestations of all
2414 of the following:

2415 a. That the petitioner is an eligible petitioner under
2416 this article.

2417 b. That the petitioner has personally conducted an
2418 intelligent evaluation of the person's case.

2419 c. The compelling reason or reasons for which the
2420 petitioner requests a posthumous pardon for the purpose of
2421 remedying social injustice evident by the person's
2422 circumstances of conviction.

2423 d. That all information contained in the petition and
2424 any supporting documentation or evidence submitted by the
2425 petitioner is believed to be true and accurate.

2426 (2) The petition shall also include supporting
2427 documentation or evidence of the compelling reason or reasons
2428 supporting the award of a posthumous pardon.

2429 (d) The board shall have no power to grant a posthumous
2430 pardon unless the petition specifies a compelling reason or
2431 reasons for which the petitioner seeks application for the
2432 candidate's posthumous pardon to remedy social injustice
2433 evident by the person's circumstances of conviction.

2434 (e) Following receipt and review of the petition and
2435 supporting documentation or evidence, the board shall conduct
2436 a hearing on the petition. The board shall not be required to



HB391 INTRODUCED

2437 conduct an investigation to consider or grant a posthumous
2438 pardon in accordance with this article, but may rely on the
2439 written petition and accompanying documentation or evidence,
2440 along with evidence presented at the hearing. The petitioner,
2441 public officials, and other witnesses, including members of
2442 the public, may testify and present evidence at the hearing in
2443 support of or in opposition to the petition. The board shall
2444 hold ultimate discretion in granting a posthumous pardon. Upon
2445 the unanimous affirmative vote of the board, a posthumous
2446 pardon may be issued.

2447 (f) The notification requirements of ~~Sections 15-22-23~~
2448 ~~and 15-22-36~~Section 15-22-10.42 shall not apply to this
2449 article, and the board's power to grant posthumous pardons
2450 shall not otherwise be limited by ~~Sections 15-22-23 and~~
2451 ~~15-22-36~~Section 15-22-10.42. The board shall provide general
2452 notice of a posthumous pardon hearing by publicly posting on
2453 the state agency website the name of the posthumous pardon
2454 candidate along with the date, time, and location of the
2455 hearing."

2456 "§15-22-115

2457 Nothing in this article, nor any determination made by
2458 the ~~Alabama Board of Pardons and Paroles~~ board pursuant to
2459 this article, shall give rise to any liability from any act or
2460 omission of any governmental entity or otherwise give rise to
2461 any legal claim, suit, or action, including for reparations to
2462 a surviving family member of a person pardoned under this
2463 article or to a posthumously pardoned person's estate. All
2464 ~~Board of Pardons and Paroles'~~ bureaus' files and records



HB391 INTRODUCED

2465 created and maintained pursuant to this article shall be
2466 subject to the absolute governmental privilege created by
2467 ~~subsection (b) of~~ Section ~~15-22-36~~15-22-10.41 (b)."

2468 "§15-23-79

2469 (a) The victim shall have the right to be notified,
2470 upon written request, that he or she may submit a written
2471 statement, or recorded oral transcription, which shall be
2472 entered into the prisoner's Department of Corrections records.
2473 The statement shall be considered during any review for
2474 community status of the prisoner or prior to release of the
2475 prisoner.

2476 (b) The victim shall have the right to be notified by
2477 the ~~Board~~Bureau of Pardons and Paroles and allowed to be
2478 present and heard at a hearing when parole or pardon is
2479 considered pursuant to Section ~~15-22-36 et seq~~15-22-10.42."

2480 "§17-3-31

2481 Any ~~person~~individual who is disqualified by reason of
2482 conviction of any of the offenses ~~mentioned in Article VIII of~~
2483 ~~the Constitution of Alabama of 1901~~ listed in Section
2484 17-3-30.1, except treason and impeachment, whether the
2485 conviction was had in a state or federal court, and who has
2486 been pardoned, may be restored to citizenship with the right
2487 to vote by the ~~State~~ Board of Pardons and Paroles when
2488 specifically expressed in the pardon. If otherwise qualified,
2489 ~~such person shall be permitted to~~ the individual may register
2490 or reregister as an elector upon submission of a copy of the
2491 pardon document to the board of registrars of the county of
2492 his or her residence. In addition, any person who has been



HB391 INTRODUCED

2493 granted a Certificate of Eligibility to Register to Vote by
2494 the ~~Board~~ Bureau of Pardons and Paroles pursuant to Section
2495 ~~15-22-36.1~~ 15-22-10.18, shall be permitted to register or
2496 reregister as an elector upon submission of a copy of the
2497 certificate to the board of registrars of the county of his or
2498 her residence if otherwise qualified as an elector."

2499 Section 5. 15-22-28(c)

2500 (a) Temporary leave from prison may only be granted by
2501 the Commissioner of the Department of Corrections to a
2502 prisoner for good and sufficient reason and may be granted
2503 within the state or outside the state.

2504 (b) A written record of all temporary leave granted,
2505 including the reason leave was granted, shall be kept by the
2506 commissioner.

2507 (c) (1) The commissioner shall provide written notice to
2508 the Bureau of Pardons and Paroles of any prisoner given
2509 temporary leave, including the reason leave was granted.

2510 (2) The bureau shall place the notice in the prisoner's
2511 file.

2512 Section 6. Sections 15-22-20, 15-22-21, 15-22-21.1,
2513 15-22-22, 15-22-23, 15-22-24, 15-22-25, 15-22-26, 15-22-26.1,
2514 15-22-26.2, 15-22-27, 15-22-27.1, 15-22-27.2, 15-22-27.3,
2515 15-22-27.4, 15-22-28, 15-22-29, 15-22-29.1, 15-22-30,
2516 15-22-30.1, 15-22-30.2, 15-22-31, 15-22-32, 15-22-33,
2517 15-22-34, 15-22-35, 15-22-36, 15-22-36.1, 15-22-36.2,
2518 15-22-36.3, 15-22-37, 15-22-38, 15-22-39, and 15-22-40, Code
2519 of Alabama 1975, relating to the Board of Pardons and Paroles,
2520 are specifically repealed.



HB391 INTRODUCED

2521 Section 7. (a) Notwithstanding any provision of Article
2522 I of Chapter 22 of Title 15, Code of Alabama 1975, to the
2523 contrary, the Bureau of Pardons and Paroles shall assume and
2524 administer all duties and responsibilities of the Board of
2525 Pardons and Paroles under the Interstate Compact for Adult
2526 Offender Supervision.

2527 (b) For the purposes of subsection (a), any reference
2528 to the Board of Pardons and Paroles in Article I of Chapter 22
2529 of Title 15, Code of Alabama 1975, shall be deemed a reference
2530 to the Bureau of Pardons and Paroles. The Code Commissioner
2531 shall conform references to the Board of Pardons and Paroles
2532 to reflect the requirements of subsection (a) at a time deemed
2533 appropriate by the commissioner.

2534 Section 8. Section 1 and Section 3 of this act shall be
2535 construed in para materia with Chapter 22 of Title 12.

2536 Section 9. This act shall become effective immediately
2537 following its passage and approval by the Governor, or its
2538 otherwise becoming law.