

1 HB152  
2 115479-1  
3 By Representative Knight  
4 RFD: Judiciary  
5 First Read: 12-JAN-10

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8 SYNOPSIS: Under existing law, when the Board of  
9 Pardons and Paroles revokes parole, it may require  
10 the parolee to serve all or a portion of the  
11 original term to which the parolee was sentenced.

12 This bill would give the board that  
13 authority only when the revocation is based on the  
14 commission of a new crime and would provide that if  
15 the revocation was not based on the commission of a  
16 new crime, including non-serious traffic offenses,  
17 the board could require the parolee to serve 90  
18 days in prison, after which parole would  
19 automatically be reinstated.

20  
21 A BILL

22 TO BE ENTITLED

23 AN ACT

24  
25 To amend Section 15-22-32 of the Code of Alabama  
26 1975, to further provide for parole court; and to provide a

1 lesser penalty for a revocation of parole not based on the  
2 commission of a new crime.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 15-22-32 of the Code of Alabama  
5 1975, is amended to read as follows:

6 "§15-22-32.

7 "(a) Whenever there is reasonable cause to believe  
8 that a prisoner who has been paroled has violated his or her  
9 parole, the Board of Pardons and Paroles, at its next meeting,  
10 shall declare the prisoner to be delinquent, and time owed  
11 shall date from the delinquency. The warden of each prison  
12 shall promptly notify the board of the return of a paroled  
13 prisoner charged with violation of his or her parole.

14 Thereupon, the board, a single member of the board, a parole  
15 revocation hearing officer, or a designated parole officer  
16 ~~shall~~, as soon as practicable, shall hold a parole court at  
17 the prison or at another place as it may determine and  
18 consider the case of the parole violator, who shall be given  
19 an opportunity to appear personally or by counsel before the  
20 board or the parole court and produce witnesses and explain  
21 the charges made against him or her. The board member, parole  
22 revocation hearing officer, or a designated parole officer,  
23 acting as a parole court, ~~shall~~, within ~~a reasonable time~~ 30  
24 days, shall conduct the parole revocation hearing to determine  
25 guilt or innocence of the charges and may recommend to the  
26 board revocation or reinstatement of parole. Upon revocation  
27 of parole, if the revocation is the result of the commission

1 of a new crime, the board may require the prisoner to serve  
2 out in prison the balance of the term for which he or she was  
3 originally sentenced, calculated from the date of delinquency  
4 or the part thereof as it may determine. For all other  
5 revocations that are not the result of the commission of a new  
6 crime, including non-serious traffic offenses as defined in  
7 Chapter 5A of Title 32, the prisoner may be required to serve  
8 a term of not more than 90 days in prison, and at the end of  
9 90 days, parole shall be automatically reinstated. The  
10 delinquent parolee shall be deemed to have begun serving the  
11 balance of the time required on the date of his or her  
12 rearrest as a delinquent parolee.

13 "(b) The position of Parole Revocation Hearing  
14 Officer is created and established, subject to provisions of  
15 the state Merit System.

16 "(c) The board may appoint or employ, as the board  
17 deems necessary, three hearing officers who shall conduct a  
18 parole court with authority to determine guilt and recommend  
19 revocation of parole or reinstatement of parole to the board.  
20 The first three appointments shall be provisional appointments  
21 made by the board pending job analysis and compilation of the  
22 examination for the state Merit System classification, or a  
23 licensed practicing attorney with a minimum of 3 years'  
24 experience practicing criminal law.

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

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

5 Section 2. This act shall become effective on the  
6 first day of the third month following its passage and  
7 approval by the Governor, or its otherwise becoming law.