

1 HB380  
2 197932-3  
3 By Representatives Rowe, Fridy and Ellis  
4 RFD: State Government  
5 First Read: 09-APR-19



1                   Section 1. Sections 15-22-20, 15-22-21, 15-22-26,  
2                   15-22-28, 15-22-36, and 15-22-37, Code of Alabama 1975, are  
3                   amended to read as follows:

4                   "§15-22-20.

5                   "(a) There shall be a Board of Pardons and Paroles  
6                   which shall consist of three members. The membership of the  
7                   board shall be inclusive and reflect the racial, gender,  
8                   geographic, urban/rural, or economic diversity of the state.  
9                   At least one member shall be a current or former law  
10                   enforcement officer with a minimum of 10 years' experience in  
11                   or with a law enforcement agency which has among its primary  
12                   duties and responsibilities the investigation of violent  
13                   crimes or the apprehension, arrest, or supervision of the  
14                   perpetrators thereof.

15                   "(b) Any vacancy occurring on the board, whether for  
16                   an expired or unexpired term, shall be filled by appointment by  
17                   ~~the Governor, with the advice and consent of the Senate, from~~  
18                   ~~a list of five qualified persons nominated by a board~~  
19                   ~~consisting of the Chief Justice of the Supreme Court as~~  
20                   ~~chairman, the presiding judge of the Court of Criminal~~  
21                   ~~Appeals, the Lieutenant Governor, the Speaker of the House,~~  
22                   ~~and the President Pro Tempore of the Senate. The nominating~~  
23                   ~~board shall as soon as practicable after a vacancy occurs,~~  
24                   ~~whether for an expired or unexpired term, meet and select by~~  
25                   ~~majority vote the names of five persons to be submitted to the~~  
26                   ~~Governor. It shall immediately thereafter submit its~~  
27                   ~~nominations to the Governor, who shall make his appointment~~

1 ~~from such list within 10 days thereafter. Appointees shall~~ by  
2 the Governor, with the advice and consent of the Senate, from  
3 a list of five qualified persons nominated by a board  
4 consisting of ~~the Chief Justice of the Supreme Court as~~  
5 ~~chairman, the presiding judge of the Court of Criminal~~  
6 ~~Appeals,~~ the Lieutenant Governor, the Speaker of the House,  
7 and the President Pro Tempore of the Senate. The nominating  
8 board shall as soon as practicable after a vacancy occurs,  
9 whether for an expired or unexpired term, meet and select by  
10 majority vote the names of five persons to be submitted to the  
11 Governor. It shall immediately thereafter submit its  
12 nominations to the Governor, who shall make his or her  
13 appointment from ~~such~~ the list within 10 days thereafter.  
14 Appointees shall begin serving immediately upon appointment,  
15 until confirmed or rejected by the Senate. Appointments made  
16 at times when the Senate is not in regular session shall be  
17 effective ad interim. Any appointment made by the Governor  
18 while the Senate is in regular session must be submitted by  
19 ~~him~~ to the Senate not later than the third legislative day  
20 following the date of the appointment; any appointment made  
21 while the Senate is not in regular session shall be submitted  
22 not later than the third legislative day following the  
23 reconvening of the Legislature in regular session. ~~In the~~  
24 ~~event the Senate fails or refuses to act on the appointment~~  
25 ~~within five legislative days after its submission, the~~  
26 ~~appointment shall be void, and the person whose name was thus~~  
27 ~~submitted shall not thereafter be reappointed. In the event an~~

1 ~~appointee is not confirmed by the Senate, the nominating board~~  
2 ~~shall make five nominations; one of them shall be appointed,~~  
3 ~~and his appointment shall be submitted to the Senate as~~  
4 ~~provided in this section. The nominating and appointing~~  
5 ~~procedure required in this section shall be continued and~~  
6 ~~followed until an appointment is made and completed. If the~~  
7 ~~Senate fails to vote on an appointee's confirmation before~~  
8 ~~adjourning sine die during the regular session in which the~~  
9 ~~appointee is appointed, the appointee is deemed to be~~  
10 ~~confirmed.~~

11 "(c) Members of the board shall be appointed for  
12 terms of six years commencing on July 1 in the years 1953,  
13 1955, and 1957, and shall serve until their successors ~~shall~~  
14 have been appointed and ~~shall~~ have been qualified. Any person  
15 appointed to fill the vacancy for an unexpired term shall  
16 vacate the office upon the expiration of that unexpired term.

17 "(d) The Governor shall designate one of the members  
18 as ~~chairman~~ chair, and ~~such chairman~~ the chair shall preside  
19 at sessions of the board.

20 "(e) Each member shall take the constitutional oath  
21 of office and shall be subject to impeachment for any of the  
22 causes specified in Section 173 of the Constitution; and the  
23 procedure in cases of impeachment shall be in the manner  
24 provided by Section 175 of the Constitution; provided,  
25 however, that in the event the Governor shall determine that  
26 any member of the board shall have become incapacitated by  
27 reason of physical or mental disability or illness to the

1 extent that he cannot efficiently perform the duties of his  
2 office, he or she shall direct the Attorney General to proceed  
3 to the determination of that issue in an inquisition  
4 proceeding instituted by him or her in the Circuit Court of  
5 Montgomery County, Alabama. In the event the issue is  
6 determined in such court against the board member, the court  
7 shall declare the office vacant, and the same shall be vacated  
8 and a successor appointed, as provided in this section.

9 "(f) Two members of the board shall constitute a  
10 quorum for the transaction of the official business of the  
11 board.

12 "(g) The members of the board ~~shall devote their~~  
13 ~~full time to their official duties and~~ shall hold no other  
14 office of profit during their incumbency.

15 "(h) The annual compensation of the chairman and  
16 each associate member of the Board of Pardons and Paroles  
17 shall be ~~such~~ an amount as is provided by law. ~~Such~~ The  
18 salaries shall be paid in equal installments from the State  
19 Treasury in the same manner that salaries of other state  
20 officers are paid.

21 "~~(i) The Governor is hereby authorized to appoint~~  
22 ~~four persons to serve as special members of the board. The~~  
23 ~~four special members shall be appointed to reflect the racial,~~  
24 ~~gender, and geographic diversity of this state. The special~~  
25 ~~members shall serve a single term beginning October 1, 2003~~  
26 ~~and ending September 30, 2006. The provisions on appointment~~  
27 ~~in subsection (b), oath and incapacity in subsection (e),~~

1 ~~devotion to duties in subsection (g), and compensation in~~  
2 ~~subsection (h) shall apply to special members to the same~~  
3 ~~extent they apply to members of the board. The special members~~  
4 ~~shall be appointed and serve for the limited purpose of~~  
5 ~~conducting hearings and making determinations concerning~~  
6 ~~pardons, paroles, restorations of political and civil rights,~~  
7 ~~remission of fines and forfeitures, and revocations.~~

8 ~~"(j) During the term of the special members of the~~  
9 ~~board, the board shall sit in two panels of three for the~~  
10 ~~purpose of conducting hearings and making determinations~~  
11 ~~concerning pardons, paroles, restorations of political and~~  
12 ~~civil rights, remission of fines and forfeitures, and~~  
13 ~~revocations. Membership on each panel shall be designated by~~  
14 ~~the chairman of the board from among the remaining regular and~~  
15 ~~special members of the board as the chairman determines from~~  
16 ~~time to time shall be necessary to hear all pending matters in~~  
17 ~~an expeditious manner. The chairman of the board shall serve~~  
18 ~~as an alternate with members of either panel and shall~~  
19 ~~re-designate panel membership as necessary to carry out the~~  
20 ~~hearing duties of the board. Two members of each panel shall~~  
21 ~~constitute a quorum for the transaction of official business.~~

22 ~~"(k) When the board sits in panels of three members~~  
23 ~~as herein authorized, each panel shall act in the same manner~~  
24 ~~and under the same authority as the full board. All authority,~~  
25 ~~duties, powers, and responsibilities of the board on any~~  
26 ~~matter brought before the panel for hearing shall be exercised~~  
27 ~~by the panel as though heard and decided by the full board.~~

1 ~~Decisions of each panel shall constitute a decision of the~~  
2 ~~board. All procedures of the board relating to the conduct of~~  
3 ~~hearings shall apply to hearings before either panel of the~~  
4 ~~board.~~

5 ~~"(1) This section does not affect in any way the~~  
6 ~~authority of the original board members to carry out all~~  
7 ~~administrative, supervisory, and personnel duties existing on~~  
8 ~~September 25, 2003.~~

9 ~~"§15-22-21.~~

10 ~~"(a) The Board of Pardons and Paroles, with the~~  
11 ~~approval of the Governor, may shall appoint a ~~secretary~~~~  
12 ~~Director of Pardons and Paroles, who shall serve at the~~  
13 ~~pleasure of the Governor.~~

14 ~~"(b) The Director of Pardons and Paroles shall serve~~  
15 ~~as the chief executive officer of the Board of Pardons and~~  
16 ~~Paroles and be vested with all power necessary to perform the~~  
17 ~~duties assigned to the board by law except the board's power~~  
18 ~~to adopt rules, guidelines, or other policies and to make~~  
19 ~~individual determinations concerning the grant or denial of~~  
20 ~~pardons, the grant or denial of paroles, the restorations of~~  
21 ~~political and civil rights, the remission of fines and~~  
22 ~~forfeitures, and the revocation of parole. As chief executive~~  
23 ~~officer, the director shall be responsible for all of the~~  
24 ~~following:~~

25 ~~"(1) Appointing and supervising, subject to the~~  
26 ~~provisions of the Merit System, and such clerical,~~  
27 ~~stenographic, supervisory and expert assistants as may be~~



1 employees necessary to carry out the ~~provisions~~ duties of this  
2 article, provided, however, that the selection of such  
3 assistants and the fixation of their salaries shall be subject  
4 to the provisions of the Merit System the board.

5 "(2) Performing, on behalf of the board, all fiscal  
6 and budgetary requirements imposed on the board by law.

7 "(3) Developing and implementing, on behalf of the  
8 board, all policies and procedures for the effective  
9 supervision of parolees released to supervision by the board  
10 as well as those individuals granted probation by the  
11 sentencing court.

12 "(4) Attending all meetings of the board, in person  
13 or by designee, to act as the board's secretary, and to  
14 maintain a record of the board's official actions.

15 "(5) Preparing and recommending rules for  
16 consideration by the board as the director shall deem  
17 necessary for the effective and efficient performance of the  
18 board's duties.

19 "§15-22-26.

20 "(a) No prisoner shall be released on parole merely  
21 as a reward for good conduct or efficient performance of  
22 duties assigned in prison, but only if the Board of Pardons  
23 and Paroles is of the opinion that the prisoner meets criteria  
24 and guidelines established by the board to determine a  
25 prisoner's fitness for parole and to ensure public safety. The  
26 guidelines shall serve as an aid in the parole decision making  
27 process and shall promote the use of prison space for the most

1 violent and greatest risk offenders, while recognizing that  
2 the board's paramount duty is to protect public safety. The  
3 guidelines shall be structured, actuarially based, reviewed  
4 every three years by the board, after a specified open comment  
5 period determined by the board, and posted on the website of  
6 the board and include, but not be limited to, the following:

7 "(1) The prisoner's risk to reoffend, based upon a  
8 validated risk and needs assessment as defined in Section  
9 12-25-327.

10 "(2) Progress by the prisoner and the Department of  
11 Corrections to plan for reentry7.

12 "(3) Input from the victim or victims, the family of  
13 the victim or victims, prosecutors, and law enforcement  
14 entities7.

15 "(4) Participation in risk-reduction programs while  
16 incarcerated7.

17 "(5) Institutional behavior of the prisoner while  
18 incarcerated;~~and.~~

19 "(6) Severity of the underlying offense for which  
20 the prisoner was sentenced to incarceration.

21 "(b) ~~If~~ Except as provided in Section 15-22-37, if  
22 the board shall so determine, such grants a prisoner parole,  
23 the prisoner shall be allowed to go upon parole outside of  
24 released from prison walls and enclosure upon such the terms  
25 and conditions as set by the board shall prescribe, but to,  
26 and while released on parole, shall remain while thus on  
27 parole in the legal custody of the warden of the prison from

1 which he or she is paroled until the expiration of the maximum  
2 term specified in his or her sentence or until he or she is  
3 fully pardoned.

4 "(c) The board shall clearly articulate its reasons  
5 for approval or denial of parole for each prisoner, based on  
6 its established guidelines, and shall provide the reasons for  
7 approval or denial to the prisoner, the victim, the Department  
8 of Corrections, or any other interested party upon written  
9 request submitted to the board. The use of established  
10 guidelines for parole consideration shall not create a right  
11 or expectation by a prisoner to parole release. Additionally,  
12 the articulated reasons for denial of parole release shall not  
13 create a right or expectation for parole release. The  
14 guidelines shall serve as an aid in the parole decision making  
15 process, and the decision concerning parole release shall be  
16 at the complete discretion of the board.

17 "§15-22-28.

18 "(a) It shall be the duty of the Board of Pardons  
19 and Paroles, upon its own initiative, to make an investigation  
20 of any and all prisoners confined in the jails and prisons of  
21 the state, through use of a validated risk and needs  
22 assessment as defined in Section 12-25-32, with a view of  
23 determining the feasibility of releasing the prisoners on  
24 parole and effecting their reclamation. Reinvestigations shall  
25 be made from time to time as the board may determine or as the  
26 Department of Corrections may request. The investigations  
27 shall include such reports and other information as the board

1 may require from the Department of Corrections or any of its  
2 officers, agents, or employees.

3 "(b) It shall be the duty of the Department of  
4 Corrections to cooperate with the Board of Pardons and Paroles  
5 for the purpose of carrying out the provisions of this  
6 article.

7 "(c) Temporary leave from prison, including  
8 Christmas furloughs, may be granted only by the Commissioner  
9 of Corrections to a prisoner for good and sufficient reason  
10 and may be granted within or without the state; provided, that  
11 Christmas furloughs shall not be granted to any prisoner  
12 convicted of drug peddling, child molesting or rape, or to any  
13 maximum security prisoner. A permanent, written record of all  
14 ~~such~~ temporary leaves, together with the reasons therefor,  
15 shall be kept by ~~such~~ the commissioner. He or she shall  
16 furnish the ~~Pardon and Parole~~ Board of Pardons and Paroles  
17 with a record of each ~~such~~ leave granted and the reasons  
18 therefor, and the same shall be placed by the board in the  
19 prisoner's file.

20 "(d) No prisoner shall be released on parole except  
21 by a majority vote of the board. The board shall not parole  
22 any prisoner for employment by any official of the State of  
23 Alabama, nor shall any parolee be employed by an official of  
24 the State of Alabama and be allowed to remain on parole;  
25 provided, however, that this provision shall not apply in the  
26 case of a parolee whose employer, at the time of the parolee's  
27 original employment, was not a state official.

1           ~~"(e) For violent offenses as defined in Section~~  
2 ~~12-25-32, the board shall not grant a parole to any prisoner~~  
3 ~~who has not served at least one third or 10 years of his~~  
4 ~~sentence, whichever is the lesser, except by a unanimous~~  
5 ~~affirmative vote of the board. The board shall set a~~  
6 ~~prisoner's initial parole consideration date according to the~~  
7 ~~following schedules:~~

8           "(1) For prisoners receiving sentence deductions  
9 pursuant to the Alabama Correctional Incentive Time Act,  
10 Article 3, Chapter 9, Title 14, the following schedule shall  
11 apply:

12           "a. For terms of five years or less, the prisoner  
13 shall be scheduled for initial parole consideration on the  
14 current docket.

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

19           "c. For terms of more than 10 years and up to 15  
20 years, the prisoner shall be scheduled for initial parole  
21 consideration approximately two years and six months prior to  
22 the minimum release date.

23           "(2) For prisoners convicted on or after March 21,  
24 2001, of one or more of the following Class A felonies, the  
25 initial parole consideration date shall be set for a date once  
26 a prisoner has completed 85 percent of his or her total  
27 sentence or 15 years, whichever is less.

1           "a. Rape in the first degree.

2           "b. Kidnapping in the first degree.

3           "c. Murder.

4           "d. Attempted murder.

5           "e. Sodomy in the first degree.

6           "f. Sexual torture.

7           "g. Robbery in the first degree with serious  
8 physical injury as defined in Section 13A-1-2.

9           "h. Burglary in the first degree with serious  
10 physical injury as defined in Section 13A-1-2.

11           "i. Arson in the first degree with serious physical  
12 injury as defined in Section 13A-1-2.

13           "(3) For all other prisoners, the initial parole  
14 consideration date shall be set for a date following  
15 completion of one-third of the prisoner's sentence or 10  
16 years, whichever is less.

17           "(4) If the prisoner is serving consecutive  
18 sentences, the initial parole consideration date may not be  
19 set for a date before the prisoner has separately served the  
20 time prescribed in this subsection for each consecutive  
21 sentence imposed.

22           "(f) (1) The board may deviate from the initial  
23 parole consideration date established in ~~subdivision (e)(1)~~  
24 subsection (e) or any reconsideration date prescribed by the  
25 board's rules only in either of the following circumstances:

1           "a. To comply with the policy and procedural  
2 guidelines in effect on or before January 1, 2019, issued by  
3 the board under Section 15-22-24(e).

4           "b. If the prisoner shows, by clear and convincing  
5 evidence, that he or she is more likely than not to be granted  
6 parole and that he or she would have been considered for  
7 parole on an earlier date under generally applicable rules or  
8 policies previously in effect.

9           "(2) Any decision by the board to invoke the  
10 procedures of this subsection shall be subject to legal review  
11 by the deputy Attorney General or assistant Attorney General  
12 assigned to the board, prior to the issuance of a parole  
13 certificate and the prisoner's release. If it is determined  
14 that the grant of parole consideration failed to satisfy the  
15 requirements of this subsection or any rule adopted pursuant  
16 to this subsection, the decision shall be reversed and the  
17 prisoner shall be notified by the board.

18           "(3) For purposes of paragraph (f)(1)b., the board  
19 shall adopt rules to determine whether a prisoner is more  
20 likely than not to be granted parole. These rules shall be  
21 designed to minimize the risk a prisoner will be prejudiced by  
22 any statutory or administrative changes in parole standards or  
23 procedures that have occurred since the date of the prisoner's  
24 conviction and shall include, but are not limited to the  
25 following:

26           "a. A requirement that the prisoner has completed a  
27 minimum total period of incarceration.

1           "b. A requirement that the prisoner complete certain  
2 programs while in custody of the Department of Corrections.

3           "c. A requirement that the prisoner provide a  
4 statement of support from a Department of Corrections staff  
5 member.

6           "d. A requirement that the prisoner have no violent  
7 disciplinaries during a prescribed period preceding the  
8 prisoner's current application for parole consideration.

9           "e. A requirement that the prisoner have no  
10 disciplinaries of any kind within a prescribed period  
11 preceding the prisoner's current application for parole  
12 consideration.

13           "f. A requirement that the prisoner's risk of  
14 re-offense is determined to be medium or low following the  
15 completion of a validated risk and needs assessment conducted  
16 by a trained probation and parole officer.

17           "(4) A 30 days' written notice shall be provided to  
18 the Governor and Attorney General for any parole consideration  
19 date set by the board under subdivision (f) (1). The Governor  
20 and Attorney General shall have 14 days from the time notice  
21 is received to object to the grant of parole. If the board  
22 grants parole consideration under subdivision (f) (1) and did  
23 not give adequate notice to the Governor or Attorney General  
24 or granted parole consideration despite an objection from the  
25 Governor or Attorney General, the decision shall be reversed  
26 and the prisoner shall be notified by the board.

27           "§15-22-36.



1           "(a) In all cases, except treason and impeachment  
2 and cases in which sentence of death is imposed and not  
3 commuted, as is provided by law, the Board of Pardons and  
4 Paroles shall have the authority and power, after conviction  
5 and not otherwise, to grant pardons and paroles and to remit  
6 fines and forfeitures.

7           "(b) Each member of the Board of Pardons and Paroles  
8 favoring a pardon, parole, remission of a fine or forfeiture,  
9 or restoration of civil and political rights shall enter in  
10 the file his or her reasons in detail, which entry and the  
11 order shall be public records, but all other portions of the  
12 file shall be privileged.

13           "(c) No pardon shall relieve one from civil and  
14 political disabilities unless specifically expressed in the  
15 pardon. No pardon shall be granted unless the prisoner has  
16 successfully completed at least three years of permanent  
17 parole or until the expiration of his or her sentence if his  
18 or her sentence was for less than three years. Notwithstanding  
19 the foregoing, a pardon based on innocence may be granted upon  
20 the unanimous affirmative vote of the board following receipt  
21 and filing of clear proof of his or her innocence of the crime  
22 for which he or she was convicted and the written approval of  
23 the judge who tried ~~his or her~~ the case or district attorney  
24 or with the written approval of a circuit judge in the circuit  
25 where he or she was convicted if the judge who tried his or  
26 her case is dead or no longer serving.

1           "(d) The Board of Pardons and Paroles shall have no  
2 power to grant a pardon, order a parole, remit a fine or  
3 forfeiture, or restore civil and political rights until 30  
4 days' notice that the prisoner is being considered ~~therefor~~  
5 has been given by the board to the Attorney General, the judge  
6 who presided over the case, the district attorney who tried  
7 the subject's case, the chief of police in the municipality in  
8 which the crime occurred, if the crime was committed in an  
9 incorporated area with a police department, and to the sheriff  
10 of the county where convicted, and to the same officials of  
11 the county where the crime occurred if different from the  
12 county of conviction; provided, however, that if they are dead  
13 or not serving, the notice shall be given to the district  
14 attorney, incumbent sheriff, and one of the judges of the  
15 circuit in which the subject was convicted. The board also  
16 shall be required to provide the same notice to the Crime  
17 Victims Compensation Commission.

18           "(e) (1) If a victim, victim's representative, or any  
19 other interested individual has provided a preferred method of  
20 communication to the board, at least 45 days prior to the  
21 board's actions, the board may not approve or order a parole,  
22 pardon, remission of fine or forfeiture, restoration of civil  
23 and political rights, furlough, leave, or early release of a  
24 prisoner, unless a ~~Until and unless at least~~ 30 days' written  
25 notice of the board's action to be considered ~~has been given~~  
26 ~~by the board~~ has been provided to the victim named in the  
27 indictment, the victim's representative, ~~and~~ or any other

1 interested individuals, ~~after the board has received a request~~  
2 ~~that includes the preferred mode or modes of notification from~~  
3 ~~the victim, the victim's representative, and other interested~~  
4 ~~individuals and is submitted 45 days or more in advance of the~~  
5 ~~board action to be considered either through the automated~~  
6 ~~victim notification system or by a direct request to the board~~  
7 ~~or other authorized individual, the Board of Pardons and~~  
8 ~~Paroles shall have no power or authority to in any way approve~~  
9 ~~or order any parole, pardon, remission of fine or forfeiture,~~  
10 ~~restoration of civil and political rights, furlough, leave or~~  
11 ~~early release of a person convicted of the following offenses:~~

12 "a. ~~A Class A felony.~~

13 "b. ~~Any felony committed prior to the first day of~~  
14 ~~January, 1980, which if committed after the first day of~~  
15 ~~January, 1980, would be designated a Class A felony.~~

16 "c. ~~Any felony involving violence, death, or any~~  
17 ~~physical injury to the person of another.~~

18 "d. ~~Any felony involving unlawful sexual assault or~~  
19 ~~other unlawful sexual conduct on the person of another.~~

20 "e. ~~Any felony involving sexual assault, or a lewd~~  
21 ~~or lascivious act upon a child under the age of 16 years or~~  
22 ~~attempt thereof.~~

23 "f. ~~Sexual abuse or any other criminal conduct~~  
24 ~~committed prior to the first day of January, 1980, which if~~  
25 ~~committed after the first day of January, 1980, would be~~  
26 ~~defined as sexual abuse under the Alabama Criminal Code.~~

1           ~~"g. Child abuse or any criminal conduct committed~~  
2 ~~prior to the first day of January, 1980, which if committed~~  
3 ~~after the first day of January, 1980, would be defined as~~  
4 ~~child abuse under the Alabama Criminal Code.~~

5           ~~"h. Sodomy or any criminal conduct committed prior~~  
6 ~~to the first day of January, 1980, which if committed after~~  
7 ~~the first day of January, 1980, would be defined as sodomy~~  
8 ~~under the Alabama Criminal Code.~~

9           ~~"i. Any violation of Section 13A-6-69, as amended.~~

10           "(2) To foster notification, the victim, victim's  
11 representative, or other interested individuals should have a  
12 preferred mode or modes of notification on file with the  
13 board, submitted through the automated victim notification  
14 system or by direct request to the board or another authorized  
15 individual.

16           ~~"(2)~~ (3) If, however, the victim, victim's  
17 representative, and or other interested individual has not  
18 been registered for notice through the automated victim  
19 notification system or otherwise made a direct request to the  
20 board for notice or to another authorized individual, if the  
21 victim's information has not been updated, or particular modes  
22 of notification have not been requested at least 45 days or  
23 more in advance of the board's action to be considered, the  
24 board, working with the appropriate district attorney and the  
25 Attorney General's Office, shall exercise due diligence in  
26 locating the victim or the victim's immediate family members.  
27 If all attempts to locate a victim or his or her immediate

1 family members has failed, and the agent of the board  
2 certifies that due diligence has been exercised, the board  
3 shall not be limited in power or authority in any way to  
4 approve or order any parole, pardon, remission of fine or  
5 forfeiture, restoration of civil and political rights,  
6 furlough, leave, or early release of a ~~person convicted of the~~  
7 ~~offenses named in subsection (e) (1) a. to i., inclusive~~  
8 prisoner.

9           "~~(3)~~ (4) The notice shall be given by U.S. certified  
10 mail, return receipt requested, U.S. mail, electronic  
11 transmission, or by other commonly accepted method of  
12 delivery, upon a request made through the automated victim  
13 notification system or otherwise upon direct request made to  
14 the board or other authorized individual 45 days or more in  
15 advance of the board's action to be considered and shall  
16 include:

17           "a. The name of the prisoner or defendant involved.

18           "b. The crime for which the prisoner or defendant  
19 was convicted.

20           "c. The date of the sentence.

21           "d. The court in which the conviction occurred.

22           "e. The sentence imposed.

23           "f. The actual time the prisoner has been held in  
24 confinement and the prisoner's minimum release date, as  
25 computed by the Department of Corrections.

26           "g. The action to be considered by the board.

1            "h. The date, time, and location of the board  
2 meeting at which the action is to be considered.

3            "i. The right of the victim named in the indictment,  
4 a victim's representative, or if the victim is deceased as a  
5 result of the offense, the victim's immediate family, as  
6 defined by the board's operating rules, or, in the event there  
7 is no immediate family, a relative of a victim, if any, to  
8 present his or her views to the board in person or in writing.

9            "Notice for robbery victims who were robbed while on  
10 duty as an employee of a business establishment shall be  
11 sufficient if mailed to the last address provided by the  
12 victim or as otherwise noted on the indictment or in the board  
13 files.

14            "~~(4)~~ (5) If a victim, victim's representative, ~~and~~  
15 or otherwise interested individual requests not to be  
16 notified, the request shall be made to the Board of Pardons  
17 and Paroles in writing or by electronic signature.  
18 Confirmation of a request to not be notified shall be provided  
19 to the victim so requesting. After a request is received, the  
20 board shall provide no further notifications, unless ~~and until~~  
21 the victim, victim's representative, and otherwise interested  
22 individual subsequently requests future notifications, at  
23 least 45 days in advance of the board's action to be  
24 considered through the automated victim notification system or  
25 by contacting the board or other authorized individual in  
26 writing, in person, or by telephone.

1           "~~(5) Should a victim, victim's representative, and~~  
2 ~~otherwise interested person wish to receive notice of any~~  
3 ~~specific board hearing and action taken by the board, if any,~~  
4 ~~in a specific case, the individual may register to request the~~  
5 ~~notice through the automated victim notification system or~~  
6 ~~otherwise request notice by making a direct request to the~~  
7 ~~board or other authorized individual to receive notice at~~  
8 ~~least 45 days in advance of the board's action to be~~  
9 ~~considered. The individual shall be required to designate his~~  
10 ~~or her preferred mode or modes of communication.~~

11           "~~(6) For any defendant convicted of the offenses~~  
12 ~~named in subsection (e)(1)a. to i., inclusive, and only after~~  
13 After the most recent victim information has been furnished to  
14 the ~~Board of Pardons and Paroles~~ board, pursuant to Section  
15 12-17-184(9), ~~in those cases,~~ the probation and parole officer  
16 assigned to prepare a pre-sentence or post-sentence  
17 investigation report shall at that time register the most  
18 recent information for the victim named in the indictment into  
19 the automated victim notification system. In case of a  
20 homicide, the information of immediate family members shall be  
21 entered into the automated victim notification system. If a  
22 surviving victim is a minor, information for parents or  
23 guardians shall be entered into the automated victim  
24 notification system. The probation and parole officer assigned  
25 to prepare a pre-sentence or post-sentence investigation  
26 report shall then report to the sentencing court that all most  
27 current victim information has been ~~so~~ registered. The

1 sentencing court shall then record into the case record that  
2 the victim information has been entered into the automated  
3 victim notification system.

4 ~~"(7) For those cases in which a defendant has been~~  
5 ~~convicted and sentenced prior to the implementation task force~~  
6 ~~determining that the automated victim notification system~~  
7 ~~complies with the requirements of this section and Sections~~  
8 ~~15-22-23 and 15-22-36.2, for any homicide, and Class A felony,~~  
9 ~~except Burglary I in which no victim was present, or any sex~~  
10 ~~offense, as defined by Section 15-20A-5, the board shall~~  
11 ~~exercise due diligence to locate the victim or victims and~~  
12 ~~register the most recent victim information into the automated~~  
13 ~~victim notification system. If all attempts to locate a~~  
14 ~~victim, or in case of a homicide to locate immediate family~~  
15 ~~member or members, have failed and the agent of the board has~~  
16 ~~certified that due diligence has been exercised, no future~~  
17 ~~location attempts shall be required.~~

18 "(f) After any board action is taken granting any  
19 pardon or parole, the board shall promptly notify all persons  
20 who timely requested notice, pursuant to this section as to  
21 the action taken by the board and the conditions, if any, of  
22 any such parole or pardon via electronic notification through  
23 the automated victim notification system and posting publicly  
24 on a state agency website.

25 "(g) Electronic notices as required by this section,  
26 Section 14-14-5, Section 15-22-23, Section 15-22-36.2, Section  
27 15-22-36.3, and Section 15-22-26.2 shall be produced through



1 the automated notification system developed and maintained by  
2 the Alabama State Law Enforcement Agency. All data and records  
3 required to produce the notices shall be provided to the  
4 Alabama State Law Enforcement Agency to be incorporated into  
5 the automated notification system. Board records and  
6 information accessible to the public through the automated  
7 notification system shall be limited to those notification  
8 items specified in subdivision (3) of subsection (e), as well  
9 as the offender's age, sex, race, and unique identifiers.  
10 Records concerning the status of supervised offenders on  
11 probation and parole shall also be made available to the  
12 public, including information on when supervision began, the  
13 date the supervision term will end, and information on whether  
14 or how supervision was terminated. Otherwise, access to board  
15 records and information through the automated notification  
16 system shall be limited in use to the legitimate law  
17 enforcement purpose of entering and updating contact  
18 information on behalf of crime victims, assisting victims with  
19 registration, and ensuring victims receive notice. Information  
20 and records of the board accessible for law enforcement  
21 purposes through the automated notification system, in  
22 addition to that available to the public as specified above,  
23 shall be limited to the offender's date of birth, the  
24 supervising officer's name, the county of residence for those  
25 offenders currently supervised in Alabama, and the supervising  
26 officer's phone number. Misuse of the automated notification  
27 system or records or information contained in the automated

1 notification system shall be subject to criminal prosecution  
2 under Article 5A of Chapter 8 of Title 13A, as well as Section  
3 41-9-601, Section 41-9-602, and any other law of this state.

4 "§15-22-37.

5 "(a) The Board of Pardons and Paroles may adopt ~~and~~  
6 ~~promulgate~~ rules ~~and regulations~~, not inconsistent with the  
7 provisions of this article, touching upon all matters dealt  
8 with in this article, including, among others, practice and  
9 procedure in matters pertaining to paroles, pardons and  
10 remission of fines and forfeitures; provided, however, that no  
11 rule ~~or regulation~~ adopted ~~and promulgated~~ by ~~such~~ the board  
12 shall have the effect of denying to any person whose  
13 application for parole or the revocation of whose parole is  
14 being considered by ~~said~~ the board from having the benefit of  
15 counsel or witnesses upon ~~said~~ the hearing.

16 "(b) The Board of Pardons and Paroles shall adopt  
17 ~~and promulgate~~ rules ~~and regulations~~ to do the following:

18 "(1) Establish a program of limited supervision for  
19 parolees who qualify addressing eligibility using validated  
20 risk and needs assessments, as defined in Section 12-25-32,  
21 transfers among levels of supervision, to include guidelines  
22 for the transfer of lower-risk individuals to an  
23 administrative form of parole, and reporting requirements~~7~~.

24 "(2) Develop policies and procedures for screening,  
25 assessment, and referral for parolees to connect with  
26 recidivism reduction services including, but not limited to,

1 cognitive behavioral intervention and substance abuse  
2 treatment~~7.~~.

3 "(3) Establish a matrix of rewards for compliance  
4 and pro-social behaviors and swift, certain and graduated  
5 sanctions to be imposed by the board, as provided under  
6 subsections (e) and (f) of Section 15-22-32, in response to  
7 corresponding violations of parole terms or conditions  
8 imposed~~7.~~.

9 "(4) Establish clear guidelines and procedures that  
10 retain the board's discretion in individual parole release  
11 cases. ~~Such~~ The guidelines shall provide that, if a prisoner  
12 convicted of a nonviolent offense, as defined in Section  
13 12-25-32, with a sentence of 20 years or less is denied  
14 parole, the board shall reconsider releasing the prisoner on  
15 parole no more than two years after such parole release  
16 denial. ~~Such~~ The guidelines shall allow a current validated  
17 risk and needs assessment as defined in Section 12-25-32, past  
18 criminal history, program completion, institutional  
19 misconduct, and other individual characteristics related to  
20 the likelihood of offending in the future to be factored into  
21 the release decision while working to allocate prison space  
22 for the most violent and greatest risk prisoners~~7.~~.

23 "(5) Ensure that the provisions of subsections (k)  
24 and (l) of Section 15-22-24 are implemented relating to the  
25 supervision and treatment of parolees~~7.~~and.

26 "(6) Establish criteria, guidelines, and procedures  
27 to discharge parolees from parole supervision requirements

1 prior to the expiration of the full maximum term for which the  
2 parolee was sentenced, unless the parolee was convicted of a  
3 violent offense as defined in Section 12-25-32, which shall  
4 include review of a parolee for discharge from parole  
5 supervision at least every two years if the parolee has  
6 satisfied all financial obligations owed to the court,  
7 including restitution, and has not had his or her supervision  
8 revoked.

9 "(c) Notwithstanding any other provision of law to  
10 the contrary, Section 41-22-5(a)-(c), Section 41-22-5.1(b),  
11 Section 41-22-6, and Section 41-22-23(a)-(e), (g) of the  
12 Alabama Administrative Procedure Act shall apply to the  
13 board's adoption, amendment, or repeal of rules, procedures,  
14 guidelines, or other policies, except rules, procedures,  
15 guidelines, or other policies concerning the supervision of  
16 parolees or probationers. The Alabama Administrative Procedure  
17 Act shall not otherwise apply to the board. The notice  
18 required by subdivision (a) (1) of Section 41-22-5 shall be  
19 given, and notice shall be given to the Governor and Attorney  
20 General or their designees.

21 "(d) The Director of Pardons and Paroles shall post  
22 on the board's website the board's existing rules, procedures,  
23 guidelines, or other policies concerning the grant or denial  
24 of pardons, the grant or denial of paroles, the restoration of  
25 political and civil rights, the remission of fines and  
26 forfeitures, and the revocation of parole."

1                   Section 2. This act shall become effective on the  
2 first day of the third month following its passage and  
3 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on State Government  
..... 09-APR-19

Read for the second time and placed  
on the calendar..... 02-MAY-19

Read for the third time and passed  
as amended..... 09-MAY-19

Yeas 73, Nays 27, Abstains 1

Jeff Woodard  
Clerk