HB380

197932-4

By Representatives Rowe, Fridy and Ellis

RFD: State Government

First Read: 09-APR-19
ENROLLED, An Act,

Relating to pardons and paroles; to amend Sections 15-22-20, 15-22-21, 15-22-26, 15-22-28, 15-22-36, and 15-22-37, Code of Alabama 1975, to authorize the Governor, with the advice and consent of the Senate, to fill a vacant seat on the board; to further provide for the membership of the board; to authorize the Governor to appoint a Director of Pardons and Paroles and establish the director's responsibilities; to set criteria to be used by the board to determine a prisoner's initial parole consideration date; to set parameters to be used if the board deviates from the standards when setting a prisoner's initial parole consideration date; to require approval by the deputy Attorney General or assistant Attorney General if the board deviates from the standards when setting a prisoner's initial parole consideration date; and to require the board work with the district attorney or Attorney General's Office to notify a victim, victim's representative, or other interested party prior to the board taking action.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§15-22-20.
"(a) There shall be a Board of Pardons and Paroles which shall consist of three members. The membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural, or economic diversity of the state. At least one member shall be a current or former law enforcement officer with a minimum of 10 years' experience in or with a law enforcement agency which has among its primary duties and responsibilities the investigation of violent crimes or the apprehension, arrest, or supervision of the perpetrators thereof.

"(b) Any vacancy occurring on the board, whether for an expired or unexpired term, shall be filled by appointment by the Governor, with the advice and consent of the Senate, from a list of five qualified persons nominated by a board consisting of the Chief Justice of the Supreme Court as chairman, the presiding judge of the Court of Criminal Appeals, the Lieutenant Governor, the Speaker of the House, and the President Pro Tempore of the Senate. The nominating board shall as soon as practicable after a vacancy occurs, whether for an expired or unexpired term, meet and select by majority vote the names of five persons to be submitted to the Governor. It shall immediately thereafter submit its nominations to the Governor, who shall make his appointment from such list within 10 days thereafter. Appointees shall by the Governor, with the advice and consent of the Senate, from
a list of five qualified persons nominated by a board consisting of the Chief Justice of the Supreme Court as chairman, the presiding judge of the Court of Criminal Appeals, the Lieutenant Governor, the Speaker of the House, and the President Pro Tempore of the Senate. The nominating board shall as soon as practicable after a vacancy occurs, whether for an expired or unexpired term, meet and select by majority vote the names of five persons to be submitted to the Governor. It shall immediately thereafter submit its nominations to the Governor, who shall make his or her appointment from such the list within 10 days thereafter. Appointees shall begin serving immediately upon appointment, until confirmed or rejected by the Senate. Appointments made at times when the Senate is not in regular session shall be effective ad interim. Any appointment made by the Governor while the Senate is in regular session must be submitted by him to the Senate not later than the third legislative day following the date of the appointment; any appointment made while the Senate is not in regular session shall be submitted not later than the third legislative day following the reconvening of the Legislature in regular session. In the event the Senate fails or refuses to act on the appointment within five legislative days after its submission, the appointment shall be void, and the person whose name was thus submitted shall not thereafter be reappointed. In the event an
appointee is not confirmed by the Senate, the nominating board shall make five nominations; one of them shall be appointed, and his appointment shall be submitted to the Senate as provided in this section. The nominating and appointing procedure required in this section shall be continued and followed until an appointment is made and completed. If the Senate fails to vote on an appointee's confirmation before adjourning sine die during the regular session in which the appointee is appointed, the appointee is deemed to be confirmed.

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

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

"(e) Each member shall take the constitutional oath of office and shall be subject to impeachment for any of the causes specified in Section 173 of the Constitution; and the procedure in cases of impeachment shall be in the manner provided by Section 175 of the Constitution; provided, however, that in the event the Governor shall determine that
any member of the board shall have become incapacitated by reason of physical or mental disability or illness to the extent that he cannot efficiently perform the duties of his office, he or she shall direct the Attorney General to proceed to the determination of that issue in an inquisition proceeding instituted by him or her in the Circuit Court of Montgomery County, Alabama. In the event the issue is determined in such court against the board member, the court shall declare the office vacant, and the same shall be vacated and a successor appointed, as provided in this section.

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

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

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

"(i) The Governor is hereby authorized to appoint four persons to serve as special members of the board. The four special members shall be appointed to reflect the racial,
gender, and geographic diversity of this state. The special members shall serve a single term beginning October 1, 2003 and ending September 30, 2006. The provisions on appointment in subsection (b), oath and incapacity in subsection (e), devotion to duties in subsection (g), and compensation in subsection (h) shall apply to special members to the same extent they apply to members of the board. The special members shall be appointed and serve for the limited purpose of conducting hearings and making determinations concerning pardons, paroles, restorations of political and civil rights, remission of fines and forfeitures, and revocations.

"(j) During the term of the special members of the board, the board shall sit in two panels of three for the purpose of conducting hearings and making determinations concerning pardons, paroles, restorations of political and civil rights, remission of fines and forfeitures, and revocations. Membership on each panel shall be designated by the chairman of the board from among the remaining regular and special members of the board as the chairman determines from time to time shall be necessary to hear all pending matters in an expeditious manner. The chairman of the board shall serve as an alternate with members of either panel and shall rede designate panel membership as necessary to carry out the hearing duties of the board. Two members of each panel shall constitute a quorum for the transaction of official business."
"(k) When the board sits in panels of three members as herein authorized, each panel shall act in the same manner and under the same authority as the full board. All authority, duties, powers, and responsibilities of the board on any matter brought before the panel for hearing shall be exercised by the panel as though heard and decided by the full board. Decisions of each panel shall constitute a decision of the board. All procedures of the board relating to the conduct of hearings shall apply to hearings before either panel of the board.

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

§15-22-21.

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

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

"(1) Appointing and supervising, subject to the
provisions of the Merit System, and such clerical,
stenographic, supervisory and expert assistants as may be
employees necessary to carry out the provisions duties of this
article; provided, however, that the selection of such
assistants and the fixation of their salaries shall be subject
to the provisions of the Merit System the board.

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

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

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

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

"§15-22-26."

"(a) No prisoner shall be released on parole merely as a reward for good conduct or efficient performance of duties assigned in prison, but only if the Board of Pardons and Paroles is of the opinion that the prisoner meets criteria and guidelines established by the board to determine a prisoner's fitness for parole and to ensure public safety. The guidelines shall serve as an aid in the parole decision making process and shall promote the use of prison space for the most violent and greatest risk offenders, while recognizing that the board's paramount duty is to protect public safety. The guidelines shall be structured, actuarially based, reviewed every three years by the board, after a specified open comment period determined by the board, and posted on the website of the board and include, but not be limited to, the following:

"(1) The prisoner's risk to reoffend, based upon a validated risk and needs assessment as defined in Section 12-25-32τ_

"(2) Progress by the prisoner and the Department of Corrections to plan for reentryτ_

"(3) Input from the victim or victims, the family of the victim or victims, prosecutors, and law enforcement entitiesτ_
(4) Participation in risk-reduction programs while incarcerated;

(5) Institutional behavior of the prisoner while incarcerated;

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

(b) Except as provided in Section 15-22-37, if the board shall so determine, such grants a prisoner parole, the prisoner shall be allowed to go upon parole outside of released from prison walls and enclosure upon such the terms and conditions as set by the board shall prescribe, but to, and while released on parole, shall remain while thus on parole in the legal custody of the warden of the prison from which he or she is paroled until the expiration of the maximum term specified in his or her sentence or until he or she is fully pardoned.

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


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

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

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

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

"(e) For violent offenses as defined in Section 12-25-32, the board shall not grant a parole to any prisoner who has not served at least one third or 10 years of his sentence, whichever is the lesser, except by a unanimous affirmative vote of the board. The board shall set a prisoner's initial parole consideration date according to the following schedules:
"(1) For prisoners receiving sentence deductions pursuant to the Alabama Correctional Incentive Time Act, Article 3, Chapter 9, Title 14, the following schedule shall apply:

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

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

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

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

"a. Rape in the first degree.

"b. Kidnapping in the first degree.

"c. Murder.

"d. Attempted murder.

"e. Sodomy in the first degree."
"f. Sexual torture.

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

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

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

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

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

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

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

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

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

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

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

"b. A requirement that the prisoner complete certain programs while in custody of the Department of Corrections."
"c. A requirement that the prisoner provide a statement of support from a Department of Corrections staff member.

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

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

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

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

§15-22-36.
(a) In all cases, except treason and impeachment and cases in which sentence of death is imposed and not commuted, as is provided by law, the Board of Pardons and Paroles shall have the authority and power, after conviction and not otherwise, to grant pardons and paroles and to remit fines and forfeitures.

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

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

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

"(e)(1) If a victim, victim's representative, or any other interested individual has provided a preferred method of communication to the board, at least 45 days prior to the board's actions, the board may not approve or order a parole, pardon, remission of fine or forfeiture, restoration of civil and political rights, furlough, leave, or early release of a
prisoner, unless a Until and unless at least 30 days' written
notice of the board's action to be considered has been given
by the board has been provided to the victim named in the
indictment, the victim's representative, and or any other
interested individuals, after the board has received a request
that includes the preferred mode or modes of notification from
the victim, the victim's representative, and other interested
individuals and is submitted 45 days or more in advance of the
board action to be considered either through the automated
victim notification system or by a direct request to the board
or other authorized individual, the Board of Pardons and
Paroles shall have no power or authority to in any way approve
or order any parole, pardon, remission of fine or forfeiture,
restoration of civil and political rights, furlough, leave or
early release of a person convicted of the following offenses:

  "a. A Class A felony.

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

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

  "d. Any felony involving unlawful sexual assault or
other unlawful sexual conduct on the person of another.
"e. Any felony involving sexual assault, or a lewd or lascivious act upon a child under the age of 16 years or attempt thereof.

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

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

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

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

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

"(2) (3) If, however, the victim, victim's representative, and or other interested individual has not been registered for notice through the automated victim
notication system or otherwise made a direct request to the board for notice or to another authorized individual, if the victim's information has not been updated, or particular modes of notification have not been requested at least 45 days or more in advance of the board's action to be considered, the board, working with the appropriate district attorney and the Attorney General's Office, shall exercise due diligence in locating the victim or the victim's immediate family members. If all attempts to locate a victim or his or her immediate family members has failed, and the agent of the board certifies that due diligence has been exercised, the board shall not be limited in power or authority in any way to approve or order any parole, pardon, remission of fine or forfeiture, restoration of civil and political rights, furlough, leave, or early release of a person convicted of the offenses named in subsection (e)(1)a. to i., inclusive prisoner.

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

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

c. The date of the sentence.

d. The court in which the conviction occurred.

e. The sentence imposed.

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

g. The action to be considered by the board.

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

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

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

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

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

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

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

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

"(g) Electronic notices as required by this section, Section 14-14-5, Section 15-22-23, Section 15-22-36.2, Section 15-22-36.3, and Section 15-22-26.2 shall be produced through the automated notification system developed and maintained by the Alabama State Law Enforcement Agency. All data and records required to produce the notices shall be provided to the Alabama State Law Enforcement Agency to be incorporated into the automated notification system. Board records and information accessible to the public through the automated notification system shall be limited to those notification items specified in subdivision (3) of subsection (e), as well as the offender's age, sex, race, and unique identifiers. Records concerning the status of supervised offenders on
probation and parole shall also be made available to the public, including information on when supervision began, the date the supervision term will end, and information on whether or how supervision was terminated. Otherwise, access to board records and information through the automated notification system shall be limited in use to the legitimate law enforcement purpose of entering and updating contact information on behalf of crime victims, assisting victims with registration, and ensuring victims receive notice. Information and records of the board accessible for law enforcement purposes through the automated notification system, in addition to that available to the public as specified above, shall be limited to the offender's date of birth, the supervising officer's name, the county of residence for those offenders currently supervised in Alabama, and the supervising officer's phone number. Misuse of the automated notification system or records or information contained in the automated notification system shall be subject to criminal prosecution under Article 5A of Chapter 8 of Title 13A, as well as Section 41-9-601, Section 41-9-602, and any other law of this state.

§15-22-37.

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

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

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

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

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

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

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

"(6) Establish criteria, guidelines, and procedures to discharge parolees from parole supervision requirements prior to the expiration of the full maximum term for which the parolee was sentenced, unless the parolee was convicted of a violent offense as defined in Section 12-25-32, which shall include review of a parolee for discharge from parole.
supervision at least every two years if the parolee has satisfied all financial obligations owed to the court, including restitution, and has not had his or her supervision revoked.

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

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

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

President and Presiding Officer of the Senate

House of Representatives
I hereby certify that the within Act originated in and was passed by the House 09-MAY-19, as amended.

Jeff Woodard
Clerk

Senate 30-MAY-19 Passed