

1 HB111
2 208748-1
3 By Representative Hill
4 RFD: Judiciary
5 First Read: 02-FEB-21
6 PFD: 01/26/2021

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8 SYNOPSIS: Under existing law, certain inmates nearing
9 their end of sentence are required to be released
10 from the Department of Corrections and are required
11 to be supervised by the Board of Pardons and
12 Paroles.

13 This bill would provide that inmates
14 released prior to their end of sentence be subject
15 to electronic monitoring as determined by the Board
16 of Pardons and Paroles.

17 Under existing law, inmates released on
18 parole must follow the terms and conditions set by
19 the Board of Pardons and Paroles.

20 This bill would provide that all inmates
21 released on parole be subject to electronic
22 monitoring as required by the Board of Pardons and
23 Paroles.

24 This bill would also provide that the Board
25 of Pardons and Paroles be required to pay for the
26 electronic monitoring of released inmates.

1 Under existing law, the Secretary of the
2 Alabama State Law Enforcement Agency and the
3 Department of Corrections may issue a nondriver
4 identification card to an inmate prior to his or
5 her release.

6 This bill would require the Secretary of the
7 Alabama State Law Enforcement Agency and the
8 Department of Corrections to issue a nondriver
9 photo identification card to an inmate prior to his
10 or her release.

11
12 A BILL
13 TO BE ENTITLED
14 AN ACT

15
16 Relating to pardons and paroles; to amend Sections
17 15-22-26.2 and 15-22-29, Code of Alabama 1975, to require
18 electronic monitoring for certain inmates upon release; to
19 provide for implementation; and to amend Section 41-27-3.2,
20 Code of Alabama 1975, to require inmates be provided a
21 nondriver photo identification card prior to his or her
22 release from the Department of Corrections.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. Sections 15-22-26.2 and 15-22-29, Code of
25 Alabama 1975, are amended to read as follows:

26 "§15-22-26.2.

1 "(a) A convicted defendant sentenced to a period of
2 confinement under the supervision of the Department of
3 Corrections shall be subject to the following provisions,
4 unless the defendant is released to a term of probation or
5 released on parole under ~~the provisions of Chapter 22 of Title~~
6 15 this chapter:

7 "(1) If the defendant is sentenced to a period of
8 five years or less, he or she shall be released by the
9 department to supervision by the Board of Pardons and Paroles
10 no less than three months and no more than five months prior
11 to the defendant's release date~~;~~.

12 "(2) If the defendant is sentenced to a period of
13 more than five years but less than 10 years, he or she shall
14 be released by the department to supervision by the Board of
15 Pardons and Paroles no less than six months and no more than
16 nine months prior to the defendant's release date~~;~~or.

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

22 "(b) ~~The provisions of this~~ This section shall not
23 apply to a defendant convicted of any sex offense involving a
24 child, as defined in Section 15-20A-4.

25 "(c) Prior to the defendant's release to supervision
26 pursuant to this section, notice of ~~such~~ the release shall be
27 provided to the victim and interested parties through the

1 victim notification system established pursuant to Section
2 15-22-36.2 and under the provisions of Section 15-22-36.

3 "~~Release of an~~ An offender released to
4 supervision pursuant to this section shall be ~~release~~ released
5 to an intensive program under the supervision of the Board of
6 Pardons and Paroles.

7 "(e) (1) An offender released pursuant to this
8 section shall be subject to electronic monitoring for a period
9 determined by the Board of Pardons and Paroles.

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

12 "§15-22-29.

13 "(a) The Board of Pardons and Paroles, in releasing
14 ~~a prisoner~~ an inmate on parole, shall specify in writing the
15 conditions of ~~his~~ parole, and shall provide a copy of ~~such the~~
16 conditions ~~shall be given~~ to the parolee. A ~~violation of such~~
17 parolee who violates conditions of parole may ~~render the~~
18 ~~prisoner liable~~ be subject to arrest and reimprisonment.

19 "(b) The Board of Pardons and Paroles shall adopt
20 general rules ~~with regard to~~ regarding the conditions of
21 parole and their violation and may make special rules to
22 govern particular cases. ~~Such~~ The rules, both general and
23 special, shall include, ~~among other things, a requirement that~~
24 but are not limited to, all of the following:

25 "(1) The parolee ~~shall~~ may not leave the state
26 without the consent of the board;.

1 "~~He or she~~ The parolee shall contribute to the
2 support of his or her dependents to the best of his or her
3 ability~~7.~~

4 "~~He or she~~ The parolee shall make reparation or
5 restitution for his or her crime~~7.~~

6 "~~He or she~~ The parolee shall abandon evil
7 associates and ways~~7.~~

8 "~~He or she~~ The parolee shall ~~carry out~~ follow
9 the instructions of his or her parole officer and ~~in general~~
10 ~~so comport himself or herself as such~~ cooperate with the
11 parole officer shall determine; and.

12 "(6)a. The parolee shall be subject to electronic
13 monitoring for a period determined by the Board of Pardons and
14 Paroles.

15 "b. The board shall be responsible for the costs of
16 the electronic monitoring as required by this subsection.

17 "~~(6) He or she~~ (7) The parolee shall submit to
18 behavioral treatment, substance abuse treatment, ~~GPS~~
19 ~~monitoring~~, other treatment as deemed necessary by the board
20 or the supervising parole officer, ~~and/~~ or a period or periods
21 of confinement in a consenting jail facility. Periods of
22 confinement imposed by the supervising parole officer ~~shall~~
23 may not exceed six days per month during any three separate
24 months during the period of parole. The six days per month
25 confinement provided for in this subdivision shall only be
26 imposed ~~by the supervising parole officer~~ as two-day or
27 three-day consecutive periods at any single time. ~~In no event~~

1 ~~shall the~~ The total periods of confinement ~~imposed by the~~
2 ~~supervising parole officer provided for in this subdivision~~
3 ~~may not~~ exceed 18 total days ~~in a consenting jail facility.~~
4 Confinement provided herein shall be subject to the
5 limitations, provisions, and conditions provided in Section
6 15-22-32, and the board's authority to directly impose
7 sanctions, periods of confinement, or revoke parole ~~shall~~ may
8 not otherwise be limited."

9 Section 2. Section 41-27-3.2, Code of Alabama 1975,
10 is amended to read as follows:

11 "§41-27-3.2.

12 "The Secretary of the Alabama State Law Enforcement
13 Agency, in coordination with the Commissioner of the
14 Department of Corrections, shall ~~have the authority to~~
15 ~~promulgate rules to establish a program by January 1, 2018, to~~
16 ~~issue~~ provide a nondriver identification card to ~~a resident~~
17 upon an inmate prior to his or her release from the Department
18 of Corrections."

19 Section 3. Section 1 of this act shall become
20 effective on the first day of the third month following its
21 passage and approval by the Governor, or its otherwise
22 becoming law; Section 2 of this act shall become effective on
23 January 1, 2022.