

1 HB367
2 183416-1
3 By Representatives Wadsworth, Scott, Millican, Hanes,
4 Whorton (I), Williams (JW), Whorton (R), Johnson (R), Rogers
5 and Shedd
6 RFD: Public Safety and Homeland Security
7 First Read: 07-MAR-17

2
3
4
5
6
7
8 SYNOPSIS: Under existing law, the Executive Director
9 of the Board of Pardons and Paroles is not required
10 to certify an official order of the board granting
11 a pardon, parole, or conditional release of a
12 prisoner within a specified amount of time.

13 This bill would require the Executive
14 Director of the Board of Pardons and Paroles to
15 certify an official order of the board granting a
16 pardon, parole, or conditional release of a
17 prisoner within 30 days. The bill would also
18 provide that if the certification is not executed
19 within 30 days, the prisoner subject to the order
20 would be required to be transferred to the county
21 jail of his or her county of residence and costs
22 associated with the prisoner's transfer and stay in
23 the county jail would be paid out of the State
24 Treasury.

25
26 A BILL
27 TO BE ENTITLED

1 AN ACT

2
3 To amend Section 15-22-37, Code of Alabama 1975,
4 relating to pardons and paroles; to require the Executive
5 Director of the Board of Pardons and Paroles to certify an
6 official order of the board granting a pardon, parole, or
7 conditional release within a specified amount of time.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. Section 15-22-37, Code of Alabama 1975,
10 is amended to read as follows:

11 "§15-22-37.

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

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

26 "(1) Establish a program of limited supervision for
27 parolees who qualify addressing eligibility using validated

1 risk and needs assessments, as defined in Section 12-25-32,
2 transfers among levels of supervision, to include guidelines
3 for the transfer of lower-risk individuals to an
4 administrative form of parole, and reporting requirements~~7~~.

5 "(2) Develop policies and procedures for screening,
6 assessment, and referral for parolees to connect with
7 recidivism reduction services including, but not limited to,
8 cognitive behavioral intervention and substance abuse
9 treatment~~7~~.

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

16 "(4) Establish clear guidelines and procedures that
17 retain the board's discretion in individual parole release
18 cases. Such guidelines shall provide that, if a prisoner
19 convicted of a nonviolent offense, as defined in Section
20 12-25-32, with a sentence of 20 years or less is denied
21 parole, the board shall reconsider releasing the prisoner on
22 parole no more than two years after such parole release
23 denial. Such guidelines shall allow a current validated risk
24 and needs assessment as defined in Section 12-25-32, past
25 criminal history, program completion, institutional
26 misconduct, and other individual characteristics related to
27 the likelihood of offending in the future to be factored into

1 the release decision while working to allocate prison space
2 for the most violent and greatest risk prisoners~~7~~.

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

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

16 "(7) Ensure that each official order of the board
17 granting a pardon, parole, or conditional transfer of a
18 prisoner shall be certified by the Executive Director within
19 30 days.

20 "(c) If an order under subsection (b) (7) is not
21 certified within 30 days, the prisoner subject to the order
22 shall be transferred to the county jail of his or her county
23 of residence until the order is certified. Costs associated
24 with the prisoner's transfer and stay in the county jail shall
25 be paid out of the State Treasury."

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.