

1 SB142
2 126040-1
3 By Senator Fielding
4 RFD: Judiciary
5 First Read: 03-MAR-11

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8 SYNOPSIS: Under current law, an individual
9 incarcerated in the custody of the Department of
10 Corrections may end his or her sentence and be
11 released from custody without supervision from the
12 Board of Pardons and Paroles or other supervisory
13 agencies.

14 This bill would establish mandatory
15 supervised reentry for certain nonviolent
16 offenders. The bill would provide that an
17 individual convicted of a nonviolent offense and
18 incarcerated in the custody of the Department of
19 Corrections for more than 365 days but less than
20 545 days would be released from the custody of the
21 Department of Corrections and placed under the
22 jurisdiction and supervision of the Board of
23 Pardons and Paroles on the 366th day of his or her
24 confinement by the Department of Corrections.

25 This bill would provide that if an
26 individual convicted of a nonviolent offense is
27 incarcerated in the custody of the Department of

1 Corrections for 545 days or more, he or she would
2 be released from the custody of the Department of
3 Corrections and placed under the jurisdiction and
4 supervision of the Board of Pardons and Paroles 180
5 days prior to the end of his or her sentence as
6 determined by the Department of Corrections.

7 This bill would provide that if an
8 individual convicted of a nonviolent offense has
9 been incarcerated for more than 365 days of a
10 sentence that is 545 days or less, more than 545
11 days of a sentence that is 725 days or less, or has
12 served more than 545 days and the end of his or her
13 sentence is less than 180 days after the effective
14 date of this act, he or she would be released from
15 the custody of the Department of Corrections and
16 placed under the supervision of the Board of
17 Pardons and Paroles on the effective date of this
18 act.

19 This bill would establish certain duties of
20 the Board of Pardons and Paroles in assisting an
21 individual released in accomplishing a successful
22 reentry into the community and would also require
23 individuals released to comply with the conditions
24 of release or have their release revoked or receive
25 some other sanction for failure to comply. This
26 bill would further provide that if an individual's
27 release is revoked, the remaining portion of the

1 individual's sentence would be computed with credit
2 for any time the individual served under supervised
3 release.

4 This bill would provide for a conditional
5 appropriation from the General Fund for the Board
6 of Pardons and Paroles to hire additional personnel
7 to adequately supervise the individuals placed into
8 its custody by the bill.

9
10 A BILL

11 TO BE ENTITLED

12 AN ACT

13
14 Establishing early release and mandatory reentry
15 supervision by the Board of Pardons and Paroles for
16 individuals convicted of nonviolent crimes incarcerated in the
17 custody of the Department of Corrections.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. (a) Each individual who has been or is
20 convicted of an offense against the laws of this state which
21 is not enumerated as a violent offense in Section
22 12-25-32(13), Code of Alabama 1975, and who is confined, in
23 execution of the judgment or sentence upon any conviction, in
24 the penitentiary shall be released from the custody of the
25 Department of Corrections and placed under the jurisdiction
26 and supervision of the Board of Pardons and Paroles on the

1 later of the following dates, as determined by the actual
2 calendar time the inmate has served:

3 (1) If the individual has served more than 365 days
4 of a sentence that is less than 545 days, the 366th day of his
5 or her sentence.

6 (2) If the individual has served a minimum of 545
7 days, 180 days prior to the end of his or her sentence date as
8 determined by the Department of Corrections.

9 (3) If, on the effective date of this act, an
10 individual has served more than 365 days of a sentence that is
11 545 days or less, has served more than 545 days of a sentence
12 that is 725 days or less, or has served more than 545 days
13 under subdivision (2) and the end of his or her sentence as
14 determined by the Department of Corrections is less than 180
15 days after the effective date of this act, on the effective
16 date of this act.

17 (b) If the individual has been placed on probation
18 or has been paroled during his or her sentence and his or her
19 probation or parole has been revoked, the computation in
20 subsection (a) of the date of release from the custody of the
21 Department of Corrections and into the supervision and
22 jurisdiction of the Board of Pardons and Paroles shall apply
23 as calculated from the date the individual is returned to the
24 custody of the Department of Corrections.

25 Section 2. An individual who is first paroled or
26 placed on probationary supervision under Chapter 22, Title 15,
27 Code of Alabama 1975, or has received a split sentence

1 pursuant to Section 15-18-8, Code of Alabama 1975, shall not
2 be eligible for mandatory supervised reentry under this act.

3 Section 3. The Board of Pardons and Paroles shall
4 have the same duties relating to individuals placed into its
5 jurisdiction and custody under this act as are set forth in
6 Section 15-22-24(a), Code of Alabama 1975. In addition, the
7 board shall assist the inmate in securing or locating the
8 following requisites for a successful reentry into the
9 community:

10 (1) Appropriate housing.

11 (2) Employment, if the individual is capable of
12 holding employment.

13 (3) Any necessary social service programs.

14 (4) Any program or educational program which will
15 equip the individual with skills necessary to ensure the
16 successful reentry into the community, including, but not
17 limited to, appropriate substance abuse treatment and
18 counseling.

19 Section 4. An individual released from the custody
20 of the Department of Corrections and into the supervision and
21 jurisdiction of the Board of Pardons and Paroles under this
22 act shall comply with all conditions for release placed upon
23 him or her by the Board of Pardons and Paroles. An individual
24 who fails to comply with a condition imposed under this act is
25 subject to revocation or other sanctions in the same manner
26 and under the same procedures as an individual who fails to
27 comply with the conditions of parole.

1 Section 5. If the participation of an individual in
2 the supervised reentry program under this act is revoked, the
3 remaining portion of the sentence of the individual is
4 computed with credit for any time the individual served under
5 supervised reentry.

6 Section 6. There is hereby conditionally
7 appropriated from the State General Fund such additional funds
8 as may be required, as determined by the Director of Finance,
9 to permit the Board of Pardons and Paroles to hire additional
10 personnel to adequately supervise the individuals placed in
11 the jurisdiction and supervision of the Board of Pardons and
12 Paroles under this act. These appropriations are conditioned
13 upon the availability of funds in the State General Fund, the
14 recommendation of the Director of Finance, and the approval of
15 the Governor. Implementation of this act is contingent upon
16 release of the applicable conditional appropriation required
17 by this act.

18 Section 7. This act shall become effective 90 days
19 from the date of passage and approval by the Governor, or its
20 otherwise becoming law.