

1 SB244
2 205613-1
3 By Senator Ward
4 RFD: Judiciary
5 First Read: 27-FEB-20

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

16 This bill would allow the Board of Pardons
17 and Paroles to compensate probation and parole
18 officers for a specified portion of their unused
19 annual leave.

20 This bill would allow any employee of the
21 Board of Pardons and Paroles to perform certain
22 specified duties upon authorization of the Director
23 of Pardons and Paroles.

24
25 A BILL
26 TO BE ENTITLED
27 AN ACT

1
2 Relating to the mandatory supervised release of
3 inmates; to amend Section 15-22-26.2, Code of Alabama 1975, to
4 apply certain sentencing provisions to certain defendants; to
5 provide additional compensation to probation and parole
6 officers under certain circumstances; and to provide that
7 certain employees of the Board of Pardons and Paroles be
8 authorized to perform additional duties.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

12 "§15-22-26.2.

13 "(a) A convicted defendant sentenced to a period of
14 confinement under the supervision of the Department of
15 Corrections shall be subject to the following provisions,
16 unless the defendant is released to a term of probation or
17 released on parole under the provisions of Chapter 22 of Title
18 15:

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

24 "(2) If the defendant is sentenced to a period of
25 more than five years but less than 10 years, he or she shall
26 be released by the department to supervision by the Board of

1 Pardons and Paroles no less than six months and no more than
2 nine months prior to the defendant's release date; ~~or.~~

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

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

11 "(c) Prior to the defendant's release to supervision
12 pursuant to this section, notice of ~~such~~ the release shall be
13 provided by the department to the victim and interested
14 parties through the victim notification system established
15 pursuant to Section 15-22-36.2 ~~and under the provisions of~~
16 ~~Section 15-22-36.~~

17 "(d) ~~Release of an~~ An offender released to
18 supervision pursuant to this section shall be ~~release to an~~
19 ~~intensive program under~~ released to the supervision of the
20 Board of Pardons and Paroles and shall be subject to the
21 provisions of Article 2 of Chapter 22 of Title 15.

22 "(e) This section applies to a defendant in the
23 custody of the department without regard to when he or she was
24 sentenced or committed the crime."

25 Section 2. Any merit classification of probation and
26 parole officer employed by the Board of Pardons and Paroles
27 and certified as a law enforcement officer by the Alabama

1 Peace Officers' Standards and Training Commission may receive
2 payment for any accrued and unused annual leave hours in
3 excess of 480 hours, up to a maximum of 80 hours per year.
4 Payment shall be calculated using the employee's regular rate
5 of pay.

6 Section 3. Notwithstanding any provision of law to
7 the contrary, any employee of the Board of Pardons and
8 Paroles, upon authorization by the Director of Pardons and
9 Paroles, may perform any of the following duties:

10 (1) Investigate and prepare reports concerning
11 prisoners sentenced and received in the jails and prisons of
12 the State of Alabama as required by Sections 15-22-25 and
13 15-22-28, Code of Alabama 1975.

14 (2) Determine a prisoner's risk of re-offense
15 through the completion of a validated risk and needs
16 assessment as provided in Sections 15-22-24 and 15-22-28, Code
17 of Alabama 1975.

18 (3) Cooperate with courts in the supervision of
19 probationers as provided in Section 15-22-35, Code of Alabama
20 1975.

21 (4) Register victim information into the automated
22 victim information system, and report the registration of that
23 information to the sentencing court, as provided in Section
24 15-22-36, Code of Alabama 1975.

25 (5) Investigate, verify, and prepare reports
26 concerning applications for a Certificate of Eligibility to

1 Register to Vote as provided in Section 15-22-36.1, Code of
2 Alabama 1975.

3 (6) Investigate and prepare reports concerning
4 defendants on, or being considered for, probation as provided
5 in Sections 15-22-51 and 15-22-53, Code of Alabama 1975.

6 (7) Make recommendations to a court concerning the
7 termination of authority and supervision over a probationer as
8 provided in Section 15-22-54, Code of Alabama 1975.

9 Section 4. Section 1 of this act shall become
10 effective on January 31, 2021, following its passage and
11 approval by the Governor, or its otherwise becoming law,
12 contingent upon certification by the Director of Finance that
13 sufficient funds have been appropriated to the Board of
14 Pardons and Paroles to implement this act. Section 2 of this
15 act shall become effective on the first day of the third month
16 following the act's passage and approval by the Governor, or
17 its otherwise becoming law. Section 3 of this act shall become
18 effective immediately following its passage and approval by
19 the Governor, or its otherwise becoming law.