

1 HB424  
2 175685-1  
3 By Representative Hall  
4 RFD: Judiciary  
5 First Read: 15-MAR-16

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8 SYNOPSIS: This bill would authorize the Department of  
9 Corrections to make a recommendation to the Board  
10 of Pardons and Paroles to issue a certificate of  
11 qualification for employment to certain individuals  
12 convicted of a crime after the individuals have  
13 been sentenced.

14 This bill would also provide immunity to an  
15 employer who hires an employee who has been issued  
16 a certificate of qualification for employment for  
17 the acts or omissions of the employee in certain  
18 circumstances.

19  
20 A BILL  
21 TO BE ENTITLED  
22 AN ACT

23  
24 Relating to criminal convictions; to authorize the  
25 Department of Corrections to make a recommendation to the  
26 Board of Pardons and Paroles to issue a certificate of  
27 qualification for employment to certain individuals convicted

1 of a crime after the individuals have been sentenced; and to  
2 provide immunity to an employer who hires an employee who has  
3 been issued a certificate of qualification for employment for  
4 the acts or omissions of the employee in certain  
5 circumstances.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. (a) As used in this section, the  
8 following words have the following meanings:

9 (1) BOARD. The Board of Pardons and Paroles.

10 (2) CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT OR  
11 OCCUPATIONAL LICENSING or CERTIFICATE. A certificate issued by  
12 the Board of Pardons and Paroles in accordance with this  
13 section to an offender.

14 (3) OFFENDER. An individual who has been convicted  
15 of a crime and who applies for a certificate under this  
16 section.

17 (b) (1) An offender may submit his or her application  
18 for a certificate of qualification for employment or  
19 occupational licensing to the department, and shall pay to the  
20 department an application fee of fifty dollars (\$50). The  
21 department may waive the fee if the offender submits an  
22 affidavit in which he or she swears or affirms that he or she  
23 is unable to pay the application fee.

24 (2) The Department of Corrections shall assign an  
25 employee to conduct an investigation to determine whether to  
26 recommend to the Board of Pardons and Paroles that the  
27 offender receive a certificate. In making his or her

1 determination, the investigator shall contact and solicit  
2 information or comments regarding the offender and his or her  
3 suitability for a certificate from any court that sentenced  
4 the offender, any district attorney that prosecuted the  
5 offender, and all known victims of crimes committed by the  
6 offender.

7 (3) The investigator shall complete his or her  
8 investigation, prepare a written report, and make a  
9 recommendation to the Board of Pardons and Paroles within 120  
10 days of receiving the application, except that if there are  
11 compelling reasons to extend the deadline, the investigator  
12 may use an additional 30 days to complete the investigation  
13 and make a recommendation. The failure of an individual  
14 contacted by the investigator under subdivision (2) to provide  
15 information or comments does not preclude the investigator  
16 from making his or her recommendation. The investigator shall  
17 provide a copy of the written report to the board and to the  
18 offender.

19 (4) The investigator shall recommend to the board  
20 that the offender receive a certificate if he or she  
21 determines that granting a certificate to the offender will  
22 not pose a risk to public safety, that the certificate will  
23 substantially assist the offender in obtaining employment or  
24 occupational licensing, and that the offender is less likely  
25 to commit an additional criminal offense if he or she obtains  
26 a certificate.

1 (c) If the investigator recommends under subsection  
2 (b) that an offender receive a certificate, the board shall  
3 hold a hearing to determine whether to issue a certificate to  
4 the offender. The board shall make its determination within 60  
5 days of receiving the report and recommendation.

6 (d) An offender may apply under this section six  
7 months after he or she is sentenced.

8 (e) (1) If an offender is convicted of a felony or a  
9 Class A or Class B misdemeanor after he or she is issued a  
10 certificate, or if his or her probation, parole, or extended  
11 supervision is revoked, the board shall permanently revoke the  
12 offender's certificate.

13 (f) The Department of Corrections may promulgate  
14 rules to implement this section.

15 (g) The Department of Corrections shall prepare an  
16 annual report that includes, for each year, the number of  
17 applications it receives under this section, the number of  
18 applications that are recommended by an investigator for  
19 approval, the number of certificates that are issued by the  
20 board, and the number of certificates that are revoked. The  
21 department shall submit the report to the Legislature by  
22 January 1.

23 Section 2. An employer who hires an employee who has  
24 been issued a certificate of qualification for employment  
25 under Section 1 is immune from liability for the acts or  
26 omissions of the employee unless the employer, when he or she

1 hired the employee, acted maliciously, with gross negligence,  
2 or with intent to cause harm.

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