

1 HB2
2 215135-1
3 By Representative Hill
4 RFD: Judiciary
5 First Read: 27-SEP-21

SYNOPSIS: This bill would specify that a requirement enacted in 2015, that certain inmates nearing the end of their sentence be released by the Department of Corrections to mandatory supervision by the Board of Pardons and Paroles for specified periods prior to their end of sentence, would apply regardless of when the defendant was sentenced or committed the crime.

A BILL
TO BE ENTITLED
AN ACT

Relating to the mandatory supervised release of inmates; to amend Section 15-22-26.2, Code of Alabama 1975, to apply certain sentencing provisions to certain defendants.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 15-22-26.2, Code of Alabama 1975, is amended to read as follows:

"§15-22-26.2.

1 "(a) A convicted defendant sentenced to a period of
2 confinement under the supervision of the Department of
3 Corrections shall be subject to the following provisions,
4 unless the defendant is released to a term of probation or
5 released on parole under ~~the provisions of Chapter 22 of Title~~
6 15 this chapter:

7 "(1) If the defendant is sentenced to a period of
8 five years or less, he or she shall be released by the
9 department to supervision by the Board of Pardons and Paroles
10 no less than three months and no more than five months prior
11 to the defendant's release date~~7.~~

12 "(2) If the defendant is sentenced to a period of
13 more than five years but less than 10 years, he or she shall
14 be released by the department to supervision by the Board of
15 Pardons and Paroles no less than six months and no more than
16 nine months prior to the defendant's release date~~7 or.~~

17 "(3) If the defendant is sentenced to a period of 10
18 years or more, he or she shall be released by the department
19 to supervision by the Board of Pardons and Paroles no less
20 than ~~12~~ 10 months and no more than ~~24~~ 12 months prior to the
21 defendant's release date.

22 "(b) ~~The provisions of this~~ This section shall not
23 apply to a defendant convicted of any sex offense involving a
24 child, as defined in Section 15-20A-4.

25 "(c) Prior to the defendant's release to supervision
26 pursuant to this section, notice of ~~such~~ the release shall be
27 provided by the department to the victim and interested

1 parties through the victim notification system established
2 pursuant to Section 15-22-36.2 ~~and under the provisions of~~
3 ~~Section 15-22-36.~~

4 "~~(d) (1) Release of an~~ An offender released to
5 supervision pursuant to this section shall be ~~release to an~~
6 ~~intensive program under~~ released to the supervision of the
7 Board of Pardons and Paroles and shall be subject to this
8 article.

9 "(2) The board shall determine the level of
10 supervision required for an offender based on the results of a
11 validated risk and needs assessment.

12 "(e) This section applies to a defendant in the
13 custody of the department without regard to when he or she was
14 sentenced for or committed the crime."

15 Section 2. ~~This act shall become effective on~~
16 ~~January 31, 2022, following its passage and approval by the~~
17 ~~Governor, or its otherwise becoming law.~~ This act shall become
18 effective on January 31, 2023, following its passage and
19 approval by the Governor, or its otherwise becoming law,
20 contingent upon certification by the Director of Finance that
21 sufficient funds have been appropriated to the Board of
22 Pardons and Paroles to implement this act.