

HB16 INTRODUCED



1 QN0751-1
2 By Representative England
3 RFD: Judiciary
4 First Read: 07-Mar-23
5 PFD: 08-Feb-23



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SYNOPSIS:

This bill would create the Criminal Justice Policy Development Council to oversee the development and implementation of validated risk and needs assessments for offenders, parole guidelines, and classification guidelines of inmates.

Under existing law, the Board of Pardons and Paroles uses the parole release guidelines as an aid in the parole process.

This bill would require the Board of Pardons and Paroles to use parole release guidelines created by the Criminal Justice Policy Development Council in its parole decisions.

This bill would provide that if the board deviates from the parole release guidelines, it would be required to state its reasons for the deviation.

This bill would provide appellate relief for prisoners who are negatively affected by the board's deviation from the parole release guidelines.

A BILL
TO BE ENTITLED
AN ACT



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29 Relating to criminal justice; to create the Criminal
30 Justice Policy Development Council; to specify the membership
31 of the council; to specify the duties of the council; and to
32 amend Section 15-22-26, Code of Alabama 1975, to require the
33 Board of Pardons and Paroles to use parole release guidelines;
34 to revise certain parole proceedings; and to provide appellate
35 review of certain parole decisions.

36 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

37 Section 1. (a) The Criminal Justice Policy Development
38 Council is created to oversee the development and
39 implementation of certain policies and guidelines relating to
40 offenders in the criminal justice system as provided in this
41 section.

42 (b) (1) The council shall be composed of the following
43 members:

44 a. The Executive Director of the Alabama Sentencing
45 Commission.

46 b. The Commissioner of the Department of Corrections.

47 c. The Director of the Board of Pardons and Paroles.

48 d. The Director of the Legislative Services Agency.

49 e. The Chair of the Senate Judiciary Committee.

50 f. The Chair of the House Judiciary Committee.

51 g. A member of the minority party of the Senate to be
52 appointed by the Senate Minority Leader.

53 h. A member of the minority party of the House of
54 Representatives to be appointed by the House of
55 Representatives Minority Leader.

56 (2) The council shall select a member to serve as its



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57 chair and vice chair at its first meeting, to be held no later
58 than August 1, 2023.

59 (3) Members of the council shall serve without
60 compensation, but may be reimbursed for necessary expenses in
61 attending meetings of the council according to policies and
62 procedures of their respective appointing authority or
63 employing agency.

64 (c) (1) By October 1, 2025, the council shall complete
65 all of the following:

66 a. Update the inmate classification system for
67 implementation by the Department of Corrections.

68 b. Create and adopt parole guidelines to be implemented
69 by the Board of Pardons and Paroles.

70 c. Adopt a validated risk and needs assessment that has
71 been created and validated for the Alabama felony offender
72 population to be implemented by the Department of Corrections
73 and the Board of Pardons and Paroles.

74 (2) The council may contract with third parties to
75 develop and validate the systems, policies, and guidelines
76 required in subdivision (1).

77 (d) The council may meet as often as necessary at the
78 call of the chair or a majority of the members.

79 (e) Beginning on October 1, 2023, and quarterly
80 thereafter, the council shall submit a written report to the
81 Legislature on its progress with the development and
82 implementation of the systems, policies, and guidelines as
83 required in this section. Upon adoption of each system,
84 policy, and guideline, the council shall certify to the



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85 Legislature that it has completed that task.

86 (f) (1) Upon the adoption of the systems, policies, and
87 guidelines by the council, as provided by this section, the
88 Department of Corrections and the Board of Pardons and Paroles
89 shall implement the use of the systems, policies, and
90 guidelines.

91 (2) Within 60 days of the council's certification to
92 the Legislature as required in subsection (e), the Department
93 of Corrections and the Board of Pardons and Paroles shall
94 report to the Legislature in writing how it has implemented
95 the particular system, policy, or guideline.

96 (g) The Legislative Services Agency, the Administrative
97 Office of Courts, the Department of Corrections, the Board of
98 Pardons and Paroles, the Alabama State Law Enforcement Agency,
99 and any other entities as designated by the council shall
100 provide assistance to the council as necessary.

101 (h) The council shall stand dissolved on January 1,
102 2026, unless extended by an act of the Legislature.

103 Section 2. Section 15-22-26, Code of Alabama 1975, is
104 amended to read as follows:

105 "§15-22-26

106 (a) ~~(1) No prisoner shall be released on parole merely~~
107 ~~as a reward for good conduct or efficient performance of~~
108 ~~duties assigned in prison, but only if the Board of Pardons~~
109 ~~and Paroles is of the opinion that the prisoner meets criteria~~
110 ~~and guidelines established by the board~~ The Board of Pardons
111 and Paroles, by rule, shall establish parole release
112 guidelines to determine a prisoner's fitness for parole and to



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113 ensure public safety.

114 (2) The parole release guidelines shall ~~serve as an aid~~
115 be used by the board in the parole process and shall promote
116 the use of prison space for the most violent and greatest risk
117 offenders, while recognizing that the board's paramount duty
118 is to protect public safety. ~~The guidelines shall be~~
119 ~~structured, actuarially based, reviewed every three years by~~
120 ~~the board, after a specified open comment period determined by~~
121 ~~the board, and posted on the website of the board and include,~~
122 ~~but not be limited to, the following:~~

123 (3) The parole release guidelines shall assess all of
124 the following:

125 ~~(1)~~a. The prisoner's risk to reoffend, based upon a
126 validated risk and needs assessment, as defined in Section
127 12-25-32.

128 ~~(2)~~b. Progress by the prisoner ~~and in complying with~~
129 the Department of ~~Corrections to~~ Corrections' plan for
130 reentry.

131 ~~(3)~~c. Input from the victim or victims, the family of
132 the victim or victims, prosecutors, and law enforcement
133 entities.

134 ~~(4)~~d. Participation in risk-reduction programs while
135 incarcerated.

136 ~~(5)~~e. Institutional behavior of the prisoner while
137 incarcerated.

138 ~~(6)~~f. Severity of the underlying offense for which the
139 prisoner was sentenced to incarceration.

140 g. Any interview or statement from the prisoner.



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141 ~~(b) Except as provided in Section 15-22-37, if the~~
142 ~~board grants a prisoner parole, the prisoner shall be released~~
143 ~~from prison upon the terms and conditions set by the board,~~
144 ~~and while released on parole, shall remain in the legal~~
145 ~~custody of the warden of the prison from which he or she is~~
146 ~~paroled until the expiration of the maximum term specified in~~
147 ~~his or her sentence or until he or she is fully pardoned.~~

148 (b) ~~(c) The board shall clearly articulate its reasons~~
149 ~~for approval or denial of parole for each prisoner, based on~~
150 ~~its established guidelines, and shall provide the reasons for~~
151 ~~approval or denial.~~ If the board deviates from the parole
152 releases guidelines, the board shall provide a detailed
153 written explanation for the departure to the prisoner, the
154 victim, the Department of Corrections, ~~or~~ and, upon written
155 request submitted to the board, any other interested party
156 ~~upon written request submitted to the board. The use of~~
157 ~~established guidelines for parole consideration shall not~~
158 ~~create a right or expectation by a prisoner to parole release.~~
159 ~~Additionally, the articulated reasons for denial of parole~~
160 ~~release shall not create a right or expectation for parole~~
161 ~~release. The guidelines shall serve as an aid in the parole~~
162 ~~decisionmaking process, and the decision concerning parole~~
163 ~~release shall be at the complete discretion of the board.~~

164 (c) Departures from the parole release guidelines shall
165 be subject to appellate review as provided in this subsection.
166 The board shall provide written notice to the prisoner that he
167 or she has a right to appeal the denial of parole.

168 (1) Within 30 days of the board denying a prisoner



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169 parole, a prisoner who is aggrieved by the deviation from the
170 parole release guidelines may appeal the decision.

171 (2) The venue for an appeal shall be the Court of
172 Criminal Appeals.

173 (3) The decision by the Court of Criminal Appeals shall
174 be final.

175 (d) If the board grants a prisoner parole, the prisoner
176 shall be released from prison upon the terms and conditions
177 set by the board, and while released on parole, shall remain
178 in the legal custody of the warden of the prison from which he
179 or she is paroled until the expiration of the maximum term
180 specified in his or her sentence or until he or she is granted
181 a full pardon."

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