HB72 ENROLLED



- 1 YMYD6N-3
- 2 By Representative Starnes
- 3 RFD: Public Safety and Homeland Security
- 4 First Read: 07-Mar-23
- 5 2023 Regular Session

HB72 Enrolled



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     Enrolled, An Act,
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            Relating to pardons and paroles; to amend Sections
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     15-22-51 and 15-22-53, Code of Alabama 1975, to provide that a
     specialist, in addition to a parole officer, may conduct an
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     investigation and provide a report to the court regarding a
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     defendant; and to make nonsubstantive, technical revisions to
     update the existing code language to current
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     style.
     BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
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            Section 1. Sections 15-22-51 and 15-22-53, Code of
     Alabama 1975, are amended to read as follows:
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            "$15-22-51
            (a) (1) When directed by the court, a probation officer
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     or specialist shall fully investigate and conduct an
     investigation, using a validated risk and needs assessment as
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     defined in Section 12-25-32, and provide a written report to
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     the court in writing the containing all of the following
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     information:
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            a. The circumstances of the offense.
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            b. The defendant's criminal record.
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            c. The defendant's social history and.
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            d. The defendant's present condition of a defendant
     through use of a validated risk and needs assessment, as
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     defined in Section 12-25-32.
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            e. If practicable, a physical and mental examination of
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     the defendant.
            (2) No defendant, unless the court shall otherwise
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29 direct directed by the court, shall be placed on probation or 30 released under suspension of sentence until the report of such 31 investigation shall have been, as required in subdivision (1), 32 is presented to and considered by the court; provided, however, that after. 33 (3) a. After conviction, the court may continue the case 34 35 for such any amount of time as may be reasonably necessary to enable the probation officer or specialist to make his conduct 36 37 the investigation and generate the written report of 38 investigation. 39 b. (b) Whenever practicable, such investigation shall include physical and mental examinations of the defendant; 40 and, if such defendant is committed to an institution, a copy 41 of the report of such investigation shall be sent to the 42 43 Department of Corrections at the time of commitment; provided, that in all cases where the If a defendant was on bond prior 44 to the time of the trial and an application for probation is 45 46 was made to the court, then the judge of such court, in his discretion, may suspend the execution of the sentence pending 47 48 the disposition of the application for probation and continue 49 may allow the defendant to remain under the same bond that he was under or, in his discretion, or the judge may raise the 50 51 bond or lower the same pending the disposition of the application for probation, and such bond shall remain in full 52 53 force and effect until the application for probation is finally disposed of bond. 54 (b) If the defendant is sentenced to the custody of the 55 56 Department of Corrections, a copy of the report of



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investigation shall be provided to the department when the department takes custody of the defendant."

"\$15-22-53

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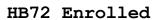
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(a) A probation officer, or a specialist, shall investigate all cases referred to him or her for investigation by any court or by the Board of Pardons and Paroles and shall report in writing thereon. He or she The probation officer shall furnish to persons released on probation under his or her supervision a written statement of the conditions of probation and shall instruct them regarding the same. Such The probation officer shall keep informed concerning the monitor the conduct and condition of each person on probation under his or her supervision by visiting, requiring reports, and in other ways necessary, based on the offender's measured risk of offending, and he or she shall report thereon in writing. Additionally, the probation officer shall provide written reports as often as the court or the board may require. The probation officer shall use all practicable and suitable evidence-based practices as defined in Section 12-25-32, not inconsistent with the provisions imposed by the court, to aid and encourage persons on probation and to bring about improvements in their conduct and condition. The probation officer shall keep detailed records of his or her work and shall make such provide written reports in writing to the court and the board as often as they may require. A probation officer shall have, in the execution of his or her duties, the powers of arrest and the same right to execute process as is now given or may hereafter be given by law to the sheriffs of





- this state. Supervision and treatment of probationers shall be conducted pursuant to and consistent with the provisions of subsections (k) and (l) of Section 15-22-24 and Section
- 88 15-22-57.
- (b) All reports, records, and data assembled by any probation officer or specialist and referred to the court shall be privileged and shall not be available for public inspection except upon order of the court to which the same was referred.
- 94 (c) In no case shall the right to inspect the report be 95 denied the defendant or his or her counsel after the report 96 has been completed or filed."
- 97 Section 2. This act shall become effective on the first 98 day of the third month following its passage and approval by 99 the Governor, or its otherwise becoming law.





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107		Speaker of the House of Re	presentatives	
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112		President and Presiding Offic	er of the Senate	
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115		House of Representatives		
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117	-	I hereby certify that the withi	n Act originated in and	
118	was pas	sed by the House 18-Apr-23, as	amended.	
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120		John Treadwell		
121		Clerk		
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129	Senate	25-May-23	Passed	
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131	House	25-May-23	Concurred in	
132	-		Senate Amendment	
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