

1 SB67
2 164423-7
3 By Senator Ward
4 RFD: Judiciary
5 First Read: 03-MAR-15
6 PFD: 03/02/2015

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8 SYNOPSIS: Under current law, felony offenses are
9 classified as Class A, Class B, or Class C
10 felonies. This bill creates a Class D felony for
11 certain offenses, alters crime levels for related
12 offenses accordingly, and creates new offenses
13 based on such classifications. This bill
14 additionally provides for the crime of unlawful
15 possession with intent to distribute marihuana, the
16 crime of criminal organized activity, and revises
17 driver license suspension provisions related to
18 certain drug offenses.

19 Under current law, there is a provision for
20 a split sentence for felony offenses. This bill
21 provides that for a Class C or D felony offense a
22 defendant shall be sentenced to a split sentence of
23 no more than two years of confinement and no more
24 than three years of probation.

25 This bill requires the Department of
26 Corrections to identify alternatives to community
27 corrections programs, places additional

1 responsibilities on the Department of Corrections
2 in supervising community corrections programs, and
3 provides for a performance-based reimbursement
4 process for community corrections programs. This
5 bill requires community corrections programs to
6 implement specified treatment and supervision
7 practices and procedures and removes the limit on
8 community corrections offenders only participating
9 in a program within his or her judicial circuit.
10 Additionally, this bill provides for oversight of
11 certain community corrections, parole, and
12 probation supervision and treatment through the
13 Office of the Governor.

14 This bill requires the Board of Pardons and
15 Paroles to implement specified treatment and
16 supervision practices and procedures and requires
17 training of supervising officers in such practices
18 and procedures. This bill specifies criteria that
19 should be considered when making parole release
20 decisions and provides that the Board of Pardons
21 and Paroles shall articulate its reasons for parole
22 approval or denial. Additionally, this bill
23 provides for swift and certain sanctions for
24 parolees and probationers who violate their terms
25 of parole or probation, with exceptions. This bill
26 also provides for guidelines to release a parolee
27 or probationer from supervision requirements prior

1 to the full term of parole or probation under
2 certain conditions.

3 Under current law, a statewide automated
4 victim notification system has been created and
5 implemented through the Implementation Task Force
6 under the authority of the Board of Pardons and
7 Paroles. This bill expands the current automated
8 victim notification system.

9 Under current law, there is a permanent
10 legislative committee to study all aspects of the
11 Department of Corrections. This bill will require
12 this committee to study additional issues.

13 Under current law, a person has the right to
14 refuse to give a DNA sample. This bill removes the
15 right to refuse to give such sample.

16 Under current law, there is no mandatory
17 supervision period for inmates released at the end
18 of a straight sentence. This bill creates mandatory
19 supervision times based on sentence length.

20 This bill provides that the court will
21 retain jurisdiction over an offender to enforce the
22 collection of court-ordered fines, fees, costs, or
23 restitution.

24 Amendment 621 of the Constitution of Alabama
25 of 1901, now appearing as Section 111.05 of the
26 Official Recompilation of the Constitution of
27 Alabama of 1901, as amended, prohibits a general

1 law whose purpose or effect would be to require a
2 new or increased expenditure of local funds from
3 becoming effective with regard to a local
4 governmental entity without enactment by a 2/3 vote
5 unless: it comes within one of a number of
6 specified exceptions; it is approved by the
7 affected entity; or the Legislature appropriates
8 funds, or provides a local source of revenue, to
9 the entity for the purpose.

10 The purpose or effect of this bill would be
11 to require a new or increased expenditure of local
12 funds within the meaning of the amendment. However,
13 the bill does not require approval of a local
14 governmental entity or enactment by a 2/3 vote to
15 become effective because it comes within one of the
16 specified exceptions contained in the amendment.

17
18 A BILL
19 TO BE ENTITLED
20 AN ACT

21
22 Relating to crimes and offenses and supervision; to
23 amend Sections 12-25-32 and 12-25-33, Code of Alabama 1975,
24 relating to the Alabama Sentencing Commission; to amend
25 Sections 13A-5-3, 13A-5-6, 13A-5-9, 13A-5-11, 13A-5-13,
26 13A-7-7, 13A-8-3, 13A-8-4, 13A-8-5, 13A-8-8, 13A-8-9,
27 13A-8-10.2, 13A-8-10.3, 13A-8-18, 13A-8-19, 13A-9-3, 13A-9-4,

1 13A-9-6, 13A-9-7, 13A-9-14, 13A-12-211, 13A-12-212,
2 13A-12-213, and 13A-12-291 relating to crimes and offenses to
3 create a Class D felony offense classification and to
4 reclassify certain crimes and offenses based on such Class D
5 classification, to create the crime of unlawful possession
6 with intent to distribute marihuana, and to revise certain
7 driver license suspension provisions for drug related
8 offenses; to amend Sections 14-14-5, 15-8-8, 15-18-171,
9 15-18-172, 15-18-174, 15-18-176, 15-18-180, 15-18-182,
10 15-22-24, 15-22-26, 15-22-28, 15-22-29, 15-22-31, 15-22-32,
11 15-22-33, 15-22-36, 15-22-36.2, 15-22-51, 15-22-52, 15-22-53,
12 and 15-22-54, Code of Alabama 1975, relating to sentences and
13 punishment to provide for split sentencing provisions for
14 Class C and D felonies, to provide for supervision and
15 treatment requirements and guidelines for community
16 corrections programs, to provide for supervision and treatment
17 requirements and guidelines for parolees and probationers, to
18 provide for parole release guidelines, to provide for
19 sanctions for parole and probation violations, to provide
20 guidelines for early release from supervision for parolees and
21 probationers, and to expand the automated victim notification
22 system; to amend Section 29-2-20, Code of Alabama 1975,
23 relating to the Joint Prison Oversight Committee; to amend
24 Section 36-18-25, Code of Alabama 1975, relating to DNA
25 samples; to add Sections 13A-8-3.1, 13A-8-4.1, 13A-8-8.1,
26 13A-8-18.1, 13A-8-24, 13A-9-3.1, and 13A-9-6.1 to the Code of
27 Alabama 1975 to add certain crimes and offenses based on new

1 crime classifications established; to provide for the crime of
2 theft of services third degree; to add Sections 15-22-26.1,
3 15-22-36.3, and 15-22-57 to the Code of Alabama 1975 relating
4 to the Board of Pardons and Paroles; to provide for a
5 mandatory supervision period on a straight sentence; to
6 provide that the court shall retain jurisdiction of a person
7 for purposes of collecting court-ordered fines, fees, costs,
8 or restitution; to provide duties and responsibilities for the
9 Office of the Governor related to community corrections,
10 parole, and probation supervision and treatment; and in
11 connection therewith would have as its purpose or effect the
12 requirement of a new or increased expenditure of local funds
13 within the meaning of Amendment 621 of the Constitution of
14 Alabama of 1901, now appearing as Section 111.05 of the
15 Official Recompilation of the Constitution of Alabama of 1901,
16 as amended.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. Sections 12-25-32 and 12-25-33, Code of
19 Alabama 1975, are hereby amended to read as follows:

20 "§12-25-32.

21 "For the purposes of this article, the following
22 terms have the following meanings:

23 "(1) COMMISSION. The Alabama Sentencing Commission,
24 established as a state agency under the Supreme Court by this
25 chapter.

26 "(2) CONTINUUM OF PUNISHMENTS. An array of
27 punishment options, from probation to incarceration, graduated

1 in restrictiveness according to the degree of supervision of
2 the offender including, but not limited to, all of the
3 following:

4 "a. Active incarceration. A sentence, other than an
5 intermediate punishment or unsupervised probation, that
6 requires an offender to serve a sentence of imprisonment. The
7 term includes time served in a work release program operated
8 as a custody option by the Alabama Department of Corrections
9 or in the Supervised Intensive Restitution program of the
10 Department of Corrections pursuant to Article 7, commencing
11 with Section 15-18-110, of Chapter 18 of Title 15.

12 "b. Intermediate punishment. A sentence that may
13 include assignment to any community based punishment program
14 or may include probation with conditions or probation in
15 conjunction with a period of confinement. Intermediate
16 punishments include, but are not limited to, all of the
17 following options:

18 "1. A split sentence pursuant to Section 15-18-8.

19 "2. Assignment to a community punishment and
20 corrections program pursuant to the Alabama Community
21 Punishment and Corrections Act or local acts.

22 "3. Assignment to a community based manual labor
23 work program pursuant to Sections 14-5-30 to 14-5-37,
24 inclusive.

25 "4. Intensive probation supervision pursuant to
26 Section 15-22-56.

27 "5. Cognitive and behavioral training.

- 1 "6. Community service work.
- 2 "7. County probation.
- 3 "8. Day fines or means-based fines.
- 4 "9. Day reporting.
- 5 "10. Drug or alcohol testing.
- 6 "11. Drug court programs.
- 7 "12. Educational programs.
- 8 "13. Electronic monitoring.
- 9 "14. Home confinement or house arrest.
- 10 "15. Ignition interlock.
- 11 "16. Intermittent confinement.
- 12 "17. Jail and prison diversion programs.
- 13 "18. Job readiness and work.
- 14 "19. Literacy and basic learning.
- 15 "20. Pretrial diversion programs.
- 16 "21. Residential drug treatment.
- 17 "22. Residential community based punishment programs
- 18 in which the offender is required to spend at least eight
- 19 hours per day, or overnight, within a facility and is required
- 20 to participate in activities such as counseling, treatment,
- 21 social skills training, or employment training, conducted at
- 22 the residential facility or at another specified location.
- 23 "23. Restorative justice as established in Section
- 24 12-17-226.6.
- 25 "(i) Victim impact panels.
- 26 "(ii) Voluntary victim offender conferencing.
- 27 "(iii) Voluntary victim offender mediation.

1 "24. Self-help groups.

2 "25. Sobriety or breath alcohol remote monitoring.

3 "26. Substance abuse education and treatment.

4 "27. Treatment alternatives to street crime (TASC).

5 "28. Voice recognition, curfew restriction, or
6 employment monitoring.

7 "29. Work release, other than those work release
8 programs operated by the Alabama Department of Corrections, as
9 a custody option.

10 "c. Unsupervised probation. A sentence in a criminal
11 case that includes a period of probation but does not include
12 supervision, active incarceration, or an intermediate
13 punishment.

14 "d. Post-release supervision. A mandatory period of
15 supervision following sentences of active incarceration as
16 defined in paragraph a. that may include one or more
17 intermediate punishment options.

18 "(3) COURT. Unless otherwise stated, a district or
19 circuit court exercising jurisdiction to sentence felony
20 offenders.

21 "(4) EVIDENCE-BASED PRACTICES. Policies, procedures,
22 programs, and practices proven by widely accepted and
23 published research to reliably produce reductions in
24 recidivism.

25 "~~(4)~~ (5) FELONY OFFENSE. A noncapital felony
26 offense.

1 "~~(5)~~ (6) INITIAL VOLUNTARY STANDARDS. The voluntary
2 sentencing standards effective on October 1, 2006. These
3 standards were based on statewide historic sentences imposed
4 with normative adjustments designed to reflect current
5 sentencing policies.

6 "~~(6)~~ (7) NONVIOLENT OFFENSE. All offenses which are
7 not violent offenses.

8 "~~(7)~~ (8) NONVIOLENT OFFENDER. Any offender who does
9 not qualify as a violent offender pursuant to subdivision ~~(13)~~
10 (14).

11 "~~(8)~~ (9) OFFENDER. A person convicted of a
12 noncapital felony offense.

13 "~~(9)~~ (10) RELEASE AUTHORITY. Any public official,
14 agency, or other entity authorized by law to release a
15 sentenced offender from incarceration or other conditions of a
16 sentence.

17 "~~(10)~~ (11) VALIDATED RISK AND NEEDS ASSESSMENT. An
18 ~~instrument designed to assess an offender's relative risk for~~
19 ~~reoffending~~ actuarial tool that has been validated in Alabama
20 to determine the likelihood of an offender engaging in future
21 criminal behavior. The Board of Pardons and Paroles, the
22 Department of Corrections, and the Sentencing Commission shall
23 adopt compatible tools to conduct a validated risk and needs
24 assessment upon offenders within the jurisdiction of the
25 state.

26 "~~(11)~~ (12) TRUTH-IN-SENTENCING STANDARDS. The
27 sentencing standards that are scheduled to become effective

1 October 1, 2020. These standards shall be based on statewide
2 historic time served for offenses with adjustments designed by
3 the commission to reflect current sentencing policies.

4 "~~(12)~~ (13) UNDER SUPERVISION. All offenders under
5 the supervision of any criminal justice agency or program
6 including, but not limited to, any of the following entities:

7 "a. The Alabama Department of Corrections.

8 "b. State or county probation offices.

9 "c. Community corrections programs pursuant to
10 Alabama Community Corrections Act.

11 "d. Jails.

12 "e. State or local law enforcement agencies.

13 "f. Any court.

14 "~~(13)~~ (14) VIOLENT OFFENDER. A violent offender is
15 an offender who has been convicted of a violent offense, or
16 who is determined by the trial court judge or a release
17 authority to have demonstrated a propensity for violence,
18 aggression, or weapons related behavior based on the criminal
19 history or behavior of the offender while under supervision of
20 any criminal justice system agency or entity.

21 "~~(14)~~ (15) VIOLENT OFFENSE.

22 "a. For the purposes of this article, a violent
23 offense includes each of the following offenses, or any
24 substantially similar offense to those listed in this
25 subdivision created after June 20, 2003:

26 "1. Capital murder pursuant to Sections 13A-6-2 and
27 13A-5-40.

- 1 "2. Murder pursuant to Section 13A-6-2.
- 2 "3. Manslaughter pursuant to Section 13A-6-3.
- 3 "4. Criminally negligent homicide pursuant to
- 4 Section 13A-6-4.
- 5 "5. Assault I pursuant to Section 13A-6-20.
- 6 "6. Assault II pursuant to Section 13A-6-21.
- 7 "7. Compelling street gang membership pursuant to
- 8 Section 13A-6-26.
- 9 "8. Kidnapping I pursuant to Section 13A-6-43.
- 10 "9. Kidnapping II pursuant to Section 13A-6-44.
- 11 "10. Rape I pursuant to Section 13A-6-61.
- 12 "11. Rape II pursuant to Section 13A-6-62.
- 13 "12. Sodomy I pursuant to Section 13A-6-63.
- 14 "13. Sodomy II pursuant to Section 13A-6-64.
- 15 "14. Sexual torture pursuant to Section 13A-6-65.1.
- 16 "15. Sexual abuse I pursuant to Section 13A-6-66.
- 17 "16. Enticing a child to enter a vehicle for immoral
- 18 purposes pursuant to Section 13A-6-69.
- 19 "17. Stalking pursuant to Section 13A-6-90.
- 20 "18. Aggravated stalking pursuant to Section
- 21 13A-6-91.
- 22 "19. Soliciting a child by computer pursuant to
- 23 Section 13A-6-110.
- 24 "20. Domestic violence I pursuant to Section
- 25 13A-6-130.
- 26 "21. Domestic violence II pursuant to Section
- 27 13A-6-131.

- 1 "22. Burglary I pursuant to Section 13A-7-5.
- 2 "23. Burglary II pursuant to Section 13A-7-6.
- 3 "24. Burglary III pursuant to subdivisions (1) or
4 (2) of subsection (a) of Section 13A-7-7.
- 5 "25. Arson I pursuant to Section 13A-7-41.
- 6 "26. Criminal possession of explosives pursuant to
7 Section 13A-7-44.
- 8 "27. Extortion I pursuant to Section 13A-8-14.
- 9 "28. Robbery I pursuant to Section 13A-8-41.
- 10 "29. Robbery II pursuant to Section 13A-8-42.
- 11 "30. Robbery III pursuant to Section 13A-8-43.
- 12 "31. Pharmacy robbery pursuant to Section 13A-8-51.
- 13 "32. Terrorist threats pursuant to Section
14 13A-10-15.
- 15 "33. Escape I pursuant to Section 13A-10-31.
- 16 "34. Promoting prison contraband I pursuant to
17 Section 13A-10-36, involving a deadly weapon or dangerous
18 instrument.
- 19 "35. Intimidating a witness pursuant to Section
20 13A-10-123.
- 21 "36. Intimidating a juror pursuant to Section
22 13A-10-127.
- 23 "37. Treason pursuant to Section 13A-11-2.
- 24 "38. Discharging a weapon into an occupied building,
25 dwelling, automobile, etc., pursuant to Section 13A-11-61.
- 26 "39. Promoting prostitution I pursuant to Section
27 13A-12-111.

1 "40. Production of obscene matter involving a minor
2 pursuant to Section 13A-12-197.

3 "41. Trafficking pursuant to Section 13A-12-231.

4 "42. Child abuse pursuant to Section 26-15-3.

5 "43. Elder abuse pursuant to Section 38-9-7.

6 "44. Terrorism pursuant to Section 13A-10-152.

7 "45. Hindering prosecution for terrorism pursuant to
8 Section 13A-10-154.

9 "46. Hindering prosecution in the first degree
10 pursuant to Section 13A-10-43.

11 ~~"46.~~ 47. Any substantially similar offense for which
12 an Alabama offender has been convicted under prior Alabama law
13 or the law of any other state, the District of Columbia, the
14 United States, or any of the territories of the United States.

15 "b. The basis for defining these offenses as violent
16 is that each offense meets at least one of the following
17 criteria:

18 "1. Has as an element, the use, attempted use, or
19 threatened use of a deadly weapon or dangerous instrument or
20 physical force against the person of another.

21 "2. Involves a substantial risk of physical injury
22 against the person of another.

23 "3. Is a nonconsensual sex offense.

24 "4. Is particularly reprehensible.

25 "c. Any attempt, conspiracy, or solicitation to
26 commit a violent offense shall be considered a violent offense
27 for the purposes of this article.

1 "d. Any criminal offense which meets the criteria
2 provided in paragraph b. enacted after 2003.

3 "§12-25-33.

4 "To achieve the goals recognized by the Legislature
5 in Chapter 25 and Section 12-25-31, the commission shall:

6 "(1) Develop, maintain, and modify as necessary a
7 system of statewide voluntary sentencing standards for use in
8 felony cases which shall take into account historical
9 sentencing data, concerning time actually served for various
10 felony offenses, sentences imposed for various felony
11 offenses, and such other factors as appear historically
12 relevant to determining both the duration and disposition of
13 sentences in felony cases. The standards shall recognize a
14 continuum of punishments in recommending the disposition of
15 sentences.

16 "(2) Educate judges, prosecutors, defense attorneys,
17 victim's service officers, community corrections officials,
18 probation officers, and other personnel, where appropriate, in
19 the use of the voluntary sentencing standards and worksheets.

20 "(3) Develop, distribute, and periodically update
21 sentencing worksheets for the use of courts in determining
22 both the duration and disposition of sentences in felony
23 cases.

24 "(4) Prepare, distribute, and periodically update a
25 form for sentencing courts to record the sentence of the
26 offender and the reason or reasons for any departure from the
27 voluntary sentencing standards.

1 "(5) Develop and distribute voluntary standards for
2 sentencing courts that include recommended intermediate
3 punishment options.

4 "(6) Evaluate validated risk and needs assessment
5 instruments used by the Board of Pardons and Paroles, the
6 Department of Corrections, and other agencies and entities and
7 assist in developing an offender risk and needs assessment
8 instrument for use in felony cases, based on a study of
9 Alabama felons, that is intended to be predictive of the
10 relative risk that a felon will become a threat to public
11 safety.

12 "(7) Collect, analyze, and maintain data regarding
13 sentencing practices in felony cases, including the use of the
14 voluntary sentencing standards, and recommend changes or
15 modifications of the standards and worksheets as the
16 commission deems appropriate.

17 "(8) Collect and analyze information including
18 sentencing data, crime trends, and existing correctional
19 resources to enable the commission to make recommendations
20 regarding projected correctional resource needs and to make
21 recommendations to the Governor, the Legislature, the Chief
22 Justice, and the Attorney General in the annual report of the
23 commission. This annual report should also include data
24 showing the impact of the initial voluntary standards and the
25 truth-in-sentencing standards by race, gender, and location of
26 the offender.

1 "(9) Study felony statutes in the context of
2 sentencing patterns as they evolve and make recommendations
3 for the revision of criminal offense statutes to provide more
4 specific offense definitions and more narrowly prescribed
5 ranges of punishment.

6 "(10) Study bills introduced in the Legislature
7 affecting criminal laws and procedure and prepare impact
8 statements of proposed legislation on Alabama's criminal
9 justice system, including the prison population.

10 "(11) Report upon its work and recommendations
11 annually to the Governor, the Legislature, the Chief Justice,
12 and the Attorney General, to include the number of
13 incarcerated inmates that are currently only serving a
14 sentence for a nonviolent offense and who also have a violent
15 offense in their criminal history.

16 "(12) Conduct the research necessary to determine
17 the appropriate point values for offenses classified as Class
18 D felonies for purposes of the sentencing guidelines and
19 establish such point values within the sentencing range set
20 forth in Section 13A-5-6.

21 "~~(12)~~ (13) Perform such other functions as may be
22 required by law or necessary to carry out the duties of the
23 commission prescribed in this chapter and this article.

24 Section 2. Sections 13A-5-3, 13A-5-6, 13A-5-9,
25 13A-5-11, 13A-5-13, 13A-7-7, 13A-8-3, 13A-8-4, 13A-8-5,
26 13A-8-8, 13A-8-9, 13A-8-10.2, 13A-8-10.3, 13A-8-18, 13A-8-19,
27 13A-9-3, 13A-9-4, 13A-9-6, 13A-9-7, 13A-9-14, 13A-12-211,

1 13A-12-212, 13A-12-213, and 13A-12-291 Code of Alabama 1975,
2 are hereby amended to read as follows:

3 "§13A-5-3.

4 "(a) Offenses are designated as felonies,
5 misdemeanors or violations.

6 "(b) Felonies are classified according to the
7 relative seriousness of the offense into ~~three~~ four
8 categories:

9 "(1) Class A felonies;

10 "(2) Class B felonies; ~~and~~

11 "(3) Class C felonies; and

12 "(4) Class D felonies.

13 "(c) Misdemeanors are classified according to the
14 relative seriousness of the offense into three categories:

15 "(1) Class A misdemeanors;

16 "(2) Class B misdemeanors; and

17 "(3) Class C misdemeanors.

18 "(d) Violations are not classified.

19 "§13A-5-6.

20 "(a) Sentences for felonies shall be for a definite
21 term of imprisonment, which imprisonment includes hard labor,
22 within the following limitations:

23 "(1) For a Class A felony, for life or not more than
24 99 years or less than 10 years.

25 "(2) For a Class B felony, not more than 20 years or
26 less than 2 years.

1 "(3) For a Class C felony, not more than 10 years or
2 less than 1 year and 1 day.

3 "(4) For a Class D felony, not more than 5 years or
4 less than 1 year and 1 day.

5 "~~(4)~~ (5) For a Class A felony in which a firearm or
6 deadly weapon was used or attempted to be used in the
7 commission of the felony, or a Class A felony ~~criminal~~ sex
8 offense involving a child as defined in Section ~~15-20-21(5)~~
9 15-20A-4, not less than 20 years.

10 "~~(5)~~ (6) For a Class B or C felony in which a
11 firearm or deadly weapon was used or attempted to be used in
12 the commission of the felony, or a Class B felony ~~criminal~~ sex
13 offense involving a child as defined in Section ~~15-20-21(5)~~
14 15-20A-4, not less than 10 years.

15 "(b) The actual time of release within the
16 limitations established by subsection (a) of this section
17 shall be determined under procedures established elsewhere by
18 law.

19 "(c) In addition to any penalties heretofore or
20 hereafter provided by law, in all cases where an offender is
21 designated as a sexually violent predator pursuant to Section
22 ~~15-20-25.3~~ 15-20A-19, or where an offender is convicted of a
23 Class A felony ~~criminal~~ sex offense involving a child as
24 defined in Section ~~15-20-21(5)~~ 15-20A-4, and is sentenced to a
25 county jail or the Alabama Department of Corrections, the
26 sentencing judge shall impose an additional penalty of not

1 less than 10 years of post-release supervision to be served
2 upon the defendant's release from incarceration.

3 "(d) In addition to any penalties heretofore or
4 hereafter provided by law, in all cases where an offender is
5 convicted of a sex offense pursuant to Section 13A-6-61,
6 13A-6-63, or 13A-6-65.1, when the defendant was 21 years of
7 age or older and the victim was six years of age or less at
8 the time the offense was committed, the defendant shall be
9 sentenced to life imprisonment without the possibility of
10 parole.

11 "§13A-5-9.

12 "(a) In all cases when it is shown that a criminal
13 defendant has been previously convicted of a Class A, Class B,
14 or Class C felony and after the conviction has committed
15 another Class A, Class B, or Class C felony, he or she must be
16 punished as follows:

17 "(1) On conviction of a Class C felony, he or she
18 must be punished for a Class B felony.

19 "(2) On conviction of a Class B felony, he or she
20 must be punished for a Class A felony.

21 "(3) On conviction of a Class A felony, he or she
22 must be punished by imprisonment for life or for any term of
23 not more than 99 years but not less than 15 years.

24 "(b) In all cases when it is shown that a criminal
25 defendant has been previously convicted of any two felonies
26 that are Class A, Class B, or Class C felonies and after such

1 convictions has committed another Class A, Class B, or Class C
2 felony, he or she must be punished as follows:

3 "(1) On conviction of a Class C felony, he or she
4 must be punished for a Class A felony.

5 "(2) On conviction of a Class B felony, he or she
6 must be punished by imprisonment for life or for any term of
7 not more than 99 years but not less than 15 years.

8 "(3) On conviction of a Class A felony, he or she
9 must be punished by imprisonment for life or for any term of
10 not less than 99 years.

11 "(c) In all cases when it is shown that a criminal
12 defendant has been previously convicted of any three felonies
13 that are Class A, Class B, or Class C felonies and after such
14 convictions has committed another Class A, Class B, or Class C
15 felony, he or she must be punished as follows:

16 "(1) On conviction of a Class C felony, he or she
17 must be punished by imprisonment for life or for any term of
18 not more than 99 years but not less than 15 years.

19 "(2) On conviction of a Class B felony, he or she
20 must be punished by imprisonment for life or any term of not
21 less than 20 years.

22 "(3) On conviction of a Class A felony, where the
23 defendant has no prior convictions for any Class A felony, he
24 or she must be punished by imprisonment for life or life
25 without the possibility of parole, in the discretion of the
26 trial court.

1 "(4) On conviction of a Class A felony, where the
2 defendant has one or more prior convictions for any Class A
3 felony, he or she must be punished by imprisonment for life
4 without the possibility of parole.

5 "(d) In all cases when it is shown that a criminal
6 defendant has been previously convicted of any two or more
7 felonies that are Class A or Class B felonies and after such
8 convictions has committed a Class D felony, upon conviction,
9 he or she must be punished for a Class C felony.

10 "(e) In all cases when it is shown that a criminal
11 defendant has been previously convicted of any four or more
12 felonies and after such convictions has committed a Class D
13 felony, upon conviction, he or she must be punished for a
14 Class C felony.

15 "§13A-5-11.

16 "(a) A sentence to pay a fine for a felony shall be
17 for a definite amount, fixed by the court, within the
18 following limitations:

19 "(1) For a Class A felony, not more than \$60,000;

20 "(2) For a Class B felony, not more than \$30,000;

21 "(3) For a Class C felony, not more than \$15,000; ~~or~~

22 "(4) For a Class D felony, not more than \$7,500; or

23 "~~(4)~~ (5) Any amount not exceeding double the
24 pecuniary gain to the defendant or loss to the victim caused
25 by the commission of the offense.

26 "(b) As used in this section, "gain" means the
27 amount of money or the value of property derived from the

1 commission of the crime, less the amount of money or the value
2 of property returned to the victim of the crime or seized or
3 surrendered to lawful authority prior to the time sentence is
4 imposed. "Value" shall be determined by the standards
5 established in subdivision (14) of Section 13A-8-1.

6 "(c) The court may conduct a hearing upon the issue
7 of defendant's gain or the victim's loss from the crime
8 according to procedures established by rule of court.

9 "(d) This section shall not apply if a higher fine
10 is otherwise authorized by law for a specific crime.

11 "§13A-5-13.

12 "(a) The Legislature finds and declares the
13 following:

14 "(1) It is the right of every person, regardless of
15 race, color, religion, national origin, ethnicity, or physical
16 or mental disability, to be secure and protected from threats
17 of reasonable fear, intimidation, harassment, and physical
18 harm caused by activities of groups and individuals.

19 "(2) It is not the intent, by enactment of this
20 section, to interfere with the exercise of rights protected by
21 the Constitution of the State of Alabama or the United States.

22 "(3) The intentional advocacy of unlawful acts by
23 groups or individuals against other persons or groups and
24 bodily injury or death to persons is not constitutionally
25 protected when violence or civil disorder is imminent, and
26 poses a threat to public order and safety, and such conduct
27 should be subjected to criminal sanctions.

1 "(b) The purpose of this section is to impose
2 additional penalties where it is shown that a perpetrator
3 committing the underlying offense was motivated by the
4 victim's actual or perceived race, color, religion, national
5 origin, ethnicity, or physical or mental disability.

6 "(c) A person who has been found guilty of a crime,
7 the commission of which was shown beyond a reasonable doubt to
8 have been motivated by the victim's actual or perceived race,
9 color, religion, national origin, ethnicity, or physical or
10 mental disability, shall be punished as follows:

11 "(1) Felonies:

12 "a. On conviction of a Class A felony that was found
13 to have been motivated by the victim's actual or perceived
14 race, color, religion, national origin, ethnicity, or physical
15 or mental disability, the sentence shall not be less than 15
16 years.

17 "b. On conviction of a Class B felony that was found
18 to have been motivated by the victim's actual or perceived
19 race, color, religion, national origin, ethnicity, or physical
20 or mental disability, the sentence shall not be less than 10
21 years.

22 "c. On conviction of a Class C felony that was found
23 to have been motivated by the victim's actual or perceived
24 race, color, religion, national origin, ethnicity, or physical
25 or mental disability, the sentence shall not be less than two
26 years.

1 "d. On conviction of a Class D felony that was found
2 to have been motivated by the victim's actual or perceived
3 race, color, religion, national origin, ethnicity, or physical
4 or mental disability, the sentence shall not be less than 18
5 months.

6 ~~"d.~~ e. For purposes of this subdivision, a criminal
7 defendant who has been previously convicted of any felony and
8 receives an enhanced sentence pursuant to this section is also
9 subject to enhanced punishment under the Alabama Habitual
10 Felony Offender Act, Section 13A-5-9.

11 "(2) Misdemeanors:

12 "On conviction of a misdemeanor which was found
13 beyond a reasonable doubt to have been motivated by the
14 victim's actual or perceived race, color, religion, national
15 origin, ethnicity, or physical or mental disability, the
16 defendant shall be sentenced for a Class A misdemeanor, except
17 that the defendant shall be sentenced to a minimum of three
18 months.

19 "§13A-7-7.

20 "(a) A person commits the crime of burglary in the
21 third degree ~~if he knowingly enters or remains unlawfully in a~~
22 ~~building with intent to commit a crime therein.~~ if any of the
23 following occur:

24 "(1) He or she knowingly enters or remains
25 unlawfully in a dwelling with the intent to commit a crime
26 therein;

1 "(2) He or she knowingly enters or remains
2 unlawfully in an occupied building with the intent to commit a
3 crime therein; or

4 "(3) He or she enters or remains unlawfully in an
5 unoccupied building with the intent to commit a crime therein.

6 "(b) Burglary in the third degree is a Class C
7 felony.

8 "§13A-8-3.

9 "(a) The theft of property which exceeds two
10 thousand five hundred dollars (\$2,500) in value, except as
11 provided in Section 13A-8-3.1, or property of any value taken
12 from the person of another, constitutes theft of property in
13 the first degree.

14 "(b) The theft of a motor vehicle, regardless of its
15 value, constitutes theft of property in the first degree.

16 "(c) (1) The theft of property which involves all of
17 the following constitutes theft of property in the first
18 degree:

19 "a. The theft is a common plan or scheme by one or
20 more persons; and

21 "b. The object of the common plan or scheme is to
22 sell or transfer the property to another person or business
23 that buys the property with knowledge or reasonable belief
24 that the property is stolen; and

25 "c. The aggregate value of the property stolen is at
26 least one thousand dollars (\$1,000) within a 180-day period.

1 "(2) If the offense under this subsection involves
2 two or more counties, prosecution may be commenced in any one
3 of those counties in which the offense occurred or in which
4 the property was disposed.

5 "(d) Theft of property in the first degree is a
6 Class B felony.

7 "§13A-8-4.

8 "(a) The theft of property ~~which exceeds five~~
9 ~~hundred dollars (\$500)~~ between one thousand five hundred
10 dollars (\$1,500) in value ~~but does not exceed and~~ two thousand
11 five hundred dollars (\$2,500) in value, and which is not taken
12 from the person of another, constitutes theft of property in
13 the second degree.

14 "(b) Theft of property in the second degree is a
15 Class C felony.

16 "~~(c) The theft of a credit card or a debit card,~~
17 ~~regardless of its value, constitutes theft of property in the~~
18 ~~second degree.~~

19 "~~(d)~~ (c) The theft of a firearm, rifle, or shotgun,
20 regardless of its value, constitutes theft of property in the
21 second degree.

22 "~~(e)~~ (d) The theft of any substance controlled by
23 Chapter 2 of Title 20 or any amendments thereto, regardless of
24 value, constitutes theft of property in the second degree.

25 "~~(f)~~ (e) The theft of any livestock which includes
26 cattle, swine, equine or equidae, or sheep, regardless of

1 their value, constitutes theft of property in the second
2 degree.

3 ~~"(g) Notwithstanding subsection (a), the theft of~~
4 ~~property which exceeds two hundred fifty dollars (\$250) in~~
5 ~~value but does not exceed two thousand five hundred dollars~~
6 ~~(\$2,500) in value, and which is not taken from the person of~~
7 ~~another, where the defendant has previously been convicted of~~
8 ~~a theft of property in the first or second degree or receiving~~
9 ~~stolen property in the first or second degree, constitutes~~
10 ~~theft of property in the second degree.~~

11 "§13A-8-5.

12 "(a) The theft of property which does not exceed
13 five hundred dollars (\$500) in value and which is not taken
14 from the person of another constitutes theft of property in
15 the ~~third~~ fourth degree.

16 "(b) Theft of property in the ~~third~~ fourth degree is
17 a Class A misdemeanor.

18 "§13A-8-8.

19 "(a) The theft of lost property ~~which exceeds five~~
20 ~~hundred dollars (\$500)~~ between one thousand five hundred
21 dollars (\$1,500) in value ~~but does not exceed~~ and two thousand
22 five hundred dollars (\$2,500) in value constitutes theft of
23 lost property in the second degree.

24 "(b) Theft of lost property in the second degree is
25 a Class C felony.

26 "§13A-8-9.

1 "(a) The theft of lost property which does not
2 exceed five hundred dollars (\$500) in value constitutes theft
3 of lost property in the ~~third~~ fourth degree.

4 "(b) Theft of lost property in the ~~third~~ fourth
5 degree is a Class A misdemeanor.

6 "§13A-8-10.2.

7 "(a) The theft of services ~~which exceeds five~~
8 ~~hundred dollars (\$500)~~ between one thousand five hundred
9 dollars (\$1,500) in value ~~but does not exceed~~ and two thousand
10 five hundred dollars (\$2,500) in value constitutes theft of
11 services in the second degree.

12 "(b) Theft of services in the second degree is a
13 Class C felony.

14 "§13A-8-10.3.

15 "(a) The theft of services which does not exceed
16 five hundred dollars (\$500) in value constitutes theft of
17 services in the ~~third~~ fourth degree.

18 "(b) Theft of services in the ~~third~~ fourth degree is
19 a Class A misdemeanor.

20 "§13A-8-18.

21 "(a) Receiving stolen property:

22 "(1) Which ~~exceeds five hundred dollars (\$500)~~ is
23 between one thousand five hundred dollars (\$1,500) in value
24 ~~but does not exceed~~ and two thousand five hundred dollars
25 (\$2,500) in value; or

1 "(2) Of any value under the circumstances described
2 in subdivision (b) (3) of Section 13A-8-16; constitutes
3 receiving stolen property in the second degree; ~~or.~~

4 "~~(3) Notwithstanding subdivision (1) of subsection~~
5 ~~(a), receiving stolen property which exceeds two hundred fifty~~
6 ~~dollars (\$250) in value but does not exceed two thousand five~~
7 ~~hundred dollars (\$2,500) in value where the defendant has~~
8 ~~previously been convicted of theft of property in the first or~~
9 ~~second degree or receiving stolen property in the first or~~
10 ~~second degree, constitutes receiving stolen property in the~~
11 ~~second degree.~~

12 "(b) Receiving stolen property in the second degree
13 is a Class C felony.

14 "§13A-8-19.

15 "(a) Receiving stolen property which does not exceed
16 five hundred dollars (\$500) in value constitutes receiving
17 stolen property in the ~~third~~ fourth degree.

18 "(b) Receiving stolen property in the ~~third~~ fourth
19 degree is a Class A misdemeanor.

20 "§13A-9-3.

21 "(a) A person commits the crime of forgery in the
22 second degree if, with intent to defraud, he or she falsely
23 makes, completes or alters a written instrument which is or
24 purports to be, or which is calculated to become or to
25 represent if completed:

26 "(1) A deed, will, codicil, or contract, ~~assignment~~
27 ~~or a check, draft, note or other commercial instrument~~ which

1 does or may evidence, create, transfer, terminate or otherwise
2 affect a legal right, interest, obligation or status; or

3 "(2) A public record, or an instrument filed or
4 required or authorized by law to be filed in a public office
5 or with a public employee; or

6 "(3) A written instrument officially issued or
7 created by a public office, public employees or government
8 agency.

9 "(b) Forgery in the second degree is a Class C B
10 felony.

11 "§13A-9-4.

12 (a) A person commits the crime of forgery in the
13 ~~third~~ fourth degree if, with intent to defraud, he or she
14 falsely makes, completes or alters a written instrument.

15 (b) Forgery in the ~~third~~ fourth degree is a Class A
16 misdemeanor.

17 "§13A-9-6.

18 "(a) A person commits the crime of criminal
19 possession of a forged instrument in the second degree if he
20 or she possesses or utters any forged instrument of a kind
21 specified in Section 13A-9-3 with knowledge that it is forged
22 and with intent to defraud.

23 "(b) Criminal possession of a forged instrument in
24 the second degree is a Class C B felony.

25 "§13A-9-7.

26 "(a) A person commits the crime of criminal
27 possession of a forged instrument in the ~~third~~ fourth degree

1 if he or she possesses or utters a forged instrument of a kind
2 covered in Section 13A-9-4 with knowledge that it is forged
3 and with intent to defraud.

4 "(b) Criminal possession of a forged instrument in
5 the ~~third~~ fourth degree is a Class A misdemeanor.

6 "§13A-9-14.

7 "(a) A person commits the crime of illegal
8 possession of a credit or debit card if, knowing that he or
9 she does not have the consent of the owner, he or she takes,
10 exercises control over, or otherwise uses the card.

11 "(b) A person commits the crime of fraudulent use of
12 a credit card or debit card if he or she uses, attempts to
13 use, or allows to be used, a credit card or debit card for the
14 purpose of obtaining property, services, or anything else of
15 value with knowledge that:

16 "(1) The card is stolen; or

17 "(2) The card has been revoked or cancelled; or

18 "(3) For any other reason the use of the card is
19 unauthorized by either the issuer or the person to whom the
20 credit card or debit card is issued. The mere use by the
21 original issuee of a credit card or debit card which has
22 expired is not within the provisions of subdivision (b) (3) of
23 this section.

24 "(c) "Credit card" means any instrument or device,
25 including a card to obtain telecommunication services, whether
26 known as a credit card, credit plate, bank service card,
27 banking card, check guarantee card, welfare card, a card used

1 to facilitate the transfer of government benefits such as an
2 electronic benefit transfer card (EBT card) or similar card,
3 or a debit card, or by any other name, including an account
4 number, issued with or without fee by an issuer for the use of
5 the cardholder in obtaining money, goods, services, or
6 anything else of value, including telecommunication services,
7 on credit or for use in an automated banking device to obtain
8 any of the services offered through the device.

9 "(d) "Debit card" means any instrument or writing or
10 other evidence known by any name issued with or without fee by
11 an issuer for the use of a depositor in obtaining money,
12 goods, services, or anything else of value, payment of which
13 is made against funds previously deposited in an account with
14 the issuer.

15 "(e) Illegal possession of or fraudulent use of a
16 credit card or debit card is a Class C D felony.

17 "§13A-12-211.

18 "(a) A person commits the crime of unlawful
19 distribution of controlled substances if, except as otherwise
20 authorized, he or she sells, furnishes, gives away, delivers,
21 or distributes a controlled substance enumerated in Schedules
22 I through V.

23 "(b) Unlawful distribution of controlled substances
24 is a Class B felony.

25 "(c) A person commits the crime of unlawful
26 possession with intent to distribute a controlled substance
27 if, except as otherwise authorized by law, he or she knowingly

1 possesses any of the following quantities of a controlled
2 substance:

3 "(1) More than eight grams, but less than 28 grams,
4 of cocaine or of any mixture containing cocaine.

5 "(2) More than two grams, but less than four grams,
6 of any morphine, opium, or any salt, isomer, or salt of an
7 isomer thereof, including heroin.

8 "(3) More than eight grams, but less than 28 grams,
9 of 3,4-methylenedioxy amphetamine, or of any mixture
10 containing 3,4-methylenedioxy amphetamine.

11 "(4) More than eight grams, but less than 28 grams,
12 of 5-methoxy-3, 4-methylenedioxy amphetamine, or of any
13 mixture containing 5-methoxy-3, 4-methylenedioxy amphetamine.

14 "(5) More than eight grams, but less than 28 grams,
15 of amphetamine or any mixture containing amphetamine, its
16 salt, optical isomer, or salt of its optical isomer thereof.

17 "(6) More than eight grams, but less than 28 grams,
18 of methamphetamine or any mixture containing methamphetamine,
19 its salts, optical isomers, or salt of its optical isomers
20 thereof.

21 "(d) Unlawful possession with intent to distribute a
22 controlled substance is a Class B felony.

23 "(e) A person commits the crime of unlawful
24 possession with intent to distribute marihuana if, except as
25 otherwise provided by law, he or she knowingly possesses over
26 one pound but no more than 2.2 pounds of marihuana. Intent to
27 distribute may be inferred from the quantity of marihuana in

1 the person's possession, the way in which the marihuana is
2 packaged, and other circumstances surrounding the arrest.

3 "(f) Unlawful possession with intent to distribute
4 marihuana is a Class B felony.

5 "§13A-12-212.

6 "(a) A person commits the crime of unlawful
7 possession of controlled substance if:

8 "(1) Except as otherwise authorized, he or she
9 possesses a controlled substance enumerated in Schedules I
10 through V.

11 "(2) He or she obtains by fraud, deceit,
12 misrepresentation, or subterfuge or by the alteration of a
13 prescription or written order or by the concealment of a
14 material fact or by the use of a false name or giving a false
15 address, a controlled substance enumerated in Schedules I
16 through V or a precursor chemical enumerated in Section
17 20-2-181.

18 "(b) Unlawful possession of a controlled substance
19 is a Class C D felony.

20 "§13A-12-213.

21 "(a) A person commits the crime of unlawful
22 possession of marihuana in the first degree if, except as
23 otherwise authorized:

24 "(1) He or she possesses marihuana for other than
25 personal use; or

26 "(2) He or she possesses marihuana for his or her
27 personal use only after having been previously convicted of

1 unlawful possession of marihuana in the second degree or
2 unlawful possession of marihuana for his or her personal use
3 only.

4 "(b) Unlawful possession of marihuana in the first
5 degree is a Class E D felony."

6 "§13A-12-291.

7 "(a) A driver's license shall be suspended pursuant
8 to Section 13A-12-290 for conviction of, adjudication of, or a
9 finding of delinquency based on, the following crimes:

10 "(1) Criminal solicitation to commit ~~a controlled~~
11 ~~substance crime under Section 13A-12-202~~ the crime of
12 trafficking in specified substances under Section 13A-12-231
13 or unlawful possession with intent to distribute a controlled
14 substance under subsections (c) and (d) of Section 13A-12-211.

15 "(2) Attempt to commit ~~a controlled substance crime~~
16 ~~under Section 13A-12-203~~ the crime of trafficking in specified
17 substances under Section 13A-12-231 or unlawful possession
18 with intent to distribute a controlled substance under
19 subsections (c) and (d) of Section 13A-12-211.

20 "(3) Criminal conspiracy to commit ~~a controlled~~
21 ~~substance crime under Section 13A-12-204~~ the crime of
22 trafficking in specified substances in Section 13A-12-231.

23 "~~(4) Unlawful distribution of controlled substances~~
24 ~~under Section 13A-12-211.~~

25 "~~(5) Unlawful possession or receipt of controlled~~
26 ~~substances under Section 13A-12-212.~~

1 ~~"(6) Unlawful possession of marihuana in the first~~
2 ~~degree under Section 13A-12-213.~~

3 ~~"(7) Unlawful possession of marihuana in the second~~
4 ~~degree under Section 13A-12-214.~~

5 ~~"(8) Sale or furnishing of controlled substances by~~
6 ~~persons over age 18 to persons under age 18 under Section~~
7 ~~13A-12-215.~~

8 ~~"(9) (4) Trafficking in specified substances under~~
9 ~~Section 13A-12-231.~~

10 "(5) Unlawful possession with intent to distribute a
11 controlled substance under subsections (c) and (d) of Section
12 13A-12-211.

13 ~~"(10) (b) Driving~~ The suspension of a driver's
14 license for driving under the influence of a controlled
15 substance, or under the combined influence of a controlled
16 substance and alcohol ~~under Sections 32-5A-191(a)(3) and~~
17 ~~32-5A-191(a)(4)~~ pursuant to Section 32-5A-191 shall be
18 governed by that section.

19 Section 3. Sections 14-14-5, 15-8-8, 15-18-171,
20 15-18-172, 15-18-174, 15-18-176, 15-18-180, 15-18-182,
21 15-22-24, 15-22-26, 15-22-28, 15-22-29, 15-22-31, 15-22-32,
22 15-22-33, 15-22-36, 15-22-36.2, 15-22-37, 15-22-51, 15-22-52,
23 15-22-53, and 15-22-54, Code of Alabama 1975, are hereby
24 amended to read as follows:

25 "§14-14-5.

26 "(a) An inmate, or any concerned person, including,
27 but not limited to, the inmate's attorney, family, physician,

1 or an employee or official of the department may initiate
2 consideration for medical furlough by submitting to the
3 department an initial medical release application form along
4 with supporting documentation.

5 "(b) (1) The initial application form shall include
6 the report of a physician or physicians employed by the
7 department or its health care provider and a notarized report
8 of at least one other duly licensed physician who is board
9 certified in the field of medicine for which the inmate is
10 seeking a medical furlough and who is not an employee of the
11 department. These reports shall each be of the opinion that
12 the inmate is either terminally ill, permanently
13 incapacitated, or that the inmate suffers from a chronic
14 infirmity, illness, or disease related to aging.

15 "(2) The commissioner shall provide the initial
16 application and medical authorization forms to all department
17 medical care providers, and the forms shall be available at
18 every correctional facility for distribution to inmates.

19 "(c) Consideration for medical furlough shall be
20 initiated by the submission of an application from the
21 department, the inmate, or the inmate's representative, along
22 with the department's supporting documentation to the
23 commissioner.

24 "(d) If the appropriate medical documentation
25 pursuant to subsection (b) has indicated that the inmate is
26 permanently incapacitated or terminally ill, the commissioner,
27 within 30 days of receipt of an initial application form,

1 shall make a decision. The initial application form and
2 supporting document of inmates, who have been diagnosed by a
3 physician as suffering from a chronic illness or disease
4 related to aging, shall be submitted to the commissioner
5 within 60 days of receipt of the application by the
6 department. Supporting documentation shall include information
7 concerning the inmate's medical history and prognosis, age,
8 and institutional behavior. At the inmate's request, the
9 department shall also provide a copy of all supporting
10 documentation to the inmate.

11 "(e) In determining eligibility factors for a
12 medical furlough, the commissioner shall take into
13 consideration all of the following factors:

14 "(1) Risk for violence.

15 "(2) Criminal history.

16 "(3) Institutional behavior.

17 "(4) Age of the inmate, currently and at the time of
18 the offense.

19 "(5) Severity of the illness, disease, or
20 infirmities.

21 "(6) All available medical and mental health
22 records.

23 "(7) Release plans, which include alternatives to
24 caring for terminally ill or permanently incapacitated inmates
25 in traditional prison settings.

26 "(f) The commissioner shall notify the district
27 attorney of the jurisdiction where the inmate was last

1 sentenced of the consideration of an inmate for a medical
2 furlough and afford the district attorney where the crime was
3 prosecuted a reasonable opportunity to object. The
4 commissioner ~~shall also notify the victim or victims of the~~
5 ~~crimes listed in paragraphs a. to i., inclusive, of~~
6 ~~subdivision (1) of subsection (e) of Section 15-22-36, for~~
7 ~~which the defendant is currently incarcerated, of the review~~
8 ~~to consider a medical furlough. Notice shall be sent by~~
9 ~~certified mail, return receipt requested, to the victim or~~
10 ~~victims named in the indictment, when a furlough is being~~
11 considered, shall also provide notification to the victim,
12 victim's representative, or other interested individual using
13 the automated victim notification system as provided in
14 Section 15-22-36 and Section 15-22-36.2 and shall give the
15 victim, victim's representative, or other interested party a
16 reasonable opportunity to object.

17 "(g) The commissioner shall make a determination
18 whether to grant medical furlough for terminally ill inmates
19 within 30 days of receipt of an initial application and
20 supporting documentation.

21 "(h) The commissioner shall make a determination
22 whether to grant medical furlough for permanently
23 incapacitated inmates within 30 days of receipt of an initial
24 application and supporting documentation.

25 "(i) The commissioner shall make a determination on
26 whether to grant medical furlough for geriatric inmates within

1 30 days of receipt of the application and supporting
2 documentation from the department.

3 "§15-18-8.

4 "(a) When a defendant is convicted of an offense
5 that constitutes a Class A or B felony offense, other than a
6 ~~criminal~~ sex offense involving a child as defined in Section
7 ~~15-20-21(5)~~ 15-20A-4, ~~which constitutes a Class A or B felony~~
8 and receives a sentence of 20 years or less in any court
9 having jurisdiction to try offenses against the State of
10 Alabama and the judge presiding over the case is satisfied
11 that the ends of justice and the best interests of the public
12 as well as the defendant will be served thereby, he or she may
13 order:

14 "(1) That the convicted defendant be confined in a
15 prison, jail-type institution, or treatment institution for a
16 period not exceeding three years in cases where the imposed
17 sentence is not more than 15 years, and that the execution of
18 the remainder of the sentence be suspended notwithstanding any
19 provision of the law to the contrary and that the defendant be
20 placed on probation for such period and upon such terms as the
21 court deems best. In cases involving an imposed sentence of
22 greater than 15 years, but not more than 20 years, the
23 sentencing judge may order that the convicted defendant be
24 confined in a prison, jail-type institution, or treatment
25 institution for a period not exceeding five years, but not
26 less than three years, during which the offender shall not be
27 eligible for parole or release because of deduction from

1 sentence for good behavior under the Alabama Correctional
2 Incentive Time Act, and that the remainder of the sentence be
3 suspended notwithstanding any provision of the law to the
4 contrary and that the defendant be placed on probation for the
5 period upon the terms as the court deems best.

6 "(2) That the convicted defendant may be confined,
7 upon consultation with the Commissioner of the Alabama
8 Department of Corrections (hereinafter called department) in a
9 disciplinary, rehabilitation, conservation camp program
10 (hereinafter called program) of the department. The convicted
11 defendant shall be received into the department in accordance
12 with applicable department rules and regulations and may be
13 placed in the program after completion of this initial
14 reception. The program shall be not less than 90 days nor more
15 than 180 days in duration and shall be operated in accordance
16 with department rules and regulations and as otherwise
17 provided for by law. The commissioner of the department or his
18 or her designee shall report to the district attorney and the
19 sentencing court of each convicted defendant whether or not
20 the convicted defendant completes or does not complete the
21 program with any additional information that the commissioner
22 or his or her designee shall wish to provide the court. Upon
23 receipt of this report , and with no objection by the district
24 attorney filed within 10 days of receipt of this report, the
25 sentencing court may, upon its own order, suspend the
26 remainder of the sentence and place the convicted defendant on
27 probation as provided herein or order the convicted defendant

1 to be confined to a prison, jail-type institution, or
2 treatment institution for a period not to exceed three years
3 and that the execution of the remainder of the sentence be
4 suspended and the defendant be placed on probation for such
5 period and upon such terms as the court deems best. If the
6 sentencing court imposes additional confinement, as outlined
7 above, credit shall be given for the actual time spent by the
8 convicted defendant in the program. Conviction of an offense
9 or prior offense of murder, manslaughter, rape first degree,
10 kidnapping first degree, sodomy first degree, enticing a child
11 to enter vehicle, house, etc., for immoral purposes, a sex
12 offense involving a child as defined in Section 15-20A-4,
13 arson first degree, robbery first degree, burglary first
14 degree, any other Class A felony, and sentencing of life or
15 life without parole will not be eligible for this program. It
16 shall be the duty of the Joint Prison Committee as established
17 by Sections 29-2-20 to 29-2-22, inclusive, to annually review
18 the operation of the program and report their findings to the
19 Alabama Legislature.

20 "(b) Unless a defendant is sentenced to probation,
21 drug court, or a pretrial diversion program, when a defendant
22 is convicted of an offense that constitutes a Class C or D
23 felony offense, the judge presiding over the case shall order:

24 "(1) That the convicted defendant be confined in a
25 prison, jail-type institution, treatment institution, or
26 community corrections program for a Class C felony offense or
27 in a community corrections program for a Class D felony

1 offense for a period not exceeding two years, and that the
2 execution of the remainder of the sentence be suspended
3 notwithstanding any provision of the law to the contrary and
4 that the defendant be placed on probation for a period not
5 exceeding three years and upon such terms as the court deems
6 best; or

7 "(2) That the convicted defendant shall be confined,
8 upon consultation with the department, in a program, as
9 defined in subdivision (2) of subsection (a), of the
10 department. The convicted defendant shall be received into the
11 department in accordance with applicable department rules and
12 regulations and shall be placed in the program after
13 completion of this initial reception. The program shall be not
14 less than 90 days nor more than 180 days in duration and shall
15 be operated in accordance with department rules and
16 regulations and as otherwise provided for by law. The
17 commissioner of the department or his or her designee shall
18 report to the district attorney and the sentencing court of
19 each convicted defendant whether or not the convicted
20 defendant completes or does not complete the program with any
21 additional information that the commissioner or his or her
22 designee shall wish to provide the court. Upon receipt of this
23 report, and with no objection by the district attorney filed
24 within 10 days of receipt of this report, the sentencing court
25 may, upon its own order, suspend the remainder of the sentence
26 and place the convicted defendant on probation not exceeding
27 three years or order the convicted defendant to be confined to

1 a prison, jail-type institution, treatment institution or
2 community corrections program for a Class C felony offense or
3 a community corrections program for a Class D felony offense
4 for a period not to exceed two years and the execution of the
5 remainder of the sentence be suspended and the defendant be
6 placed on probation for a period not exceeding three years. If
7 the sentencing court imposes additional confinement, as
8 outlined above, credit shall be given for the actual time
9 spent by the convicted defendant in the program. Conviction of
10 a prior offense of murder, manslaughter, rape first degree,
11 kidnapping first degree, sodomy first degree, enticing a child
12 to enter vehicle, house, etc., for immoral purposes, a sex
13 offense involving a child as defined in Section 15-20A-4,
14 arson first degree, robbery first degree, burglary first
15 degree, any other Class A felony, and sentencing of life or
16 life without parole will not be eligible for this program. It
17 shall be the duty of the Joint Prison Committee as established
18 by Sections 29-2-20 to 29-2-22, inclusive, to annually review
19 the operation of the program and report their findings to the
20 Alabama Legislature.

21 "(c) In counties or jurisdictions where no community
22 corrections program exists or resources from a community
23 investment are not complete, a county or jurisdiction may
24 enter into a compact or contract with other counties to create
25 a multi-jurisdiction community corrections facility that meets
26 the needs and resources of each county or jurisdiction or
27 enter into a compact or contract with a county or jurisdiction

1 that has a community corrections program to provide services,
2 as provided in and pursuant to Article 9 of Chapter 18 of
3 Title 15.

4 ~~"(b)~~ (d) Probation may not be granted for a ~~criminal~~
5 sex offense involving a child as defined in ~~Section~~
6 ~~15-20-21(5)~~ Section 15-20A-4, which constitutes a Class A or B
7 felony. Otherwise, probation may be granted whether the
8 offense is punishable by fine or imprisonment or both. If an
9 offense is punishable by both fine and imprisonment, the court
10 may impose a fine and place the defendant on probation as to
11 imprisonment. Probation may be limited to one or more counts
12 or indictments, but, in the absence of express limitation,
13 shall extend to the entire sentence and judgment.

14 ~~"(c)~~ (e) Regardless of whether the defendant has
15 begun serving the minimum period of confinement ordered under
16 the provisions of ~~subsection~~ subsections (a) or (b), the court
17 shall retain jurisdiction and authority throughout that period
18 to suspend that portion of the minimum sentence that remains
19 and place the defendant on probation, notwithstanding any
20 provision of the law to the contrary and the court may revoke
21 or modify any condition of probation or may change the period
22 of probation.

23 ~~"(d)~~ (f) While incarcerated or on probation and
24 among the conditions thereof, the defendant may be required:

25 "(1) To pay a fine in one or several sums;

1 "(2) To make restitution or reparation to aggrieved
2 parties for actual damages or loss caused by the offense for
3 which conviction was had; and

4 "(3) To provide for the support of any persons for
5 whose support he or she is legally responsible.

6 "~~(e)~~ (g) The defendant's liability for any fine or
7 other punishment imposed as to which probation is granted
8 shall be fully discharged by the fulfillment of the terms and
9 conditions of probation.

10 "~~(f)~~ (h) During any term of probation, the defendant
11 shall report to the probation authorities at such time and
12 place as directed by the judge imposing sentence.

13 "~~(g)~~ (i) No defendant serving a minimum period of
14 confinement ordered under the provisions of ~~subsection~~
15 subsections (a) or (b) shall be entitled to parole or to
16 deductions from his or her sentence under the Alabama
17 Correctional Incentive Time Act, during the minimum period of
18 confinement so ordered; provided, however, that this
19 subsection shall not be construed to prohibit application of
20 the Alabama Correctional Incentive Time Act to any period of
21 confinement which may be required after the defendant has
22 served such minimum period.

23 "§15-18-171.

24 "As used in this article, the following terms shall
25 have the following meanings, respectively, unless the context
26 otherwise requires:

1 "(1) APPLICATION PROCESS AND PROCEDURES. The
2 criteria and guidelines developed by the Department of
3 Corrections for the establishment of community punishment and
4 corrections programs, the granting of funds for programs
5 authorized herein, and the monitoring, evaluation, and review
6 of programs funded herein.

7 "(2) BOARD. The board of directors of the authority
8 or the board of directors of a nonprofit entity.

9 "(3) COMMISSIONER. The Commissioner of the
10 Department of Corrections.

11 "(4) COMMUNITY. The county or counties comprising
12 one or more judicial circuits.

13 "(5) COMMUNITY PUNISHMENT AND CORRECTIONS AUTHORITY.
14 A public corporation organized pursuant to the provisions of
15 this article.

16 "(6) COMMUNITY PUNISHMENT AND CORRECTIONS PROGRAM.
17 Any program designed as an alternative to incarceration and
18 maintained by a county commission or an authority or nonprofit
19 entity for the purpose of punishing and for correcting a
20 person convicted of a felony or misdemeanor or adjudicated a
21 youthful offender and which may be imposed as part of a
22 sanction, including, but not limited to confinement, work
23 release, day reporting, home detention, restitution programs,
24 community service, education and intervention programs, and
25 substance abuse programs.

26 "(7) COMMUNITY PUNISHMENT AND CORRECTIONS PLAN. A
27 document prepared by the county commission or an authority, or

1 nonprofit entity, and submitted to the Department of
2 Corrections in accordance with the requirements set forth in
3 the application process and procedure, which identifies
4 proposed community-based programs to be implemented within the
5 county in accordance with the terms of this article and
6 justifies the funding of such programs with regard to local
7 need and community support.

8 "(8) COUNTY COMMISSION CHAIRPERSON. The chair of the
9 county commission or his or her representative.

10 "(9) COUNTY INMATE. A person convicted of a
11 misdemeanor.

12 "(10) COURT. The trial judge exercising sentencing
13 jurisdiction over an eligible offender under this article and
14 includes any successor of the trial judge.

15 "(11) DEPARTMENT. The Department of Corrections.

16 "(12) DIVISION. The Community Corrections Division
17 of the department.

18 "(13) ELIGIBLE. A person who has committed an
19 offense not excluded by subdivision (14) and who meets the
20 criteria of Section 15-18-175.

21 "(14) EXCLUDED FELONY OFFENDERS. One who is
22 convicted of any of the following felony offenses: Murder,
23 kidnapping in the first degree, rape in the first degree,
24 sodomy in the first degree, arson in the first degree,
25 trafficking in controlled substances, robbery in the first
26 degree, burglary in the first degree, sexual abuse in the
27 first degree, forcible sex crimes, ~~lewd and lascivious acts~~

1 sex offenses upon involving a child as defined in Section
2 15-20A-4, or assault in the first degree if the assault leaves
3 the victim permanently disfigured or disabled.

4 "(15) GOVERNING BODY. With respect to a county, its
5 county commission or other like governing body exercising the
6 legislative functions of a county.

7 "(16) INCORPORATORS. The persons forming a public
8 corporation pursuant to this article.

9 "(17) NONPROFIT ENTITY. Any not-for-profit
10 organization, agency, or other entity other than a community
11 punishment and corrections authority that provides treatment,
12 guidance, training, or other rehabilitation services to
13 individuals, families, or groups in such areas as health,
14 education, vocational training, special education, social
15 services, psychological counseling, and alcohol and drug
16 treatment.

17 "(18) PLAN. The community punishment and corrections
18 plan defined in subdivision (7).

19 "(19) RECIPIENT. Any entity receiving directly or
20 indirectly any financial grant or contractual remuneration
21 under this article.

22 "(20) RENOVATION. The repair, remodeling,
23 alteration, or expansion of existing buildings or structures
24 to make them habitable or suitable for community punishment
25 and corrections program operations, and includes the
26 acquisition and installation of necessary equipment.

1 "(21) RESTITUTION. Payment to the victim who has
2 suffered financial losses as a result of a crime. Restitution
3 shall include, but not be limited to, payment in cash or in
4 kind for the value of stolen or damaged property; for medical
5 expenses due to physical, emotional, or psychological trauma;
6 wages lost as a result of time absent from work; and value of
7 property lost or transferred through theft or exercise of
8 control by deception or fraud.

9 "(22) STATE INMATE. A person convicted of a felony.

10 "(23) USER FEES. Fees assessed against an offender
11 under a community punishment and corrections program to help
12 defray the costs of such programs.

13 "(24) VICTIM SERVICE OFFICER. A person employed to
14 directly assist crime victims and their families with court
15 attendance, restitution, compensation, property return, victim
16 impact statements, and other needs expressed.

17 "(25) YOUTHFUL OFFENDER. A person adjudicated as a
18 youthful offender.

19 "§15-18-172.

20 "(a) A county or group of counties may establish a
21 community punishment and corrections program for state and
22 county inmates or youthful offenders in custody of the county.
23 The program shall be established by a county by resolution
24 adopted by the county commission or by community punishment
25 and corrections authorities or other nonprofit entities as
26 provided herein. The program shall establish the maximum
27 number of offenders who may participate in the program and

1 participation shall be limited to space availability. No
2 offenders may be sentenced or assigned to the program in
3 excess of the maximum number established for the program. No
4 county is obligated to fund any activities of a community
5 corrections program established under this article without an
6 affirmative vote of the affected county commission.

7 "(b) The department may contract with such counties,
8 authorities, or other nonprofit entities as provided herein
9 concerning start-up costs and the costs of maintenance,
10 including medical expenses, of state inmates participating in
11 any program authorized under this article or under any county
12 program functioning pursuant to any state or local act.

13 "(c) The department shall promulgate rules and
14 regulations pursuant to the Alabama Administrative Procedure
15 Act establishing conditions for state inmates' participation
16 in the community punishment and corrections program, the
17 observance of which may be a condition to such participation.

18 "(d) A state inmate incarcerated in a state facility
19 may be approved by the department for participation in a
20 community punishment and corrections program established under
21 this article and be assigned to a program in the county from
22 which the inmate was sentenced if a community punishment and
23 corrections program under this article has been established in
24 that county and if the sentencing judge of the county
25 authorizes the inmate to participate in the program. An inmate
26 may be assigned to a community punishment and corrections
27 program in another county if the presiding judge of the other

1 county and the sentencing judge agree to the assignment and if
2 the county has agreed in the contract to accept inmates
3 originally sentenced in other counties. In the event the
4 sentencing judge is unavailable due to death, retirement, or
5 any other reason, the presiding judge from the sentencing
6 circuit shall act in the sentencing judge's stead. An inmate
7 assigned to a community punishment and corrections program
8 pursuant to this article shall not be eligible for parole
9 consideration.

10 "(e) The department shall annually identify
11 alternatives to community punishment and corrections programs
12 for those counties which have not established a community
13 punishment and corrections program under this article. The
14 department shall publish a list of such alternatives on its
15 website and shall provide a list of such alternatives to each
16 district and circuit court annually.

17 "§15-18-174.

18 "In addition to those otherwise provided by law, the
19 department shall have the following powers, duties, and
20 authority:

21 "(1) Monitor the community punishment and
22 corrections program within the goals and mandates established
23 herein.

24 "(2) Conduct statewide public education programs
25 concerning the purposes and goals as established herein and
26 make an annual report to the Prison Oversight Committee of the
27 Legislature and the Alabama Sentencing Commission regarding

1 the effectiveness of diversion of offenders from state and
2 local correctional institutions. This annual report should
3 also include data showing the impact of diversion of offenders
4 by race, gender, and location of the offender.

5 "(3) Provide technical assistance to local
6 governments, authorities and other nonprofit entities and
7 agencies, and local community punishment and corrections
8 advisory boards regarding development of a community
9 punishment and corrections program.

10 "(4) Develop minimum standards, policies, and
11 administrative rules for the statewide implementation of this
12 article.

13 "(5) Develop and implement by rule an application
14 process and procedure.

15 "(6) Review community punishment and corrections
16 plans and award contracts or grants.

17 "(7) Conduct an audit and annual program evaluation
18 of programs receiving contracts or grants to ensure program
19 accountability.

20 "(8) Require community punishment and corrections
21 plans and programs to incorporate uniform statewide
22 evidence-based practices as defined in Section 12-25-32 when
23 supervising and treating offenders.

24 "(9) Provide training for community punishment and
25 corrections programs and employees relating to offender
26 supervision and the utilization of evidence-based practices as

1 defined in Section 12-25-32 in the supervision and treatment
2 of offenders.

3 "(10) Require community punishment and corrections
4 programs to individualize treatment and supervision based on
5 the offender's risk of reoffending through use of a validated
6 risk and needs assessment, as defined in Section 12-25-32,
7 conducted by the program and to prioritize treatment and
8 supervision resources, as well as behavioral health assessment
9 and treatment referral services, on those offenders which have
10 the highest risk of reoffending as determined by a validated
11 risk and needs assessment.

12 "§15-18-176.

13 "(a) A community punishment and corrections plan
14 shall be developed and submitted to the department which
15 sufficiently documents the local need and support for the
16 proposed program. The community punishment and corrections
17 plan shall have the approval of the county commission in the
18 affected counties prior to submission to the department. Any
19 plan shall specifically state the maximum number of inmates
20 eligible to participate in the program.

21 "(b) The format for any community punishment and
22 corrections plan shall be specified by the division in its
23 application process and procedures. Funding and grant
24 evaluation criteria shall be outlined in the application
25 process and procedures to be developed by the division in
26 order that each applicant may know the basis upon which funds
27 will be granted. The department shall adopt rules pursuant to

1 the Administrative Procedure Act outlining the application
2 process and procedures.

3 "(c) The application process and procedures shall
4 include a performance-based reimbursement funding plan,
5 developed by the department, for funding community punishment
6 and corrections plans that utilize evidence-based practices as
7 defined in Section 12-25-32 in the treatment and supervision
8 of community punishment and corrections program participants
9 and that meet specified recidivism reduction targets as
10 outlined in the application. The performance-based
11 reimbursement plan outlined in the application process and
12 procedures shall also include higher reimbursement rates for
13 community punishment and corrections plans that include
14 behavioral health assessment and treatment referral, to
15 include behavioral and substance abuse treatment, for
16 community punishment and corrections program participants, as
17 well as for local probationers and parolees under the
18 supervision of the Board of Pardons and Paroles. Pursuant to
19 Section 11, the Department of Corrections, along with the
20 Board of Pardons and Paroles, the Department of Public Health,
21 and the Department of Mental Health, shall collaborate with
22 the Office of the Governor to implement the provisions of this
23 subsection relating to behavioral health treatment and
24 substance abuse treatment services, which may be certified or
25 faith-based services.

26 "(d) The application process and procedures shall
27 include a requirement that each community punishment and

1 corrections plan establish guidelines to ensure that the
2 supervision and treatment of offenders participating in a
3 community punishment and corrections program shall be
4 individualized based on the offender's risk of reoffending, as
5 determined through a validated risk and needs assessment as
6 defined in Section 12-25-32, administered by the community
7 punishment and corrections program, and that treatment and
8 supervision resources, as well as behavioral health assessment
9 and treatment referral services, are prioritized based on
10 those offenders which have the highest risk of reoffending.

11 ~~"(c)~~ (e) Participation in the programs set forth in
12 this article is voluntary. Any participating authority, county
13 commission, or other nonprofit entity may notify the director
14 of the division of its intention to withdraw from
15 participation in the community punishment and corrections
16 program contract. The withdrawal will become effective on the
17 last day of the grant year.

18 "§15-18-180.

19 "(a) Community punishment and corrections funds may
20 be used to develop or expand the range of community
21 punishments and services at the local level. Community-based
22 programs shall utilize evidence-based practices, as defined in
23 Section 12-25-32, in the treatment and supervision of program
24 participants. The supervision and treatment of each program
25 participant shall be based on the individual participant's
26 risk of reoffending, as determined through a validated risk
27 and needs assessment as defined in Section 12-25-32,

1 administered by the program. Supervision and treatment of
2 program participants shall include the following:

3 "(1) Use of a validated risk and needs assessment;

4 "(2) Use of assessment results to guide the
5 appropriate dosage of supervision responses consistent with
6 the level of supervision and evidence-based practices used to
7 reduce recidivism; and

8 "(3) Use of practical and suitable methods that are
9 consistent with evidence-based practices to aid and encourage
10 the offender to improve his or her conduct and circumstances
11 so as to reduce the offender's risk of recidivism.

12 "(b) Community-based programs options may include,
13 but are not limited to, the following:

14 "(1) Community service supervision; victim
15 restitution, community detention and restitution centers; day
16 reporting centers; victim-offender reconciliation programs;
17 home confinement/curfew; electronic surveillance; intensive
18 supervision probation; alcohol/drug outpatient treatment and
19 psychiatric counseling.

20 "(2) Short-term community residential treatment
21 options that involve close supervision in a residential
22 setting may include, but are not limited to, the following
23 options: Detoxification centers; community detention centers
24 for special needs offenders and probation and parole
25 violators; and inpatient drug/alcohol treatment.

1 "(3) Residential in-house drug and alcohol treatment
2 for detoxification and residential and nonresidential drug and
3 alcohol counseling.

4 "(4) Individualized services which provide
5 evaluation and treatment for special needs of the population
6 served under this article. The services may include the
7 purchase of psychological, medical, educational, vocational,
8 drug and alcohol urine screening, and client specific plan
9 diagnostic evaluations. Other services which may be pursued on
10 an individualized basis may include, but shall not be limited
11 to, job training, alcohol and drug counseling, individual and
12 family counseling, educational programs leading to a GED
13 certificate, or transportation subsidies.

14 "~~(b)~~ (c) Community punishment and corrections funds
15 may also be used to acquire, renovate, and operate community
16 facilities established to provide the options and services set
17 forth in ~~subsection~~ subsections (a) and (b).

18 "~~(c)~~ (d) Counties, authorities, and other nonprofit
19 entities receiving funding herein may provide or contract with
20 qualified proprietary, nonprofit, or governmental entities for
21 the provision of services under this article.

22 "~~(d)~~ (e) Any options or services established under
23 this article may serve offenders from any county ~~in the~~
24 ~~judicial circuit which has established a program.~~

25 "~~(e)~~ (f) As a part of a community punishment and
26 corrections plan, user fees may be assessed to help defray the
27 cost of the plan. User fees paid by an offender participating

1 in any option or service established under this article shall
2 not diminish the payment of restitution by the offender to the
3 victim of the crime for which he or she was sentenced and
4 shall not diminish fines, court costs, or other court fees
5 unless expressly reduced or remitted by the court.

6 ~~"(f)~~ (g) In the event a defendant is assigned to a
7 work release or other residential punishment program operated
8 by a community corrections provider authorized under this
9 article, the defendant's employer shall send the inmate's
10 wages directly to the community corrections provider
11 responsible for housing the defendant. Of the inmate's
12 earnings, 25 percent of the gross wages shall be applied to
13 costs incident to the inmate's confinement, upkeep, and a
14 minimum of an additional 20 percent shall be applied, 10
15 percent to payment of court costs, fines, court-ordered
16 attorney fees, and other court-ordered fees or assessments,
17 and 10 percent to restitution. The remainder of the inmate's
18 wages may be credited to an account established for the
19 defendant with the community corrections provider and may be
20 paid out for dependent care, savings, and spending money.
21 Modes of accounting and disbursement of these funds shall be
22 addressed in the community punishment and corrections plan.
23 Upon release from a residential program, any balance remaining
24 in the defendant's account shall be returned to the defendant,
25 and the defendant shall remain responsible for paying for any
26 court-ordered monies owed. If the defendant remains under
27 community corrections supervision after his or her release

1 from a residential program, the community corrections provider
2 shall verify that the defendant is paying any remaining
3 court-ordered payments owed.

4 "§15-18-182.

5 "(a) In order to remain eligible for continued grant
6 funding, a recipient must substantially comply with the
7 requirements of this article and the standards and
8 administrative regulations of the department promulgated
9 pursuant to the Administrative Procedure Act defining program
10 effectiveness. Each recipient will participate in ~~an~~ a
11 substantive evaluation to determine local and state program
12 effectiveness. The form of this evaluation will be determined
13 by the ~~director of the division~~ Office of the Governor. The
14 standards, regulations, and evaluations of the department and
15 the Office of the Governor are public records and shall be
16 made available for inspection and copying upon request.

17 "(b) Continued grant funding shall be based on
18 demonstrated effectiveness in reducing the number of
19 commitments of eligible offenders to state penal institutions
20 or local jails which would likely have occurred without the
21 programs funded under this article as evaluated and determined
22 by the Office of the Governor.

23 "(c) Subject to funding availability, each county,
24 participating authority, or other nonprofit entity is eligible
25 to receive additional incentive funding for extending programs
26 if such programs exceed the objectives of this article and the
27 approved community punishment and corrections plan based upon

1 criteria developed by the division and promulgated under its
2 rules pursuant to the Administrative Procedure Act.

3 "(d) If the director of the division determines that
4 there are reasonable grounds to believe that a participating
5 county, authority, or other nonprofit entity is not complying
6 with its plan, or the minimum standards, the director shall
7 give 30 days' written notice to the participating entity, as
8 well as to the county commission in the affected county. If
9 the director finds that such a participating entity is not
10 complying with its plan or the minimum standards established
11 in this article, the director shall require the entity to
12 provide a letter of intent as to how and when specific
13 deficiencies identified by the director will be corrected. If
14 no letter is submitted to the director within the time limit
15 specified, or if the deficiencies are not corrected within 45
16 days after a letter has been submitted to the entity, the
17 director, with the approval of the commissioner and the Office
18 of the Governor, may suspend any part or all of the funding
19 until compliance is achieved.

20 "§15-22-24.

21 "(a) The Board of Pardons and Paroles, hereinafter
22 referred to as "the board," shall be charged with the duty of
23 determining, through use of a validated risk and needs
24 assessment as defined in Section 12-25-32, what prisoners
25 serving sentences in the jails and prisons of the State of
26 Alabama may be released on parole and when and under what
27 conditions. Such board shall also be charged with the duty of

1 supervising all prisoners released on parole from the jails or
2 prisons of the state and of lending its assistance to the
3 courts in the supervision of all prisoners placed on probation
4 by courts exercising criminal jurisdiction and making such
5 investigations as may be necessary in connection therewith, of
6 implementing the use of conducting validated risk and needs
7 assessments as defined in Section 12-25-32 by probation and
8 parole officers, of determining whether violation of parole or
9 probation conditions exist in specific cases, deciding, in the
10 case of parolees, what action should be taken with reference
11 thereto, causing, in the case of probationers, reports of such
12 investigations to be made to the judges of the courts having
13 jurisdiction of the probationers and of aiding parolees and
14 probationers to secure employment. ~~It shall also be the duty~~
15 ~~of the board to personally study the prisoners confined in the~~
16 ~~jails and prisons of the state so as to determine their~~
17 ~~ultimate fitness to be paroled.~~

18 " (b) Between October 1 and December 31 of each year,
19 the board shall make a full report of its activities and
20 functions during the preceding year, and such report shall be
21 prepared in quadruplicate, with one copy thereof lodged with
22 the Governor, one filed in the office of the Secretary of
23 State, one filed in the office of the Department of Archives
24 and History, and one copy retained in the permanent records of
25 the board.

1 "(c) The board may accept grants, devices, bequeaths
2 [bequests] or gifts and make expenditures therefrom for the
3 operations of the board and not individually as board members.

4 "(d) The board shall have the power and authority to
5 enter contracts to accomplish the objectives of the board.

6 "(e) The board ~~may~~ shall adopt policy and procedural
7 guidelines for establishing parole consideration eligibility
8 dockets based on ~~its evaluation of a prisoner's prior record,~~
9 ~~nature and severity of the present offense, potential for~~
10 ~~future violence, and community attitude toward the offender~~
11 criteria established by the board pursuant to Section
12 15-22-37.

13 "(f) Any person who, at the time of his retirement,
14 is employed by the Board of Pardons and Paroles as a probation
15 and parole officer, shall receive as part of his retirement
16 benefits, without cost to him, his badge, and pistol.

17 "(g) The board is hereby authorized and empowered to
18 promulgate rules and regulations to establish a program that
19 will authorize the board to expend state moneys not to exceed
20 \$250.00 per year for awarding recognition incentive awards for
21 outstanding employees.

22 "(h) No state official shall appear or otherwise
23 represent an applicant before the board for any consideration
24 or thing of value unless said official was counsel of record
25 for the applicant during a trial or hearing in the regular
26 judicial process that led to said applicant's present status;
27 however, no state official shall be prohibited from appearing

1 without consideration before the board or board panel on
2 behalf of an applicant.

3 "(i) The board shall have the power, authority, and
4 jurisdiction to conditionally transfer a prisoner to the
5 authorities of the federal government or any other
6 jurisdiction entitled to his custody to answer pending charges
7 or begin serving a sentence in response to a properly filed
8 detainer from the other jurisdiction. Such conditionally
9 transferred prisoner shall remain in the legal custody of the
10 warden of the institution from which he was transferred.
11 Should any such conditionally transferred prisoner satisfy all
12 detainers against him prior to completion of his Alabama
13 sentence, said prisoner shall not be released from custody
14 without further order of the Board of Pardons and Paroles.

15 "(j) The board and its agents shall have the power
16 and authority to administer oaths and affirmation, examine
17 witnesses and receive evidence on all matters to be considered
18 by the board.

19 "(k) The board shall develop and adopt guidelines
20 and policies to ensure that any treatment programs or
21 providers utilized by the board in the supervision of
22 probationers and parolees implement evidence-based practices,
23 as defined in Section 12-25-32, designed to reduce recidivism
24 among such probationers and parolees and shall cooperate with
25 the Office of the Governor in evaluating such programs and
26 providers pursuant to Section 11.

1 "(1) The board shall develop and adopt guidelines
2 and policies to ensure that the supervision and treatment of
3 probationers and parolees shall be based on the individual
4 probationer's or parolee's risk of reoffending, as determined
5 through a validated risk and needs assessment as defined in
6 Section 12-25-32, and that supervision and treatment resources
7 of the board are prioritized to focus on those probationers
8 and parolees with the highest risk of reoffending. To this
9 end, it shall be the goal of the board to maximize case
10 supervision practices such that no probation and parole
11 officer is assigned more than 20 active high-risk cases at any
12 one time. Supervision and treatment of probationers and
13 parolees shall include the following:

14 "(1) Use of a validated risk and needs assessment;

15 "(2) Use of assessment results to guide the
16 appropriate dosage of supervision responses consistent with
17 the level of supervision and evidence-based practices used to
18 reduce recidivism;

19 "(3) Collateral and personal contacts with the
20 probationer or parolee and community that may be unscheduled
21 and that shall occur as often as needed based on the
22 probationer's or parolee's supervision level, which, in turn,
23 should be based on risk of reoffense. Such contacts shall
24 serve the purpose of keeping supervising officers informed of
25 the probationer's or parolee's conduct, compliance with
26 conditions, and progress in community-based intervention;

1 "(4) Case planning for each probationer or parolee
2 based on risk of reoffense and needs identified and
3 prioritized based on associated risk; and

4 "(5) Use of practical and suitable methods that are
5 consistent with evidence-based practices to aid and encourage
6 the probationer or parolee to improve his or her conduct and
7 circumstances so as to reduce his or her level of risk.

8 "(m) The board shall require all probation and
9 parole officers employed on the effective date of this act to
10 complete the training requirements set forth in this
11 subsection on or before January 1, 2017. All probation and
12 parole officers hired after the effective date of this act
13 shall complete the training requirements set forth in this
14 subsection within two years of their hire date. The training
15 and professional development services shall include:

16 "(1) Assessment techniques;

17 "(2) Case planning;

18 "(3) Risk reduction strategies;

19 "(4) Effective communication skills;

20 "(5) Behavioral health needs;

21 "(6) Application of core correctional practices,
22 including motivational interviewing, cognitive restructuring,
23 structured skill building, problem solving, reinforcement and
24 use of authority;

25 "(7) Training for supervising officers to become
26 training capacity in the state; and

1 "(8) Other topics identified by the board as
2 evidence-based practices as defined in Section 12-25-32.

3 "§15-22-26.

4 "(a) No prisoner shall be released on parole merely
5 as a reward for good conduct or efficient performance of
6 duties assigned in prison, but only if the Board of Pardons
7 and Paroles is of the opinion that ~~there is reasonable~~
8 probability that, if such prisoner is released, he will live
9 and remain at liberty without violating the law and that his
10 release is not incompatible with the welfare of society. the
11 prisoner meets criteria and guidelines established by the
12 board to determine a prisoner's fitness for parole. The
13 guidelines shall serve as an aid in the parole decision
14 process and shall promote the use of prison space for the most
15 violent and greatest risk offenders. The guidelines shall be
16 structured, actuarially based, and reviewed every three years
17 by the board and include, but not be limited to, the
18 following:

19 "(1) The prisoner's risk to reoffend, based upon a
20 validated risk and needs assessment as defined in Section
21 12-25-32;

22 "(2) Progress by the prisoner and the Department of
23 Corrections to plan for reentry;

24 "(3) Participation in risk-reduction programs while
25 incarcerated;

26 "(4) Institutional behavior of the prisoner while
27 incarcerated; and

1 "(5) Severity of the underlying offense for which
2 the prisoner was sentenced to incarceration.

3 " (b) If the board shall so determine, such prisoner
4 shall be allowed to go upon parole outside of prison walls and
5 enclosure upon such terms and conditions as the board shall
6 prescribe, but to remain while thus on parole in the legal
7 custody of the warden of the prison from which he is paroled
8 until the expiration of the maximum term specified in his
9 sentence or until he is fully pardoned.

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

23 "§15-22-28.

24 "(a) It shall be the duty of the Board of Pardons
25 and Paroles, upon its own initiative, to make an investigation
26 of any and all prisoners confined in the jails and prisons of
27 the state, through use of a validated risk and needs

1 assessment as defined in Section 12-25-32, with a view of
2 determining the feasibility of releasing the prisoners on
3 parole and effecting their reclamation. Reinvestigations shall
4 be made from time to time as the board may determine or as the
5 ~~Board~~ Department of Corrections may request. The
6 investigations shall include such reports and other
7 information as the board may require from the ~~Board~~ Department
8 of Corrections or any of its officers, agents or employees.

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

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

25 "(d) No prisoner shall be released on parole except
26 by a majority vote of the board ~~, nor unless the board is~~
27 ~~satisfied that he will be suitably employed in self-sustaining~~

1 ~~employment or that he will not become a public charge if so~~
2 ~~released.~~ The board shall not parole any prisoner for
3 employment by any official of the State of Alabama, nor shall
4 any parolee be employed by an official of the State of Alabama
5 and be allowed to remain on parole; provided, however, that
6 this provision shall not apply in the case of a parolee whose
7 employer, at the time of the parolee's original employment,
8 was not a state official.

9 "(e) The board shall not grant a parole to any
10 prisoner who has not served at least one third or 10 years of
11 his sentence, whichever is the lesser, except by a unanimous
12 affirmative vote of the board.

13 "§15-22-29.

14 "(a) The Board of Pardons and Paroles, in releasing
15 a prisoner on parole, shall specify in writing the conditions
16 of his parole, and a copy of such conditions shall be given to
17 the parolee. A violation of such conditions may render the
18 prisoner liable to arrest and reimprisonment.

19 "(b) The Board of Pardons and Paroles shall adopt
20 general rules with regard to conditions of parole and their
21 violation and may make special rules to govern particular
22 cases. Such rules, both general and special, may include,
23 among other things, a requirement that:

24 "(1) The parolee shall not leave the state without
25 the consent of the board;

26 "(2) He or she shall contribute to the support of
27 his or her dependents to the best of his or her ability;

1 "(3) He or she shall make reparation or restitution
2 for his or her crime;

3 "(4) He or she shall abandon evil associates and
4 ways; ~~and~~

5 "(5) He or she shall carry out the instructions of
6 his or her parole officer and in general so comport himself or
7 herself as such officer shall determine; ~~and~~

8 "(6) He or she shall submit to behavioral treatment,
9 substance abuse treatment, GPS monitoring, other treatment as
10 deemed necessary by the board or the supervising parole
11 officer, and/or a period or periods of confinement in a local
12 confinement facility for a total of no more than six days per
13 month during any three separate months during the period of
14 parole. The six days per month confinement provided for in
15 this subsection shall only be imposed as two-day or three-day
16 consecutive periods at any single time.

17 "§15-22-31.

18 "(a) If the parole officer having charge of a
19 paroled prisoner or any member of the Board of Pardons and
20 Paroles shall have reasonable cause to believe that such
21 prisoner has lapsed, or is probably about to lapse, into
22 criminal ways or company or has violated the conditions of his
23 parole in an important respect, such officer or board member
24 ~~shall~~ may report such fact to the Department of Corrections,
25 which shall thereupon issue a warrant for the retaking of such
26 prisoner and his return to the prison designated.

1 "(b) Any parole officer, police officer, sheriff or
2 other officer with power of arrest, upon the request of the
3 parole officer, may arrest a parolee without a warrant; but,
4 in case of an arrest without a warrant, the arresting officer
5 shall have a written statement by said parole officer setting
6 forth that the parolee has, in his judgment, violated the
7 conditions of parole, in which case such statement shall be
8 sufficient warrant for the detention of said parolee in the
9 county jail or other appropriate place of detention until the
10 warrant issued by the Department of Corrections has been
11 received at the place of his detention; provided, however,
12 that in no case shall a parolee be held longer than 20 days on
13 the order of the parole officer awaiting the arrival of the
14 warrant as provided for in this section.

15 "(c) Any parole officer, any officer authorized to
16 serve criminal process or any peace officer to whom such
17 warrant shall be delivered is authorized and required to
18 execute such warrant by taking such prisoner and returning him
19 to the prison designated by the Department of Corrections,
20 there to be held to await the action of the Board of Pardons
21 and Paroles.

22 "(d) Such officer, other than an officer of the
23 prison or parole officer, shall be entitled to receive the
24 same fees therefor as upon the execution of a warrant of
25 arrest at the place where said prisoner shall be retaken and
26 as for transporting a convict from the place of arrest to the
27 prison, in case such officer also transports the prisoner to

1 the prison. Such fees shall be paid out of the funds standing
2 to the credit of the Department of Corrections.

3 "§15-22-32.

4 "(a) Whenever there is reasonable cause to believe
5 that a prisoner who has been paroled has violated his or her
6 parole, the Board of Pardons and Paroles, at its next meeting,
7 ~~shall~~ may declare the prisoner to be delinquent, and time owed
8 shall date from the delinquency. The ~~warden of each prison~~
9 Department of Corrections, after receiving notice from the
10 sheriff of the county jail where the state prisoner is being
11 held, shall promptly notify the board of the return of a
12 paroled prisoner charged with violation of his or her parole.
13 Thereupon, the board, a single member of the board, a parole
14 revocation hearing officer, or a designated parole officer
15 shall, ~~as soon as practicable,~~ hold a parole court at the
16 prison or at another place as it may determine within 30 days
17 and consider the case of the parole violator, who shall be
18 given an opportunity to appear personally or by counsel before
19 the board or the parole court and produce witnesses and
20 explain the charges made against him or her. The board member,
21 parole revocation hearing officer, or a designated parole
22 officer, acting as a parole court, shall, ~~within a reasonable~~
23 ~~time, conduct the parole revocation hearing to determine~~
24 whether sufficient evidence supports guilt or innocence of the
25 violation charges and ~~may recommend to the board revocation or~~
26 ~~reinstatement of parole. Upon revocation of parole, the board~~
27 ~~may require the prisoner to serve out in prison the balance of~~

1 ~~the term for which he or she was originally sentenced,~~
2 ~~calculated from the date of delinquency or the part thereof as~~
3 ~~it may determine. The delinquent parolee shall be deemed to~~
4 ~~have begun serving the balance of the time required on the~~
5 ~~date of his or her rearrest as a delinquent parolee.~~

6 "(b) Upon finding sufficient evidence to support a
7 parole violation, the parole court may recommend to the board
8 revocation or reinstatement of parole and the board may revoke
9 or reinstate parole. Upon revocation of parole, the board may
10 require the prisoner to serve in prison the balance of the
11 term for which he or she was originally sentenced or any
12 portion thereof, calculated from the date of delinquency. The
13 delinquent parolee shall be deemed to begin serving the
14 balance of the prison time required on the date of his or her
15 rearrest as a delinquent parolee. However, in all cases,
16 excluding violent offenses, defined pursuant to Section
17 12-25-32, and sex offenses, defined pursuant to Section
18 15-20A-5, the parole court may only recommend revocation and
19 the board may only revoke parole as provided below:

20 "(1) When a parolee under supervision of the Board
21 of Pardons and Paroles has violated a condition of parole,
22 other than being arrested or convicted of a new offense or
23 absconding, the parole court may recommend and the board may
24 impose a period of confinement of no more than 30 consecutive
25 days to be served in the custody of the Department of
26 Corrections. Upon completion of the confinement period and
27 release from confinement, the parolee shall automatically

1 continue on parole for the remaining term of the sentence
2 without further action from the board. The parole court shall
3 not recommend and the board shall not revoke parole unless the
4 parolee has previously received a total of three periods of
5 confinement under this subsection. A parolee shall receive
6 only three total periods of confinement under this subsection.
7 The maximum 30 day term of confinement ordered under this
8 subsection shall not be reduced by credit for incarceration
9 time already served in the case. Confinement under this
10 subsection shall be credited to the balance of the
11 incarceration term for which the parolee was originally
12 sentenced. In the event the time remaining on parole
13 supervision is 30 days or less, the term of confinement shall
14 be for the remainder of the parolee's sentence.

15 "(2) The total time spent in confinement under this
16 subsection shall not exceed the term of the parolee's original
17 sentence.

18 "(3) Confinement shall be immediate unless otherwise
19 specified by the board. The board shall be responsible for
20 ensuring that the Department of Corrections receives necessary
21 documentation for imposing a period of confinement within five
22 business days of the board's action.

23 "~~(b)~~ (c) The position of Parole Revocation Hearing
24 Officer is created and established, subject to provisions of
25 the state Merit System.

26 "~~(c)~~ (d) The board may appoint or employ, as the
27 board deems necessary, ~~three~~ hearing officers who shall

1 conduct a parole court ~~with authority to determine guilt and~~
2 ~~recommend revocation of parole or reinstatement of parole to~~
3 ~~the board. Such hearing officers shall have authority to~~
4 ~~determine the sufficiency of evidence to support parole~~
5 ~~violation charges and recommend to the board revocation of~~
6 ~~parole pursuant to subsection (b) or reinstatement of parole.~~
7 ~~The first three appointments shall be provisional appointments~~
8 ~~made by the board pending job analysis and compilation of the~~
9 ~~examination for the state Merit System classification, or a~~
10 ~~licensed practicing attorney with a minimum of 3 years'~~
11 ~~experience practicing criminal law.~~

12 "~~(d)~~ (e) A hearing officer shall receive an annual
13 salary to be determined by the board but not exceeding the
14 maximum salary now or hereafter established for Probation
15 Officer V. The salary and expenses of the hearing officers
16 shall be paid from the State Treasury in the same manner that
17 the salary and expenses of the state Merit System employees
18 are paid.

19 "(f) In lieu of the provisions of subsections (a)
20 and (b), when a parolee violates his or her parole terms and
21 conditions, his or her parole officer may require the parolee
22 to submit to behavioral treatment, substance abuse treatment,
23 GPS monitoring, such other treatment as determined by the
24 board or supervising officer, or a period of confinement in a
25 local confinement facility as specified in subdivision (6) of
26 subsection (b) of Section 15-22-29. The parole officer may

1 exercise such authority after administrative review and
2 approval by the officer's supervisor.

3 "(g) Prior to imposing a punishment provided under
4 subsection (f) and pursuant to subdivision (6) of subsection
5 (b) of Section 15-22-29, the parolee must first be presented
6 with a violation report, putting forth the alleged parole
7 violations and supporting evidence. The parolee may request a
8 hearing before the parole court to be heard in person. The
9 parolee shall be given notice of the right to seek such parole
10 court review and advised of the right (i) to a hearing before
11 a neutral and detached parole court on the alleged violation
12 or violations, with the right to present relevant witnesses
13 and documentary evidence; (ii) to retain and have counsel at
14 the hearing if he or she so desires; and (iii) to confront and
15 cross examine any adverse witnesses. Upon the signing of a
16 waiver of these rights by the parolee and the supervising
17 parole officer, with approval of a supervisor, the parolee may
18 be treated, monitored, or confined for the period recommended
19 in the violation report and designated on the waiver. However,
20 the parolee shall have no right or review if he or she has
21 signed a written waiver of rights as provided in this
22 subsection.

23 "(h) The board shall adopt guidelines and procedures
24 to implement the requirements of this section, which shall
25 include the requirement of a supervisor's approval prior to
26 exercise of the delegation of authority authorized by
27 subsection (f).

1 "§15-22-33.

2 No person released on parole shall be discharged
3 from parole prior to the expiration of the full maximum term
4 for which he was sentenced unless ~~he is sooner fully pardoned~~
5 the Board of Pardons and Paroles chooses to discharge the
6 parolee earlier based on review of the parolee under
7 guidelines established pursuant to subdivision (6) of
8 subsection (b) of Section 15-22-37. The Board of Pardons and
9 Paroles, however, may relieve a prisoner on parole from making
10 further reports and may permit such prisoner to leave the
11 state or county if satisfied that this is for the best
12 interests of society.

13 "§15-22-36.

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

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

26 "(c) No pardon shall relieve one from civil and
27 political disabilities unless specifically expressed in the

1 pardon. No pardon shall be granted unless the prisoner has
2 successfully completed at least three years of permanent
3 parole or until the expiration of his or her sentence if his
4 or her sentence was for less than three years. Notwithstanding
5 the foregoing, a pardon based on innocence may be granted upon
6 the unanimous affirmative vote of the board following receipt
7 and filing of clear proof of his or her innocence of the crime
8 for which he or she was convicted and the written approval of
9 the judge who tried his or her case or district attorney or
10 with the written approval of a circuit judge in the circuit
11 where he or she was convicted if the judge who tried his or
12 her case is dead or no longer serving.

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

1 shall be required to provide the same notice to the Crime
2 Victims Compensation Commission.

3 "(e) (1) Until and unless at least 30 days' written
4 notice of the board's action to be considered has been given
5 by the board to the victim named in the indictment, the
6 victim's representative, ~~or~~ and any other interested
7 ~~individual~~ individuals, after the board has received a request
8 that includes the preferred mode or modes of notification from
9 the victim, the victim's representative, ~~or~~ and other
10 interested ~~individual~~ individuals and is submitted ~~30~~ 45 days
11 or more in advance of the board action to be considered either
12 through the automated victim notification system or by a
13 direct request to the board or other authorized individual,
14 the Board of Pardons and Paroles shall have no power or
15 authority to in any way approve or order any parole, pardon,
16 remission of fine or forfeiture, restoration of civil and
17 political rights, furlough, leave or early release of a person
18 convicted of the following offenses:

19 "a. A Class A felony.

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

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

25 "d. Any felony involving unlawful sexual assault or
26 other unlawful sexual conduct on the person of another.

1 "e. Any felony involving sexual assault, or a lewd
2 or lascivious act upon a child under the age of 16 years or
3 attempt thereof.

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

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

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

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

17 "(2) If, however, the victim, victim's
18 representative, ~~or~~ and other interested individual has not
19 been registered for notice through the automated victim
20 notification system or otherwise made a direct request to the
21 board for notice or to another authorized individual, the
22 victim's information has not been updated, or ~~a~~ particular
23 ~~mode~~ modes of notification ~~has~~ have not been requested at
24 least ~~30~~ 45 days or more in advance of the board's action to
25 be considered, the board shall not be limited in power or
26 authority in any way to approve or order any parole, pardon,
27 remission of fine or forfeiture, restoration of civil and

1 political rights, furlough, leave, or early release of a
2 person convicted of the offenses named in subsection (e)(1)a.
3 to i., inclusive.

4 "(3) The notice shall be given by U.S. certified
5 mail, return receipt requested, U.S. mail, electronic
6 transmission, or by other commonly accepted method of
7 delivery, upon a request made through the automated victim
8 notification system or otherwise upon direct request made to
9 the board or other authorized individual ~~30~~ 45 days or more in
10 advance of the board's action to be considered and shall
11 include:

12 "a. The name of the prisoner or defendant involved.

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

15 "c. The date of the sentence.

16 "d. The court in which the conviction occurred.

17 "e. The sentence imposed.

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

21 "g. The action to be considered by the board.

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

24 "i. The right of the victim named in the indictment,
25 a victim's representative, or if the victim is deceased as a
26 result of the offense, the victim's immediate family, as
27 defined by the board's operating rules, or, in the event there

1 is no immediate family, a relative of a victim, if any, to
2 present his or her views to the board in person or in writing.

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

8 "(4) If a victim, victim's representative, ~~or~~ and
9 otherwise interested individual requests not to be notified,
10 the request shall be made to the Board of Pardons and Paroles
11 in writing or by electronic signature. Confirmation of a
12 request to not be notified shall be provided to the victim so
13 requesting. After a request is received, the board shall
14 provide no further notifications, unless and until the victim,
15 victim's representative, ~~or~~ and otherwise interested
16 individual subsequently requests future notifications, at
17 least ~~30~~ 45 days in advance of the board's action to be
18 considered through the automated victim notification system
19 ~~designated by the board~~ or by contacting the board or other
20 authorized individual in writing, in person, or by telephone.

21 "(5) Should a victim, victim's representative, ~~or~~
22 and otherwise interested person wish to receive notice of any
23 specific board hearing and action taken by the board, if any,
24 in a specific case, the individual may register to request the
25 notice through the automated victim notification system or
26 otherwise request notice by making a direct request to the
27 board or other authorized individual to receive notice at

1 least ~~30~~ 45 days in advance of the board's action to be
2 considered. The individual shall be required to designate his
3 or her preferred mode or modes of communication.

4 "(6) Prior to the sentencing of any defendant
5 convicted of the offenses named in subsection (e)(1)a. to i.,
6 inclusive, and only after the most recent victim information
7 has been furnished to the Board of Pardons and Paroles
8 pursuant to Section 12-17-184(9), in those cases, the
9 probation and parole officer assigned to prepare a
10 pre-sentence or post-sentence investigation report shall at
11 that time register the most recent information for the victim
12 named in the indictment into the automated victim notification
13 system ~~designated by the board~~. In case of a homicide, the
14 information of immediate family members shall be entered into
15 the automated victim notification system ~~designated by the~~
16 ~~board~~. If a surviving victim is a minor, information for
17 parents or guardians shall be entered into the automated
18 victim notification system ~~designated by the board~~. The
19 probation and parole officer assigned to prepare a
20 pre-sentence or post-sentence investigation report shall then
21 report to the sentencing court that all most current victim
22 information has been so registered. The sentencing court shall
23 then record into the case record that the victim information
24 has been entered into the automated victim notification
25 system.

26 "(7) For those cases in which a defendant has been
27 convicted and sentenced prior to the implementation task force

1 determining that the automated victim notification system
2 complies with the requirements of this section and Sections
3 15-22-23 and 15-22-36.2, for any homicide, and Class A felony,
4 except Burglary I in which no victim was present, or any
5 criminal sex offense, as defined by Section 15-20-21(4), the
6 board shall exercise due diligence to locate the victim or
7 victims and register the most recent victim information into
8 the automated victim notification system ~~designated by the~~
9 ~~board~~. If all attempts to locate a victim, or in case of a
10 homicide to locate immediate family member or members, have
11 failed and the agent of the board has certified that due
12 diligence has been exercised, no future location attempts
13 shall be required.

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

21 "(g) Electronic notices as required by this section,
22 Section 14-14-5, Section 15-22-23, Section 15-22-36.2, Section
23 15-22-36.3 and Section 9 shall be produced through the
24 automated notification system developed and maintained by the
25 Alabama Law Enforcement Agency. All data and records required
26 to produce said notices shall be provided to the Alabama Law
27 Enforcement Agency to be incorporated into the automated

1 notification system. Board records and information accessible
2 to the public through the automated notification system shall
3 be limited to those notification items specified in
4 subdivision (3) of subsection (e), as well as the offender's
5 age, sex, race, and unique identifiers. Records concerning the
6 status of supervised offenders on probation and parole shall
7 also be made available to the public, including information on
8 when supervision began, the date the supervision term will
9 end, and information on whether or how supervision was
10 terminated. Otherwise, access to board records and information
11 through the automated notification system shall be limited in
12 use to the legitimate law enforcement purpose of entering and
13 updating contact information on behalf of crime victims,
14 assisting victims with registration, and ensuring victims
15 receive notice. Information and records of the board
16 accessible for law enforcement purposes through the automated
17 notification system, in addition to that available to the
18 public as specified above, shall be limited to the offender's
19 date of birth, the supervising officer's name, the county of
20 residence for those offenders currently supervised in Alabama,
21 and the supervising officer's phone number. Misuse of the
22 automated notification system or records or information
23 contained in the automated notification system shall be
24 subject to criminal prosecution under Article 5A of Chapter 8
25 of Title 13A, as well as Section 41-9-601, Section 41-9-602,
26 and any other law of this state.

27 "§15-22-36.2.

1 "(a) There is hereby created the Victim Notification
2 Implementation Task Force to guide and support the
3 implementation of a statewide automated victim notification
4 system in Alabama. The task force shall be composed of two
5 ~~representatives of crime~~ victims' rights ~~organizations~~
6 advocates designated by the Attorney General and ~~at least~~ one
7 designee from each of the following: The Board of Pardons and
8 Paroles, the Department of Corrections, ~~the Alabama Criminal~~
9 ~~Justice Information Center~~ the Alabama Law Enforcement Agency,
10 the Alabama Crime Victims Compensation Commission, the
11 District Attorneys Association or a district attorney
12 representative, the Attorney General, the Administrative
13 Office of Courts, and any other entity or organization as
14 deemed appropriate by a majority vote of the current
15 representatives composing the task force. The task force shall
16 elect a chair to function as the administrative head. The task
17 force shall meet initially by March 1, 2012, at the call of
18 the Attorney General. The task force shall meet not less than
19 quarterly after January 1, 2012, ~~until December 31, 2015,~~ and
20 otherwise at the call of the chair or a majority vote of the
21 current task force representatives. Pursuant to this section
22 and ~~Sections~~ Section 14-14-5, Section 15-22-23, and Section
23 15-22-36, Section 15-22-36.3, and Section 9, the task force
24 shall be responsible for overseeing the development of the
25 automated victim notification system by the Alabama Law
26 Enforcement Agency and integration of a process to
27 automatically update victim information into the automated

1 victim notification system on a continual basis. The task
2 force shall also oversee a statewide public education and
3 awareness campaign for the implementation of the automated
4 victim notification system and shall be charged with
5 confirming, by majority vote, that the automated victim
6 notification system complies with the requirements of this
7 section and ~~Sections~~ Section 14-14-5, Section 15-22-23, and
8 Section 15-22-36, Section 15-22-36.3, and Section 9. Approval
9 from the task force shall not be required for the validity of
10 any action taken by any entity represented on the task force
11 in the exercise of any of the power or authority granted to it
12 by the Legislature. ~~The task force shall be dissolved~~
13 ~~effective December 31, 2015.~~

14 "(b) Immediately upon approval from the task force
15 by majority vote that the automated notification system
16 complies with the requirements of this section and Section
17 14-14-5, Section 15-22-23, Section 15-22-36, Section
18 15-22-36.3, and Section 9, the task force shall automatically
19 convert to the Victim Notification Oversight Council for the
20 purpose of continuing to provide direction to the State Bureau
21 of Investigations within the Alabama Law Enforcement Agency on
22 development, support, expansion, and maintenance of the
23 automated notification system. The Oversight Council shall
24 consist of those task force representatives serving on the
25 task force, including appointees, at the time of conversion.
26 Upon conversion, no additional representatives may be added,
27 except upon the resignation or inability to serve of an

1 appointee, at which point the Attorney General shall designate
2 the replacement.

3 "(b) (c) The Board of Pardons and Paroles shall have
4 authority to carry out the enforcement of this section and
5 Sections 15-22-23 and 15-22-36, and the Department of
6 Corrections shall have authority to carry out the enforcement
7 of Section 14-14-5, Section 15-22-36.3, and Section 9.

8 "(d) The Alabama Law Enforcement Agency shall be
9 required to develop, support, house, and maintain the
10 automated notification system referenced in this section and
11 Section 14-14-5, Section 15-22-23, Section 15-22-36, Section
12 15-22-36.3, and Section 9 for the use of the Board of Pardons
13 and Paroles and the Department of Corrections to make
14 automated notices as required. The system shall additionally
15 be used to make notices of an offender's change in status or
16 custody, or notices regarding criminal justice proceedings
17 deemed to be in the best interest of Alabama crime victims and
18 public safety, by a majority vote of the task force or, after
19 its conversion, the oversight council. The automatic
20 notification system created by the Alabama Law Enforcement
21 Agency shall be the automated notification system used by the
22 state in making notifications to the Alabama crime victims.

23 "(e) There is hereby created a Victim Notification
24 System Fund in the State Treasury. The fund shall consist of
25 all monies appropriated for the development, expansion,
26 support, and maintenance of the automated victim notification
27 system by the Alabama Law Enforcement Agency. Any monies in

1 the fund may be expended solely for the use of the victim
2 notification system. The Secretary of the Alabama Law
3 Enforcement Agency may expend monies in the Victim
4 Notification System Fund solely at the request and direction
5 of the Victim Notification Implementation Task Force or, after
6 its conversion, the Victim Notification Oversight Council,
7 created by this section.

8 "§15-22-37.

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

20 "(b) The Board of Pardons and Paroles shall adopt
21 and promulgate rules and regulations to:

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

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

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

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

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

4 "(6) Establish criteria, guidelines, and procedures
5 to discharge parolees from parole supervision requirements
6 prior to the expiration of the full maximum term for which the
7 parolee was sentenced, which shall include review of a parolee
8 for discharge from parole supervision at least every two years
9 if the parolee has satisfied all financial obligations owed to
10 the court, including restitution, and has not had his or her
11 supervision revoked.

12 "§15-22-51.

13 "(a) When directed by the court, a probation officer
14 shall fully investigate and report to the court in writing the
15 circumstances of the offense, criminal record, social history
16 and present condition of a defendant through use of a
17 validated risk and needs assessment, as defined in Section
18 15-25-32. No defendant, unless the court shall otherwise
19 direct, shall be placed on probation or released under
20 suspension of sentence until the report of such investigation
21 shall have been presented to and considered by the court;
22 provided, however, that after conviction the court may
23 continue the case for such time as may be reasonably necessary
24 to enable the probation officer to make his investigation and
25 report.

26 "(b) Whenever practicable, such investigation shall
27 include physical and mental examinations of the defendant;

1 and, if such defendant is committed to an institution, a copy
2 of the report of such investigation shall be sent to the ~~Board~~
3 Department of Corrections at the time of commitment; provided,
4 that in all cases where the defendant was on bond prior to the
5 time of the trial and an application for probation is made to
6 the court, then the judge of such court, in his discretion,
7 may suspend the execution of the sentence pending the
8 disposition of the application for probation and continue the
9 defendant under the same bond that he was under or, in his
10 discretion, may raise the bond or lower the same pending the
11 disposition of the application for probation, and such bond
12 shall remain in full force and effect until the application
13 for probation is finally disposed of.

14 "§15-22-52.

15 "(a) The court shall determine and may at any time
16 modify the conditions of probation and may include among them
17 the following or any other conditions. Such conditions may
18 provide that the probationer shall:

19 "(1) Avoid injurious or vicious habits;

20 "(2) Avoid persons or places of disreputable or
21 harmful character;

22 "(3) Report to the probation officer as directed;

23 "(4) Permit the probation officer to visit him or
24 her at his or her home or elsewhere;

25 "(5) Work faithfully at suitable employments as far
26 as possible;

27 "(6) Remain within a specified place;

1 "(7) Pay the fine imposed or costs or such portions
2 thereof as the court may determine and in such installments as
3 the court may direct;

4 "(8) Make reparation or restitution to the aggrieved
5 party for the damage or loss caused by his or her offense in
6 an amount to be determined by the court; ~~and~~

7 "(9) Support his or her dependents to the best of
8 his or her ability; ~~and~~

9 "(10) Submit to behavioral treatment, substance
10 abuse treatment, GPS monitoring, other treatment as deemed
11 necessary by the board or supervising probation officer,
12 and/or a period or periods of confinement in a local
13 confinement facility for a total of no more than six days per
14 month during any three separate months during the period of
15 probation. The six days per month confinement provided for in
16 this subsection shall only be imposed as two-day or three-day
17 consecutive periods at any single time.

18 "(b) Unless the court specifically finds that
19 delegation of authority is not appropriate, the board or
20 supervising probation officer may require an offender to
21 submit to treatment, monitoring, or confinement as provided in
22 subdivision (10) of subsection (a) of this section.

23 "§15-22-53.

24 "(a) A probation officer shall investigate all cases
25 referred to him for investigation by any court or by the Board
26 of Pardons and Paroles and shall report in writing thereon. He
27 shall furnish to ~~each person~~ persons released on probation

1 under his supervision a written statement of the conditions of
2 probation and shall instruct ~~him~~ them regarding the same. Such
3 officer shall keep informed concerning the conduct and
4 condition of each person on probation under his supervision by
5 visiting, requiring reports and in other ways, based on the
6 offender's measured risk of offending, and he shall report
7 thereon in writing as often as the court or the board may
8 require. Such officer shall use all practicable and suitable
9 ~~methods~~ evidence-based practices as defined in Section
10 12-25-32, not inconsistent with the provisions imposed by the
11 court, to aid and encourage persons on probation and to bring
12 about improvements in their conduct and condition. Such
13 officer shall keep detailed records of his work and shall make
14 such reports in writing to the court and the board as they may
15 require. A probation officer shall have, in the execution of
16 his duties, the powers of arrest and the same right to execute
17 process as is now given or may hereafter be given by law to
18 the sheriffs of this state. Supervision and treatment of
19 probationers shall be conducted pursuant to and consistent
20 with the provisions of subsections (k) and (l) of Section
21 15-22-24 and Section 15-22-57.

22 " (b) All reports, records and data assembled by any
23 probation officer and referred to the court shall be
24 privileged and shall not be available for public inspection
25 except upon order of the court to which the same was referred.

1 "(c) In no case shall the right to inspect said
2 report be denied the defendant or his counsel after said
3 report has been completed or filed.

4 "§15-22-54.

5 "(a) The period of probation or suspension of
6 execution of sentence shall be determined by the court, and
7 the period of probation or suspension may be continued,
8 extended, or terminated. However, in no case shall the maximum
9 probation period of a defendant guilty of a misdemeanor exceed
10 two years, nor shall the maximum probation period of a
11 defendant guilty of a felony exceed five years. When the
12 conditions of probation or suspension of sentence are
13 fulfilled, the court shall, by order duly entered on its
14 minutes, discharge the defendant.

15 "(b) The court granting probation may, upon the
16 recommendation of the officer supervising the probationer,
17 terminate all authority and supervision over the probationer
18 prior to the declared date of completion of probation upon
19 showing a continued satisfactory compliance with the
20 conditions of probation over a sufficient portion of the
21 period of the probation. At least every two years, the court
22 shall review the probationer's suitability for discharge from
23 probation supervision if the probationer has satisfied all
24 financial obligations owed to the court, including
25 restitution, and has not had his or her supervision revoked.

26 "(c) At any time during the period of probation or
27 suspension of execution of sentence, the court may issue a

1 warrant and cause the defendant to be arrested for violating
2 any of the conditions of probation or suspension of sentence,
3 upon which the court shall hold a violation hearing. No
4 probationer shall be held in jail awaiting such violation
5 hearing for longer than 30 days, unless new criminal charges
6 are pending.

7 "(d) Except as provided in Chapter 15 of Title 12,
8 any probation officer, police officer, or other officer with
9 power of arrest, when requested by the probation officer, may
10 arrest a probationer without a warrant. In case of an arrest
11 without a warrant, the arresting officer shall have a written
12 statement by the probation officer setting forth that the
13 probationer has, in his or her judgment, violated the
14 conditions of probation, and the statement shall be sufficient
15 warrant for the detention of the probationer in the county
16 jail or other appropriate place of detention until the
17 probationer is brought before the court. The probation officer
18 shall forthwith report the arrest and detention to the court
19 and submit in writing a report showing in what manner the
20 probationer has violated probation.

21 ~~"(1) If the defendant violates any condition of~~
22 ~~probation or suspension of execution of sentence, the court,~~
23 ~~after a hearing, may implement one or more of the following~~
24 ~~options:~~

25 ~~"a. Continue the existing probation and suspension~~
26 ~~of execution of sentence.~~

1 ~~"b. Issue a formal or informal warning to the~~
2 ~~probationer that further violations may, subject to paragraph~~
3 ~~f., result in revocation of probation or suspension of~~
4 ~~execution of sentence.~~

5 ~~"c. Conduct a formal or informal conference with the~~
6 ~~probationer to reemphasize the necessity of compliance with~~
7 ~~the conditions of probation.~~

8 ~~"d. Modify the conditions of probation or suspension~~
9 ~~of execution of sentence, which conditions may include the~~
10 ~~addition of short periods of confinement, not to exceed 90~~
11 ~~days incarceration in a county jail, a facility of the~~
12 ~~Department of Corrections, or work release type facility, if~~
13 ~~available.~~

14 ~~"e. Revoke the probation or suspension of execution~~
15 ~~of sentence for a defendant who is not an eligible offender as~~
16 ~~defined herein. If the court revokes probation, it may, after~~
17 ~~a hearing, impose the sentence that was suspended at the~~
18 ~~original hearing or any lesser sentence.~~

19 ~~"f. In addition to the provisions of paragraphs a.~~
20 ~~to d., inclusive, of this subdivision, the probation of an~~
21 ~~eligible offender may be revoked and the defendant required to~~
22 ~~serve a term of not more than 90 days imprisonment in a~~
23 ~~Department of Corrections facility, which may include~~
24 ~~participation in the restart program, LIFEtech program, or a~~
25 ~~technical violator program or, if no space is available in a~~
26 ~~Department of Corrections facility, not more than 90 days in~~
27 ~~the county jail.~~

1 ~~"g. Notwithstanding any law to the contrary,~~
2 ~~following release of an eligible offender from incarceration,~~
3 ~~the sentencing court shall have jurisdiction to sentence the~~
4 ~~defendant to a period of probation, not to exceed five years~~
5 ~~or the remainder of his or her suspended sentence, whichever~~
6 ~~is less.~~

7 ~~"(2) The court may also continue the existing~~
8 ~~probation and suspension of execution of sentence of any~~
9 ~~defendant with the additional condition that the probationer~~
10 ~~does any of the following:~~

11 ~~"a. Participates in a community corrections program.~~

12 ~~"b. Participates in a county work release program.~~

13 ~~"c. Performs community service.~~

14 ~~"d. Undergoes intensive probation supervision.~~

15 ~~"e. Participates in a residential or outpatient drug~~
16 ~~or alcohol treatment program.~~

17 ~~"f. Participates and completes a Life Skills~~
18 ~~Influenced by Freedom and Education Tech (LIFEtech)~~
19 ~~residential program.~~

20 ~~"(3) If revocation results in a sentence of~~
21 ~~confinement, credit shall be given for all time spent in~~
22 ~~custody prior to revocation. Full credit shall be awarded for~~
23 ~~full-time confinement in facilities such as county jail, state~~
24 ~~prison, state technical violator programs, and boot camp.~~
25 ~~Credit for other penalties, such as work release programs,~~
26 ~~intermittent confinement, and home detention, shall be left to~~
27 ~~the discretion of the court, with the presumption that time~~

1 ~~spent subject to these penalties will receive half credit. The~~
2 ~~court shall also give significant weight to the time spent on~~
3 ~~probation in substantial compliance with the conditions~~
4 ~~thereof. The total time spent in confinement may not exceed~~
5 ~~the term of confinement of the original sentence.~~

6 ~~"(4) The court shall not revoke probation and order~~
7 ~~the confinement of the probationer for violations of the~~
8 ~~conditions of probation unless the court finds on the basis of~~
9 ~~the original offense and the probationer's intervening~~
10 ~~conduct, either of the following:~~

11 ~~"a. No measure short of confinement will adequately~~
12 ~~protect the community from further criminal activity by the~~
13 ~~probationer.~~

14 ~~"b. No measure short of confinement will avoid~~
15 ~~depreciating the seriousness of the violation.~~

16 ~~"(5) A defendant determined by the court to be~~
17 ~~indigent shall not be excluded from a determination as an~~
18 ~~eligible offender solely because of nonpayment of~~
19 ~~court-ordered monies. Only the willful nonpayment of~~
20 ~~court-ordered monies shall exclude an otherwise eligible~~
21 ~~defendant from being considered an eligible offender.~~

22 ~~"(e) For purposes of this section and Section~~
23 ~~15-22-54.1, the following words have the following meanings:~~

24 ~~"(1) ADMINISTRATIVE VIOLATION. Any violation of the~~
25 ~~rules and conditions of probation other than one of the~~
26 ~~following:~~

27 ~~"a. A violation of law.~~

1 ~~"b. Possession, receipt, or transportation of any~~
2 ~~firearm.~~

3 ~~"c. Any violation of any condition prohibiting~~
4 ~~contact with any victim.~~

5 ~~"d. A violation of any condition which presented a~~
6 ~~danger to the health, safety, or welfare of any person.~~

7 ~~"(2) ELIGIBLE OFFENDER. A nonviolent offender~~
8 ~~meeting all of the following criteria:~~

9 ~~"a. Serving a probationary sentence who has~~
10 ~~committed an administrative violation only.~~

11 ~~"b. Who has no pending criminal charges.~~

12 ~~"c. Has no convictions for a new offense since the~~
13 ~~time the offender was placed on probation.~~

14 ~~"d. Has not on two or more previous occasions been~~
15 ~~found by a court to be in violation of any condition of the~~
16 ~~current probation.~~

17 ~~"(3) NEW OFFENSE. Any misdemeanor or felony, whether~~
18 ~~in violation of state or federal law except for minor~~
19 ~~misdemeanor traffic offenses.~~

20 ~~"(4) NONVIOLENT OFFENDER. A person who has not been~~
21 ~~convicted at any time of any crime defined in subdivision (13)~~
22 ~~of Section 12-25-32 and who is not currently on probation for~~
23 ~~a crime the court finds involved actual or attempted physical~~
24 ~~harm or injury to any person.~~

25 ~~"(e) After conducting a violation hearing and~~
26 ~~finding sufficient evidence to support a probation violation,~~
27 ~~the court may revoke probation to impose a sentence of~~

1 imprisonment, and credit shall be given for all time spent in
2 custody prior to revocation. If the probationer was convicted
3 of a Class D felony and his or her probation is revoked, the
4 incarceration portion of any split sentence imposed due to
5 revocation shall be limited to two years or one-third of the
6 original suspended prison sentence, whichever is less.
7 However, in all cases, excluding violent offenses, defined
8 pursuant to Section 12-25-32, and sex offenses, defined
9 pursuant to Section 15-20A-5, the court may only revoke
10 probation as provided below:

11 "(1) When a defendant under supervision for a felony
12 conviction has violated a condition of probation, other than
13 arrest or conviction of a new offense or absconding, the court
14 may impose a period of confinement of no more than 30
15 consecutive days to be served in the custody of the Department
16 of Corrections. Upon completion of the confinement period, the
17 remaining probation period or suspension of sentence shall
18 automatically continue upon the defendant's release from
19 confinement. The court shall not revoke probation unless the
20 defendant has previously received a total of three periods of
21 confinement under this subsection. A defendant shall only
22 receive three total periods of confinement under this
23 subsection. The maximum 30 day term of confinement ordered
24 under this subsection for a felony shall not be reduced by
25 credit for time already served in the case. Any such credit
26 shall instead be applied to the suspended sentence. In the
27 event the time remaining on the imposed sentence is 30 days or

1 less, the term of confinement shall be for the remainder of
2 the defendant's sentence.

3 "(2) The total time spent in confinement under this
4 subsection shall not exceed the term of the defendant's
5 original sentence.

6 "(3) Confinement shall be immediate unless otherwise
7 specified by the court. The court shall be responsible for
8 ensuring that the Department of Corrections receives necessary
9 transcripts for imposing a period of confinement within five
10 business days of the defendant's violation hearing.

11 "(f) In lieu of the provisions of subsections (c)
12 through (e), when a probationer violates his or her probation
13 terms and conditions imposed by the court, the probation
14 officer may exercise authority delegated to him or her,
15 pursuant to subsection (b) of Section 15-22-52, after
16 administrative review and approval by the officer's
17 supervisor, and require the probationer to submit to
18 behavioral treatment, substance abuse treatment, GPS
19 monitoring, such other treatment as determined by the board or
20 supervising officer, or a period of confinement in a local
21 confinement facility as specified in subdivision (10) of
22 subsection (a) of Section 15-22-52.

23 "(g) Prior to imposing a punishment provided under
24 subsection (f) and pursuant to subdivision (10) of subsection
25 (a) of Section 15-22-52, the probationer must first be
26 presented with a violation report, with the alleged probation
27 violations and supporting evidence noted. The probationer may

1 file a motion with the court to conduct a probation violation
2 hearing. The probationer shall be given notice of the right to
3 such hearing and advised of the right (i) to a hearing before
4 the court on the alleged violation in person, with the right
5 to present relevant witnesses and documentary evidence; (ii)
6 to retain and have counsel at the hearing and that counsel
7 will be appointed if the probationer is indigent; and (iii) to
8 confront and cross examine any adverse witnesses. Upon the
9 signing of a waiver of these rights by the probationer and the
10 supervising probation officer, with approval of a supervisor,
11 the probationer may be treated, monitored, or confined for the
12 period recommended in the violation report and designated in
13 the waiver. However, the probationer shall have no right of
14 review if he or she has signed a written waiver of rights as
15 provided in this subsection.

16 "(h) The board shall adopt guidelines and procedures
17 to implement the requirements of this section, which shall
18 include the requirement of a supervisor's approval prior to a
19 supervising probation officer's exercise of the delegation of
20 authority authorized by subsection (f).

21 Section 4. Section 29-2-20, Code of Alabama 1975, is
22 hereby amended to read as follows:

23 "§29-2-20.

24 "(a) A permanent legislative committee which shall
25 be composed of eight members, two of whom shall be ex officio
26 members and six of whom shall be appointed members, three each
27 to be appointed by the President of the Senate and Speaker of

1 the House, who shall both serve as the ex officio members,
2 shall be formed to assist in realizing the recommendations of
3 the legislative prison task force and examine all aspects of
4 the operations of the Department of Corrections. The chairman
5 of the committee shall be selected by and from among the
6 membership. The committee shall make diligent inquiry and a
7 full examination of Alabama's present and long term prison
8 needs and they shall file reports of their findings and
9 recommendations to the Alabama Legislature not later than the
10 fifteenth legislative day of each regular session that the
11 committee continues to exist.

12 "(b) The committee shall study and address mental
13 health issues for prisoners reentering the community after a
14 term of imprisonment in order to streamline the sharing of
15 critical mental health information and in order to address
16 barriers to accessing mental health treatment for such
17 prisoners. The committee shall report such findings to the
18 legislature no later than January 1, 2016 and shall work in
19 conjunction with the following in studying and addressing such
20 issues:

21 "(1) Department of Corrections;

22 "(2) Board of Pardons and Paroles;

23 "(3) Department of Mental Health;

24 "(4) Administrative Office of Courts;

25 "(5) Office of Prosecution Services;

26 "(6) Office of the Attorney General;

27 "(7) Alabama Law Enforcement Agency;

1 "(8) Association of County Commissions of Alabama;
2 "(9) Alabama Sheriffs' Association;
3 "(10) Alabama Criminal Defense Lawyers Association;
4 "(11) Department of Public Health;
5 "(12) Office of the Governor;
6 "(13) Alabama District Attorneys Association;
7 "(14) Alabama Drug Abuse Task Force; and
8 "(15) Any other advocacy groups as determined by the
9 committee.

10 "(c) The committee shall study and address issues
11 related to felony restitution collection and victim
12 notification in order to improve rates of collection for
13 restitution obligations in felony cases, improve victim
14 notification to account for victims who may not have access to
15 the electronic victim notification system, and establish best
16 practices relating to a defendant's ability to pay obligations
17 owed. The committee shall report such findings to the
18 legislature no later than January 1, 2016 and shall work in
19 conjunction with the following in studying and addressing such
20 issues:

- 21 "(1) Department of Corrections;
- 22 "(2) Board of Pardons and Paroles;
- 23 "(3) Administrative Office of Courts;
- 24 "(4) Office of Prosecution Services;
- 25 "(5) Office of the Attorney General;
- 26 "(6) Alabama Law Enforcement Agency;
- 27 "(7) Alabama Criminal Defense Lawyers Association;

1 "(8) Alabama Sheriffs Association;
2 "(9) Alabama Crime Victims Compensation Commission;
3 "(10) Victims of Crime and Leniency (VOCAL) and any
4 other victim advocacy groups;

5 "(11) Two members from the Alabama District
6 Attorneys Association, of which one shall be from a largely
7 populated metropolitan judicial circuit and the other shall be
8 from a small, rurally populated judicial circuit; and

9 "(12) Any other advocacy groups as determined by the
10 committee."

11 "(d) The committee shall study and address capacity
12 issues within the Department of Corrections to include, but
13 not limited to, the issue of design capacity and operational
14 or functional capacity, as well as the construction of new
15 prison facilities and the renovation of current correctional
16 facilities as they relate to prison overcrowding and public
17 safety. The committee shall report such findings to the
18 legislature no later than January 1, 2016 and shall work in
19 conjunction with the following in studying and addressing such
20 issues:

- 21 "(1) Department of Corrections;
- 22 "(2) Board of Pardons and Paroles;
- 23 "(3) Department of Mental Health;
- 24 "(4) Department of Public Health;
- 25 "(5) Administrative Office of Courts;
- 26 "(6) Office of Prosecution Services;
- 27 "(7) Office of the Attorney General;

- 1 "(8) Alabama Law Enforcement Agency;
- 2 "(9) Alabama Drug Abuse Task Force;
- 3 "(10) Alabama Criminal Defense Lawyers Association;
- 4 "(11) Association of County Commissions of Alabama;
- 5 "(12) Two members from the Alabama Sheriffs'
6 Association, of which one shall be from a largely populated
7 metropolitan judicial circuit and the other shall be from a
8 small, rurally populated judicial circuit; and
- 9 "(13) Two members from the Alabama District
10 Attorneys Association, of which one shall be from a largely
11 populated metropolitan judicial circuit and the other shall be
12 from a small, rurally populated judicial circuit.

13 Section 5. Section 36-18-25, Code of Alabama 1975,
14 is hereby amended to read as follows:

15 "§36-18-25.

16 "(a) All persons convicted of a criminal offense as
17 set out in Section 36-18-24 shall, when requested by the
18 director submit to the taking of a DNA sample or samples as
19 may be specified by the director, provided, however, the
20 director shall promulgate such rules and regulations as may be
21 necessary for the purposes of ensuring that DNA samples are
22 collected in a medically approved manner.

23 "(b) As of May 6, 1994, all persons serving any
24 sentence of probation for any of the offenses set out in
25 Section 36-18-24 shall, when requested by the director, submit
26 to the taking of a DNA sample or samples as specified by the
27 director. Upon the refusal of any such person to so submit the

1 sentencing court shall order such submission as a mandatory
2 condition of probation.

3 "(c) (1) All persons arrested for any felony offense
4 on or after October 1, 2010, or for any sexual offense
5 including, but not limited to, those that would require
6 registration pursuant to the Community Notification Act,
7 Article 2, commencing with Section 15-20-20, of Chapter 20,
8 Title 15, on or after October 1, 2010, shall have a DNA sample
9 drawn or taken, as specified by the director, at the same time
10 he or she is fingerprinted pursuant to the booking procedure
11 or at the time of arrest.

12 "(2) For purposes of this chapter, a juvenile who is
13 arrested for an offense covered by this chapter or adjudicated
14 delinquent for the commission of a felony-grade delinquent act
15 shall be considered a person who is arrested for a felony or
16 other specified offense.

17 ~~"(3) Notwithstanding the other provisions of this~~
18 ~~section, any person arrested for a felony offense or a sexual~~
19 ~~offense, including a juvenile pursuant to subdivision (2),~~
20 ~~shall consent in writing freely and voluntarily to provide a~~
21 ~~DNA sample and shall be informed that they are providing~~
22 ~~written permission without any threats or promises. The person~~
23 ~~shall have the right to refuse to provide a sample pursuant to~~
24 ~~subdivision (1) or (2) without penalty. The refusal may not be~~
25 ~~used as evidence against the person in any proceeding.~~

26 ~~"(4) (3)~~ If it is determined that the person's DNA
27 sample has been included in the DNA database, and has not been

1 subject to a court's order expunging the record from the DNA
2 database, no additional sample is required.

3 "(d) As of May 6, 1994, all persons convicted of any
4 of the offenses set out in Section 36-18-24 shall be ordered
5 to submit to the taking of a DNA sample or samples as
6 specified by the director as a mandatory condition of any term
7 of probation or suspended sentence which may be imposed by the
8 sentencing court.

9 "(e) As of May 6, 1994, all persons convicted for
10 any offense set out in Section 36-18-24 and under any sentence
11 of confinement to any incarceration facility, shall, when
12 requested by the director, submit to the taking of a DNA
13 sample or samples as specified by the director. Upon the
14 refusal of any such person to so submit, the custodian of the
15 incarceration facility shall require such submission as a
16 mandatory condition of any temporary, partial, or limited
17 release, including, but not limited to, work release,
18 furlough, or other incentive release.

19 "(f) As of May 6, 1994, all persons convicted of any
20 of the offenses set out in Section 36-18-24, shall be ordered
21 by the sentencing court to submit to the taking of a DNA
22 sample or samples as may be specified by the director as part
23 of the sentence to be imposed.

24 "(g) As of May 6, 1994, all persons convicted for
25 any offense set out in Section 36-18-24 who may be eligible
26 for consideration by the Alabama Board of Pardons and Paroles
27 for either a pardon or parole shall be ordered by the Alabama

1 Board of Pardons and Paroles to submit to the taking of a DNA
2 sample or samples as may be specified by the director, as a
3 mandatory condition of the pardon or parole.

4 "(h) Nothing in this article shall be construed as
5 creating a cause of action against the state or any of its
6 agencies, officials, employees, or political subdivisions
7 based on the performance of any duty imposed by this article
8 or the failure to perform any duty imposed by this article.

9 "(i) A DNA sample obtained in good faith shall be
10 deemed to have been obtained in accordance with the
11 requirements of this chapter and its use in accordance with
12 this chapter is authorized until the circuit court in which an
13 individual was convicted or, in a case where the DNA sample
14 was collected pursuant to a felony or sexual offense arrest,
15 the circuit court where the individual was arrested, orders
16 that the DNA sample should be expunged.

17 "(j) DNA records and DNA samples submitted to the
18 Department of Forensic Sciences may only be released for one
19 of the following authorized purposes:

20 "(1) For law enforcement identification purposes,
21 including the identification of human remains, to federal,
22 state, or local criminal justice agencies.

23 "(2) For criminal defense and appeal purposes, to a
24 defendant, who shall have access to samples and analyses
25 performed in connection with the case in which the defendant
26 is charged or was convicted.

1 "(3) If personally identifiable information is
2 removed for forensic validation studies, forensic protocol
3 development, or quality control purposes."

4 Section 6. Sections 13A-8-3.1, 13A-8-4.1, 13A-8-8.1,
5 13A-8-18.1, 13A-8-24, 13A-9-3.1, and 13A-9-6.1 are added to
6 the Code of Alabama 1975, to read as follows:

7 "§13A-8-3.1

8 "(a) The theft of property that exceeds one hundred
9 thousand dollars (\$100,000) in value or the theft of property
10 that exceeds fifty thousands dollars (\$50,000) of public money
11 or revenue of any state, county, or municipal government
12 agency or department, or any governmental subdivision thereof,
13 constitutes aggravated theft or property.

14 "(b) Aggravated theft of property is a Class A
15 felony.

16 "§13A-8-4.1

17 "(a) The theft of property that exceeds five hundred
18 dollars (\$500) in value but does not exceed one thousand four
19 hundred and ninety-nine dollars (\$1,499) in value, and which
20 is not taken from the person of another, constitutes theft of
21 property in the third degree.

22 "(b) Theft of property in the third degree is a
23 Class D felony.

24 "(c) The theft of a credit card or a debit card,
25 regardless of its value, constitutes theft of property in the
26 third degree.

27 "§13A-8-8.1

1 "(a) The theft of lost property which exceeds five
2 hundred dollars (\$500) in value but does not exceed one
3 thousand four hundred and ninety-nine dollars (\$1,499) in
4 value constitutes theft of lost property in the third degree.

5 "(b) Theft of lost property in the third degree is a
6 Class D felony.

7 "§13A-8-18.1

8 "(a) Receiving stolen property which exceeds five
9 hundred dollars (\$500) in value but does not exceed one
10 thousand four hundred and ninety-nine dollars (\$1,499) in
11 value constitutes receiving stolen property in the third
12 degree.

13 "(b) Receiving stolen property in the third degree
14 is a Class D felony.

15 "§13A-8-24

16 "(a) As used in this section, the term "criminal
17 organized activity" shall mean the following:

18 "(1) The commission, attempted commission, or the
19 conspiracy to commit or the solicitation, coercion, or
20 intimidating of another person to commit the offenses of
21 promotion of prostitution, stalking, human trafficking, theft
22 of property in the first or second degree, or receiving stolen
23 property;

24 "(2) Any offense defined in Alabama law relating to
25 the security of state, county, or juvenile correctional
26 facilities; or

1 "(3) Any criminal offense committed in violation of
2 the laws of the United States or its territories, dominions,
3 or possessions, any of the several states or any foreign
4 nation which, if committed in this state, would be considered
5 criminal organized activity under the provisions of this
6 section.

7 "(b) Any two or more crimes enumerated in subsection
8 (a) or any pattern consisting of four or more theft of
9 property offenses within two years for which a criminal
10 enterprise is established shall be considered a Racketeer
11 Influenced and Corrupt Organization. A "criminal enterprise"
12 is any pattern of criminal organized activity committed by an
13 association in fact which is motivated by or the effect of
14 which is pecuniary gain, economic or physical threat or
15 injury, exploitation, or human trafficking. It is not a
16 defense to prosecution that one or more of the parties
17 associated in fact is otherwise unknown or unidentified. The
18 provisions of this subsection may be charged in addition to
19 any or all felonies that comprise the criminal enterprise.

20 "(c) A violation of the provisions of this section
21 is a Class A felony.

22 "(d) The commission of any criminal organized
23 activity offense by any member or associate of a criminal
24 enterprise shall be admissible in any trial or proceeding for
25 the purpose of proving the existence of the criminal organized
26 activity and Racketeer Influenced and Corrupt Organization.

1 "(e) A person who is subject to prosecution under
2 this section and any other law of this state may be prosecuted
3 under either or both laws.

4 "(f) Any prosecution for a violation of this section
5 may be charged or indicted in any judicial circuit in which
6 any felony occurred that comprised part of the criminal
7 enterprise.

8 "(g) There is hereby established the Criminal
9 Organized Activity/Racketeer Influenced and Corrupt
10 Organization Reward Fund within the Office of Prosecution
11 Services. Contributions to the fund may be from grants, public
12 officials, law enforcement agencies, advocacy groups,
13 individuals, government entities, private entities, or
14 charitable entities. If funds are available, the district
15 attorney, chief of police, sheriff, or Secretary of the
16 Alabama Law Enforcement Agency may request funds and the
17 posting of a reward of up to \$5,000 for information leading to
18 the arrest and conviction of any person involved in criminal
19 organized activity that leads to the death or maiming of
20 another person, terrorism, funding of terrorism, or human
21 trafficking.

22 "§13A-9-3.1

23 "(a) A person commits the crime of forgery in the
24 third degree if, with intent to defraud, he or she falsely
25 makes, completes, or alters a written instrument which is or
26 purports to be, or which is calculated to become or to
27 represent if completed, an assignment or a check, draft, note,

1 or other commercial instrument which does or may evidence,
2 create, transfer, terminate or otherwise affect a legal right,
3 interest, obligation or status.

4 "(b) Forgery in the third degree is a Class D
5 felony.

6 "§13A-9-6.1

7 "(a) A person commits the crime of criminal
8 possession of a forged instrument in the third degree if he or
9 she possesses or utters a forged instrument of a kind covered
10 in Section 13A-9-3.1 with knowledge that it is forged and with
11 intent to defraud.

12 "(b) Criminal possession of a forged instrument in
13 the third degree is a Class D felony.

14 Section 7. (a) The theft of services which exceeds
15 five hundred dollars (\$500) in value but does not exceed one
16 thousand four hundred and ninety-nine dollars (\$1,499) in
17 value constitutes theft of services in the third degree.

18 (b) Theft of services in the third degree is a Class
19 D felony.

20 Section 8. Sections 15-22-26.1, 15-22-36.3, and
21 15-22-57 are added to the Code of Alabama 1975, to read as
22 follows:

23 "§15-22-26.1

24 "(a) The position of Board of Pardons and Paroles
25 Administrative Hearing Officer is created and established,
26 subject to provisions of the state Merit System.

1 "(b) The board may appoint or employ, as the board
2 deems necessary, three administrative hearing officers who
3 shall possess the powers and duties prescribed below in
4 subsection (c). The first three appointments shall be
5 provisional appointments made by the board pending job
6 analysis and compilation of the examination for the state
7 Merit System classification.

8 "(c) Administrative hearing officers shall have the
9 following powers and duties, subject to guidelines established
10 by the board:

11 "(1) No later than 12 months prior to the date an
12 inmate is eligible for parole, as determined by the board, he
13 or she shall investigate and review the inmate's preparedness
14 for release to parole supervision by the board. Such
15 investigation and review shall consider all factors deemed
16 relevant to determine preparedness for release to parole as
17 determined by the board's guidelines.

18 "(2) No later than 30 days prior to the date an
19 inmate is eligible for parole, as determined by the board, he
20 or she shall interview the inmate to provide the opportunity
21 for the inmate to present his or her case for parole
22 consideration to the board. Such interview may be conducted
23 via video-conference, subject to guidelines and rules
24 established by the board.

25 "(d) An administrative hearing officer shall receive
26 an annual salary to be determined by the board but not
27 exceeding the maximum salary now or hereafter established for

1 Probation and Parole Officer V. The salary and expenses of the
2 administrative hearing officers shall be paid from the State
3 Treasury in the same manner that the salary and expenses of
4 the Merit System employees are paid.

5 "(e) The board may adopt guidelines, policies, and
6 procedures necessary for the implementation of this section.

7 "§15-22-36.3

8 "(a) Prior to an inmate's participation in a work
9 release program or supervised reentry program established
10 under Chapter 8 of Title 14, participation in a community
11 punishment and corrections program established under Article 9
12 of Chapter 18 of Title 15, or participation in the SIR program
13 established under Article 7 of Chapter 18 of Title 15,
14 notification of the inmate's participation in such program
15 shall be provided to the victim through the victim
16 notification system established pursuant to Section 15-22-36.2
17 and under the provisions of Section 15-22-36.

18 "§15-22-57

19 "The Board of Pardons and Paroles shall adopt and
20 promulgate regulations and guidelines to:

21 "(1) Establish a program of limited supervision for
22 probationers who qualify addressing eligibility using
23 validated risk and needs assessments, transfers among levels
24 of supervision, to include the transfer of lower-risk
25 individuals to an administrative form of probation, and
26 reporting requirements;

1 "(2) Develop policies and procedures for screening,
2 assessment, and referral for probationers to connect with
3 recidivism reduction services including, but not limited to,
4 cognitive behavioral intervention and substance abuse
5 treatment;

6 "(3) Establish a matrix of rewards for compliance
7 and pro-social behaviors and swift, certain and graduated
8 sanctions to be imposed by the board, pursuant to the
9 authority delegated to the board in subsection (b) of Section
10 15-22-52 and under the provisions of subsections (f) and (g)
11 of Section 15-22-54, in response to corresponding violations
12 of probation terms or conditions imposed; and

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

16 Section 9. (a) A convicted defendant sentenced to a
17 period of confinement under the supervision of the Department
18 of Corrections in a prison, jail-type institution, or
19 treatment institution shall be subject to the following
20 provisions, unless the defendant is released to a term of
21 probation or released on parole under the provisions of
22 Chapter 22 of Title 15:

23 (1) If the defendant is sentenced to a period of
24 five years or less, he or she shall be released to supervision
25 by the Board of Pardons and Paroles no less than three months
26 prior to the defendant's release date; or

1 (2) If the defendant is sentenced to a period of
2 more than five years but less than ten years, he or she shall
3 be released to supervision by the Board of Pardons and Paroles
4 no less than six months prior to the defendant's release date;
5 or

6 (3) If the defendant is sentenced to a period of
7 more than ten years, he or she shall be released to
8 supervision by the Board of Pardons and Paroles no less than
9 12 months prior to the defendant's release date.

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

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

18 Section 10. (a) In every instance, the court shall
19 retain jurisdiction of any person who reaches the end of his
20 or her sentence, received a termination of supervised or
21 unsupervised parole or supervised or unsupervised probation,
22 or in any way has completed all terms of his or her sentence
23 or incarceration pursuant to this act or any other provision
24 of law for the purposes of the enforcement of a court order
25 related to uncollected court-ordered fines, fees, costs or
26 restitution, pursuant to Division 4 of Article 6 of Chapter 17
27 of Title 12 and Article 4A of Chapter 18 of Title 15.

1 (b) All interest, fees, or penalties prescribed by
2 law must be attached to any unpaid sums pursuant to Division 4
3 of Article 6 of Chapter 17 of Title 12 and Article 4A of
4 Chapter 18 of Title 15.

5 (c) A judge of the court shall not remit any court
6 costs, fines, fees, restitution or other court-ordered monies
7 unless he or she firsts holds a hearing on the matter and
8 enters into the court record a written finding of fact and law
9 for the reason for such remittance.

10 Section 11. (a) The Office of the Governor shall
11 have the following duties and responsibilities relating to the
12 supervision and treatment of probationers, parolees, and
13 community corrections offenders:

14 (1) Collaborate with the Department of Corrections,
15 the Board of Pardons and Paroles, the Department of Public
16 Health, and the Department of Mental Health to develop and
17 establish a model guide for community corrections programs to
18 establish such programs as referral providers for behavioral
19 treatment and substance abuse treatment services, as provided
20 in Section 15-18-176.

21 (2) Conduct annual evaluations of local treatment
22 programs that receive funding from the state or through
23 court-ordered monies to which probationers, parolees, or
24 community corrections offenders are referred, to include the
25 recidivism rates of such programs, to ensure that any state
26 monies appropriated to such programs and court-ordered monies
27 received by such programs are utilized to reduce recidivism

1 among probationers, parolees, and community corrections
2 offenders.

3 (3) Collaborate with the Department of Corrections
4 to implement the provisions of Section 15-18-182 and the Board
5 of Pardons and Paroles to implement the provisions of
6 subsection (k) of Section 15-22-24.

7 Section 12. This act shall apply to criminal
8 offenses committed after the effective date of this act.

9 Section 13. All laws or parts of laws which conflict
10 with this act are repealed.

11 Section 14. The provisions of this act are
12 severable. If any part of this act is declared invalid or
13 unconstitutional, that declaration shall not affect the part
14 which remains.

15 Section 15. Although this bill would have as its
16 purpose or effect the requirement of a new or increased
17 expenditure of local funds, the bill is excluded from further
18 requirements and application under Amendment 621, now
19 appearing as Section 111.05 of the Official Recompilation of
20 the Constitution of Alabama of 1901, as amended, because the
21 bill defines a new crime or amends the definition of an
22 existing crime.

23 Section 16. The amendments to Section 15-22-29,
24 Section 15-22-32, Section 15-22-37, Section 15-22-52, and
25 Section 15-22-54 of Section 3 and Section 15-22-57 of Section
26 8 of this act shall become immediately following its passage
27 and approval by the Governor, or its otherwise becoming law.

1 The remainder of this act shall become effective on October 1,
2 2015, following its passage and approval by the Governor, or
3 its otherwise becoming law.