

1 HB232  
2 116101-1  
3 By Representative Rogers  
4 RFD: Boards and Commissions  
5 First Read: 12-JAN-10

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8 SYNOPSIS: Under existing law, the Board of Pardons  
9 and Paroles consist of three members appointed by  
10 the Governor, with the advice and consent of the  
11 Senate, from nominations submitted by the Chief  
12 Justice, the presiding judge of the Court of  
13 Criminal Appeals, the Lieutenant Governor, the  
14 Speaker of the House of Representatives, and the  
15 President Pro Tempore of the Senate.

16 This bill would increase the membership of  
17 the board to five.

18  
19 A BILL  
20 TO BE ENTITLED  
21 AN ACT

22  
23 To amend Section 15-22-20 of the Code of Alabama  
24 1975, relating to the Board of Pardons and Paroles, to  
25 increase the membership.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1           Section 1. Section 15-22-20 of the Code of Alabama  
2 1975, is amended to read as follows:

3           "§15-22-20.

4           "(a) There shall be a Board of Pardons and Paroles  
5 which shall consist of ~~three~~ five members. The members shall  
6 be appointed to reflect the racial, gender, geographic,  
7 urban/rural, and economic diversity of this state.

8           "(b) Any vacancy occurring on the board, whether for  
9 an expired or unexpired term, shall be filled by appointment  
10 by the Governor, with the advice and consent of the Senate,  
11 from a list of five qualified persons nominated by a board  
12 consisting of the Chief Justice of the Supreme Court as  
13 ~~chairman~~ chair, the presiding judge of the Court of Criminal  
14 Appeals, the Lieutenant Governor, the Speaker of the House,  
15 and the President Pro Tempore of the Senate. The nominating  
16 board shall as soon as practicable after a vacancy occurs,  
17 whether for an expired or unexpired term, meet and select by  
18 majority vote the names of five persons to be submitted to the  
19 Governor. It shall immediately thereafter submit its  
20 nominations to the Governor, who shall make his or her  
21 appointment from ~~such~~ the list within 10 days thereafter.  
22 Appointees shall begin serving immediately upon appointment,  
23 until confirmed or rejected by the Senate. Appointments made  
24 at times when the Senate is not in session shall be effective  
25 ad interim. Any appointment made by the Governor while the  
26 Senate is in session ~~must~~ shall be submitted ~~by him~~ to the  
27 Senate not later than the third legislative day following the

1 date of the appointment; any appointment made while the Senate  
2 is not in session shall be submitted not later than the third  
3 legislative day following the reconvening of the Legislature.  
4 In the event the Senate fails or refuses to act on the  
5 appointment within five legislative days after its submission,  
6 the appointment shall be void, and the person whose name was  
7 thus submitted shall not thereafter be reappointed. In the  
8 event an appointee is not confirmed by the Senate, the  
9 nominating board shall make five nominations; one of them  
10 shall be appointed, and his or her appointment shall be  
11 submitted to the Senate as provided in this section. The  
12 nominating and appointing procedure required in this section  
13 shall be continued and followed until an appointment is made  
14 and completed.

15 "(c) Members of the board shall be appointed for  
16 terms of six years commencing on July 1 in the years 1953,  
17 1955, and 1957, and shall serve until their successors shall  
18 have been appointed and shall have qualified. Any person  
19 appointed to fill the vacancy for an unexpired term shall  
20 vacate the office upon the expiration of that unexpired term.

21 "(d) The Governor shall designate one of the members  
22 as ~~chairman~~ chair, and ~~such chairman~~ the chair shall preside  
23 at sessions of the board.

24 "(e) Each member shall take the constitutional oath  
25 of office and shall be subject to impeachment for any of the  
26 causes specified in Section 173 of the Constitution; and the  
27 procedure in cases of impeachment shall be in the manner

1 provided by Section 175 of the Constitution; provided,  
2 however, that in the event the Governor shall determine that  
3 any member of the board shall have become incapacitated by  
4 reason of physical or mental disability or illness to the  
5 extent that he or she cannot efficiently perform the duties of  
6 his or her office, ~~he~~ the Governor shall direct the Attorney  
7 General to proceed to the determination of that issue in an  
8 inquisition proceeding instituted by him or her in the Circuit  
9 Court of Montgomery County, Alabama. In the event the issue is  
10 determined in such court against the board member, the court  
11 shall declare the office vacant, and the same shall be vacated  
12 and a successor appointed, as provided in this section.

13 "(f) ~~Two~~ Three members of the board shall constitute  
14 a quorum for the transaction of the official business of the  
15 board.

16 "(g) The members of the board shall devote their  
17 full time to their official duties and shall hold no other  
18 office of profit during their incumbency.

19 "(h) The annual compensation of the ~~chairman~~ chair  
20 and each associate member of the Board of Pardons and Paroles  
21 shall be such amount as is provided by law. ~~Such~~ The salaries  
22 shall be paid in equal installments from the State Treasury in  
23 the same manner that salaries of other state officers are  
24 paid.

25 "(i) The Governor is hereby authorized to appoint  
26 four persons to serve as special members of the board. The  
27 four special members shall be appointed to reflect the racial,

1 gender, and geographic diversity of this state. The special  
2 members shall serve a single term beginning October 1, 2003  
3 and ending September 30, 2006. The provisions on appointment  
4 in subsection (b), oath and incapacity in subsection (e),  
5 devotion to duties in subsection (g), and compensation in  
6 subsection (h) shall apply to special members to the same  
7 extent they apply to members of the board. The special members  
8 shall be appointed and serve for the limited purpose of  
9 conducting hearings and making determinations concerning  
10 pardons, paroles, restorations of political and civil rights,  
11 remission of fines and forfeitures, and revocations.

12 "(j) During the term of the special members of the  
13 board, the board shall sit in two panels of three for the  
14 purpose of conducting hearings and making determinations  
15 concerning pardons, paroles, restorations of political and  
16 civil rights, remission of fines and forfeitures, and  
17 revocations. Membership on each panel shall be designated by  
18 the ~~chairman~~ chair of the board from among the remaining  
19 regular and special members of the board as the ~~chairman~~ chair  
20 determines from time to time shall be necessary to hear all  
21 pending matters in an expeditious manner. The ~~chairman~~ chair  
22 of the board shall serve as an alternate with members of  
23 either panel and shall re-designate panel membership as  
24 necessary to carry out the hearing duties of the board. Two  
25 members of each panel shall constitute a quorum for the  
26 transaction of official business.

1           "(k) When the board sits in panels of three members  
2 as herein authorized, each panel shall act in the same manner  
3 and under the same authority as the full board. All authority,  
4 duties, powers, and responsibilities of the board on any  
5 matter brought before the panel for hearing shall be exercised  
6 by the panel as though heard and decided by the full board.  
7 Decisions of each panel shall constitute a decision of the  
8 board. All procedures of the board relating to the conduct of  
9 hearings shall apply to hearings before either panel of the  
10 board.

11           "(l) This section does not affect in any way the  
12 authority of the original board members to carry out all  
13 administrative, supervisory, and personnel duties existing on  
14 September 25, 2003."

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