

1 HB134
2 189506-1
3 By Representative Wadsworth
4 RFD: Judiciary
5 First Read: 09-JAN-18

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8 SYNOPSIS: Under existing law, the Executive Director
9 of the Board of Pardons and Paroles is not required
10 to certify an official order of the board granting
11 a pardon, parole, or conditional release of a
12 prisoner within a specified amount of time.

13 This bill would require the Executive
14 Director of the Board of Pardons and Paroles to
15 certify an official order of the board granting a
16 pardon, parole, or conditional release of a
17 prisoner within 30 days.

18
19 A BILL
20 TO BE ENTITLED
21 AN ACT
22

23 To amend Section 15-22-37, Code of Alabama 1975,
24 relating to pardons and paroles; to require the Executive
25 Director of the Board of Pardons and Paroles to certify an
26 official order of the board granting a pardon, parole, or
27 conditional release within a specified amount of time.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. Section 15-22-37, Code of Alabama 1975,
3 is amended to read as follows:

4 "§15-22-37.

5 "(a) The Board of Pardons and Paroles may adopt and
6 promulgate rules and regulations, not inconsistent with the
7 provisions of this article, touching upon all matters dealt
8 with in this article, including, among others, practice and
9 procedure in matters pertaining to paroles, pardons and
10 remission of fines and forfeitures; provided, however, that no
11 rule or regulation adopted and promulgated by such board shall
12 have the effect of denying to any person whose application for
13 parole or the revocation of whose parole is being considered
14 by ~~said~~ the board from having the benefit of counsel or
15 witnesses upon ~~said~~ the hearing.

16 "(b) The Board of Pardons and Paroles shall adopt
17 and promulgate rules and regulations to do all of the
18 following:

19 "(1) Establish a program of limited supervision for
20 parolees who qualify addressing eligibility using validated
21 risk and needs assessments, as defined in Section 12-25-32,
22 transfers among levels of supervision, to include guidelines
23 for the transfer of lower-risk individuals to an
24 administrative form of parole, and reporting requirements⁷.

25 "(2) Develop policies and procedures for screening,
26 assessment, and referral for parolees to connect with
27 recidivism reduction services including, but not limited to,

1 cognitive behavioral intervention and substance abuse
2 treatment~~7.~~.

3 "(3) Establish a matrix of rewards for compliance
4 and pro-social behaviors and swift, certain and graduated
5 sanctions to be imposed by the board, as provided under
6 subsections (e) and (f) of Section 15-22-32, in response to
7 corresponding violations of parole terms or conditions
8 imposed~~7.~~.

9 "(4) Establish clear guidelines and procedures that
10 retain the board's discretion in individual parole release
11 cases. Such guidelines shall provide that, if a prisoner
12 convicted of a nonviolent offense, as defined in Section
13 12-25-32, with a sentence of 20 years or less is denied
14 parole, the board shall reconsider releasing the prisoner on
15 parole no more than two years after such parole release
16 denial. Such guidelines shall allow a current validated risk
17 and needs assessment as defined in Section 12-25-32, past
18 criminal history, program completion, institutional
19 misconduct, and other individual characteristics related to
20 the likelihood of offending in the future to be factored into
21 the release decision while working to allocate prison space
22 for the most violent and greatest risk prisoners~~7.~~.

23 "(5) Ensure that the provisions of subsections (k)
24 and (l) of Section 15-22-24 are implemented relating to the
25 supervision and treatment of parolees~~7.~~and.

26 "(6) Establish criteria, guidelines, and procedures
27 to discharge parolees from parole supervision requirements

1 prior to the expiration of the full maximum term for which the
2 parolee was sentenced, unless the parolee was convicted of a
3 violent offense as defined in Section 12-25-32, which shall
4 include review of a parolee for discharge from parole
5 supervision at least every two years if the parolee has
6 satisfied all financial obligations owed to the court,
7 including restitution, and has not had his or her supervision
8 revoked.

9 "(7) Ensure that each official order of the board
10 granting a pardon, parole, or conditional transfer of a
11 prisoner shall be certified by the executive director within
12 30 days."

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