

1 SB42
2 196820-1
3 By Senator Ward
4 RFD: Judiciary
5 First Read: 05-MAR-19
6 PFD: 02/27/2019

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8 SYNOPSIS: Under existing law, a defendant convicted of
9 a violent offense is eligible for parole once he or
10 she has served one third or 10 years of his or her
11 sentence, whichever is less, except by a unanimous
12 affirmative vote of the board.

13 This bill would require a defendant
14 convicted of murder, rape in the first degree,
15 sodomy in the first degree, sexual torture, sexual
16 abuse in the first degree, or human trafficking in
17 the first degree to serve 85 percent of his or her
18 sentence before being eligible for parole.

19 This bill would further provide for
20 technical revisions.

21
22 A BILL
23 TO BE ENTITLED
24 AN ACT

25
26 Relating to pardons and paroles; to add Section
27 15-22-27.4 to the Code of Alabama 1975, to require a defendant

1 convicted of murder, rape in the first degree, sodomy in the
2 first degree, sexual torture, sexual abuse in the first
3 degree, or human trafficking in the first degree to serve 85
4 percent of his or her sentence before being eligible for
5 parole; to amend Sections 15-22-27.3 and 15-22-28, Code of
6 Alabama 1975, to provide for technical revisions.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. Section 15-22-27.4 is added to the Code
9 of Alabama 1975, to read as follows:

10 §15-22-27.4.

11 Notwithstanding Section 15-22-28, any defendant
12 convicted of any act, or attempt to commit the act, of murder,
13 rape in the first degree, sodomy in the first degree, sexual
14 torture, sexual abuse in the first degree, or human
15 trafficking in the first degree shall not be eligible for
16 parole until he or she has served 85 percent of his or her
17 sentence.

18 Section 2. Sections 15-22-27.3 and 15-22-28, Code of
19 Alabama 1975, are amended to read as follows:

20 "§15-22-27.3.

21 "Any person convicted of a sex offense involving a
22 child as defined in ~~subdivision (26)~~ of Section 15-20A-4 which
23 constitutes a Class A or B felony shall not be eligible for
24 parole.

25 "§15-22-28.

26 "(a) It shall be the duty of the Board of Pardons
27 and Paroles, upon its own initiative, to make an investigation

1 of any and all prisoners confined in the jails and prisons of
2 the state, through use of a validated risk and needs
3 assessment as defined in Section 12-25-32, with a view of
4 determining the feasibility of releasing the prisoners on
5 parole and effecting their reclamation. Reinvestigations shall
6 be made from time to time as the board may determine or as the
7 Department of Corrections may request. The investigations
8 shall include such reports and other information as the board
9 may require from the Department of Corrections or any of its
10 officers, agents, or employees.

11 "(b) It shall be the duty of the Department of
12 Corrections to cooperate with the Board of Pardons and Paroles
13 for the purpose of carrying out the provisions of this
14 article.

15 "(c) Temporary leave from prison, including
16 Christmas furloughs, may be granted only by the Commissioner
17 of Corrections to a prisoner for good and sufficient reason
18 and may be granted within or without the state; provided, that
19 Christmas furloughs shall not be granted to any prisoner
20 convicted of drug peddling, child molesting or rape, or to any
21 maximum security prisoner. A permanent, written record of all
22 such temporary leaves, together with the reasons therefor,
23 shall be kept by such commissioner. He or she shall furnish
24 the ~~Pardon and Parole Board~~ Board of Pardons and Paroles with
25 a record of each such leave granted and the reasons therefor,
26 and the same shall be placed by the board in the prisoner's
27 file.

1 "(d) No prisoner shall be released on parole except
2 by a majority vote of the board. The board shall not parole
3 any prisoner for employment by any official of the State of
4 Alabama, nor shall any parolee be employed by an official of
5 the State of Alabama and be allowed to remain on parole;
6 provided, however, that this provision shall not apply in the
7 case of a parolee whose employer, at the time of the parolee's
8 original employment, was not a state official.

9 "(e) Except as provided in Section 15-22-26.4, for
10 ~~For~~ violent offenses as defined in Section 12-25-32, the board
11 shall not grant a parole to any prisoner who has not served at
12 least one third or 10 years of his or her sentence, whichever
13 is the lesser, except by a unanimous affirmative vote of the
14 board."

15 Section 3. 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.