

1 SB223  
2 216805-1  
3 By Senator Stutts  
4 RFD: Judiciary  
5 First Read: 16-FEB-22

8 SYNOPSIS: Under existing law, certain inmates nearing  
9 the end of their sentence are required to be  
10 released prior to the expiration of their sentence  
11 and are released to the supervision of the Board of  
12 Pardons and Paroles.

13 Under existing law, inmates convicted of any  
14 sex offense involving a child may not be released  
15 to the supervision of the board prior to the end of  
16 their sentence.

17 This bill would add additional offenses for  
18 which inmates may not be released prior to the end  
19 of their sentence.

21 A BILL  
22 TO BE ENTITLED  
23 AN ACT

24  
25 Relating to mandatory supervised release of inmates;  
26 to amend Section 15-22-26.2, as last amended by Act 2021-549,

1 2021 First Special Session, Code of Alabama 1975, to apply  
2 certain sentencing provisions to certain defendants.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 15-22-26.2, as last amended by  
5 Act 2021-549, 2021 First Special Session, Code of Alabama  
6 1975, is amended to read as follows:

7 "§15-22-26.2.

8 "(a) A convicted defendant sentenced to a period of  
9 confinement under the supervision of the Department of  
10 Corrections shall be subject to the following provisions,  
11 unless the defendant is released to a term of probation or  
12 released on parole under this chapter:

13 "(1) If the defendant is sentenced to a period of  
14 five years or less, he or she shall be released by the  
15 department to supervision by the Board of Pardons and Paroles  
16 no less than three months and no more than five months prior  
17 to the defendant's release date.

18 "(2) If the defendant is sentenced to a period of  
19 more than five years but less than 10 years, he or she shall  
20 be released by the department to supervision by the Board of  
21 Pardons and Paroles no less than six months and no more than  
22 nine months prior to the defendant's release date.

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

1           "(b) This section shall not apply to a defendant  
2 convicted of any sex offense involving a child, as defined in  
3 Section 15-20A-4, a violent offense, as defined in Section  
4 12-25-32 and classified as a Class A felony, or manslaughter,  
5 pursuant to Section 13A-6-3.

6           "(c) Prior to the defendant's release to supervision  
7 pursuant to this section, notice of the release shall be  
8 provided by the department to the victim and interested  
9 parties through the victim notification system established  
10 pursuant to Section 15-22-36.2.

11           "(d) (1) An offender released to supervision pursuant  
12 to this section shall be released to the supervision of the  
13 Board of Pardons and Paroles and shall be subject to this  
14 article.

15           "(2) The board shall determine the level of  
16 supervision required for an offender based on the results of a  
17 validated risk and needs assessment.

18           "(e) (1) An offender released pursuant to this  
19 section shall be subject to electronic monitoring for a period  
20 of time determined by the Director of Pardons and Paroles.

21           "(2) The board shall be responsible for the costs of  
22 the electronic monitoring as required by this subsection.

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

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