

1 HB92  
2 208390-1  
3 By Representative Hill  
4 RFD: Judiciary  
5 First Read: 02-FEB-21  
6 PFD: 12/17/2020

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8 SYNOPSIS: Under existing law the Board of Pardons and  
9 Paroles consists of three members.

10 This bill would provide for three special  
11 board members to serve in addition to the permanent  
12 board members.

13 This bill would also provide for the  
14 appointment, compensation, and duties of the  
15 special board members.

16 The bill would also provide that the board  
17 members and the special board members may sit in  
18 panels for the purpose of conducting hearings and  
19 making determinations concerning pardons, paroles,  
20 restoration of civil and political rights,  
21 remission of fines and forfeitures, and  
22 revocations.

23 This bill would also provide for the term of  
24 service for the special members.

25  
26 A BILL  
27 TO BE ENTITLED

1 AN ACT

2  
3 Relating to pardons and paroles; to amend Section  
4 15-22-20, Code of Alabama 1975, to provide for additional  
5 special board members; to provide for the appointment,  
6 compensation, and duties of the special board members; provide  
7 that the board members and special board members may sit in  
8 panels for conducting hearings and making determinations; and  
9 to provide for the term of service for the special board  
10 members.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

14 "§15-22-20.

15 "(a) (1) There shall be a Board of Pardons and  
16 Paroles ~~which~~ that shall consist of three members. The  
17 membership of the board shall be inclusive and reflect the  
18 racial, gender, geographic, urban/rural, ~~or~~ and economic  
19 diversity of the state. At least one member shall be a current  
20 or former law enforcement officer with a minimum of 10 years'  
21 experience in or with a law enforcement agency ~~which~~ that has  
22 among its primary duties and responsibilities the  
23 investigation of violent crimes or the apprehension, arrest,  
24 or supervision of the perpetrators ~~thereof~~.

25 "~~(b)~~ (2) Any vacancy occurring on the board, whether  
26 for an expired or unexpired term, shall be filled by  
27 appointment by the Governor, with the advice and consent of

1 the Senate, from a list of five qualified persons nominated by  
2 a board consisting of the Lieutenant Governor, the Speaker of  
3 the House of Representatives, and the President Pro Tempore of  
4 the Senate. The nominating board shall as soon as practicable  
5 after a vacancy occurs, whether for an expired or unexpired  
6 term, meet and select by majority vote the names of five  
7 persons to be submitted to the Governor. The board shall  
8 immediately submit its nominations to the Governor, who shall  
9 make his or her appointment from the list within 10 days.  
10 Appointees shall begin serving immediately upon appointment,  
11 until confirmed or rejected by the Senate. Appointments made  
12 at times when the Senate is not in regular session shall be  
13 effective ad interim. Any appointment made by the Governor  
14 while the Senate is in regular session ~~must~~ shall be submitted  
15 to the Senate not later than the third legislative day  
16 following the date of the appointment, ~~any.~~ Any appointment  
17 made while the Senate is not in regular session shall be  
18 submitted not later than the third legislative day following  
19 the reconvening of the Legislature in regular session. If the  
20 Senate fails to vote on an appointee's confirmation before  
21 adjourning sine die during the regular session in which the  
22 appointee is appointed, the appointee is deemed to be  
23 confirmed.

24 ~~(c)~~ (3) Members of the board shall be appointed for  
25 terms of six years commencing on July 1 in the years 1953,  
26 1955, and 1957, and shall serve until their successors are  
27 appointed and qualified. Any person appointed to fill the

1 vacancy for an unexpired term shall vacate the office upon the  
2 expiration of that unexpired term.

3 ~~"(d)~~ (4) The Governor shall designate one of the  
4 members as chair, and the chair shall preside at sessions of  
5 the board.

6 ~~"(e)~~ (5) Each member shall take the constitutional  
7 oath of office and shall be subject to impeachment for any of  
8 the causes specified in Section 173 of the Constitution; and  
9 the procedure in cases of impeachment shall be in the manner  
10 provided by Section 175 of the Constitution; provided,  
11 however, that in the event the Governor shall determine that  
12 any member of the board is incapacitated by reason of physical  
13 or mental disability or illness to the extent that the member  
14 cannot efficiently perform the duties of his or her office, he  
15 or she shall direct the Attorney General to proceed to the  
16 determination of that issue in an inquisition proceeding  
17 instituted by him or her in the Circuit Court of Montgomery  
18 County, Alabama. In the event the issue is determined in the  
19 court against the board member, the court shall declare the  
20 office vacant, and the same shall be vacated and a successor  
21 appointed, as provided in this section.

22 ~~"(f)~~ (6) Two members of the board shall constitute a  
23 quorum for the transaction of the official business of the  
24 board.

25 ~~"(g)~~ (7) The members of the board shall hold no  
26 other office of profit during their incumbency.

1           ~~"(h)~~ (8) The annual compensation of the chair and  
2 each associate member of the Board of Pardons and Paroles  
3 shall be an amount as is provided by law. The salaries shall  
4 be paid in equal installments from the State Treasury in the  
5 same manner that salaries of other state officers are paid.

6           "(b) (1) In addition to the members of the board  
7 provided for in subsection (a), the Lieutenant Governor, the  
8 President Pro Tempore of the Senate, and the Speaker of the  
9 House of Representatives shall each appoint one individual to  
10 serve as a special member of the board. The appointing  
11 authorities shall coordinate their appointments to assure the  
12 membership of the board shall be inclusive and reflect the  
13 racial, gender, geographic, urban/rural, and economic  
14 diversity of the state.

15           "(2) The member appointed by the Lieutenant Governor  
16 shall serve as a co-chair of the Board of Pardons.

17           "(3)a. The special members shall serve a single term  
18 beginning July 1, 2021, and ending July 1, 2023, unless  
19 extended by an act of the Legislature.

20           "b. Any vacancy of one of the special members of the  
21 board shall be filled by appointment by the Lieutenant  
22 Governor, the President Pro Tempore of the Senate, and the  
23 Speaker of the House of Representatives.

24           "(4) The special members shall be appointed and  
25 serve for the limited purpose of conducting hearings and  
26 making determinations concerning pardons, paroles, restoration

1 of civil and political rights, remission of fines and  
2 forfeitures, and revocations.

3 "(5) The provision regarding oath and incapacity,  
4 devotion to duties, and compensation in subsection (a) shall  
5 apply to special members in the same manner as they apply to  
6 members of the board.

7 "(6) During the term of the special members of the  
8 board, the board shall sit in two panels of three board  
9 members to conduct hearings and make determinations concerning  
10 pardons, paroles, restoration of civil and political rights,  
11 remission of fines and forfeitures, and revocations. The chair  
12 of the board under subsection (a) and the co-chair of the  
13 board under subdivision (2) shall jointly designate the  
14 membership of each panel, from among the remaining regular  
15 members and special members, to provide for hearings on all  
16 pending matters before the board in an expeditious manner. The  
17 co-chair of the board appointed under subdivision (2) may  
18 serve on a panel. Two members of each panel shall constitute a  
19 quorum for the transaction of official business of the board.

20 "(7) When the board sits in panels of three, as  
21 authorized in this subsection, each panel shall act in the  
22 same manner and under the same authority as the full board.  
23 All authority, duties, powers, and responsibilities of the  
24 board provided by law on any matter brought before the panel  
25 for hearing shall be exercised by the panel as though heard  
26 and decided by the full board. A decision by a panel under  
27 this subsection shall constitute a decision of the board. All

1 procedures or rules of the board relating to a hearing of the  
2 board shall apply to hearings before a panel of the board  
3 conducted pursuant to this subsection."

4           Section 2. This act shall become effective  
5 immediately following its passage and approval by the  
6 Governor, or its otherwise becoming law.