SB304

278GSIS-1

By Senator Carnley

RFD: Judiciary

First Read: 04-Apr-24

SYNOPSIS:

Under existing law, certain defendants nearing the end of their sentence must be released by the Department of Corrections to mandatory supervision by the Board of Pardons and Paroles for specified periods prior to their end of sentence.

This bill would provide that a defendant who is released pursuant to mandatory supervision and who violates any term of release may have his or her release revoked by the Board of Pardons and Paroles and be required to serve the remainder of his or her sentence.

This bill would provide that a defendant who is released pursuant to mandatory supervision and whose release is revoked for committing a new criminal offense shall serve any sentence imposed on the new criminal offense consecutive with the revocation.

This bill would provide that a defendant who is released on parole or probation and whose parole or probation is revoked may not be released pursuant to mandatory supervised release until he or she has served a minimum of three months in the Department of Corrections following the revocation.

This bill would also provide that a defendant may waive release pursuant to this section.

A BILL

TO BE ENTITLED

AN ACT

Relating to mandatory supervised release of defendants; to amend Section 15-22-26.2, Code of Alabama 1975; to further provide for the revocation of a sentence of a defendant released pursuant to mandatory supervision; to provide that a defendant who violates terms of his or her parole or probation must serve a period of time before being released pursuant to mandatory supervision; and to provide that a defendant may waive being released from the Department of Corrections custody pursuant to mandatory supervised release.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 15-22-26.2, Code of Alabama 1975, is amended to read as follows:

"§15-22-26.2

(a) A ~~convicted~~ defendant sentenced to a period of confinement under the supervision of the Department of Corrections shall be subject to the following provisions, unless the defendant is released to a term of probation or released on parole under this chapter:

(1) If the defendant is sentenced to a period of five years or less, he or she shall be released by the department to supervision by the Board of Pardons and Paroles no less than three months and no more than five months prior to the

defendant's release date.

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

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

(b) This section shall not apply to a defendant convicted of any sex offense involving a child, as defined in Section 15-20A-4.

(c) Prior to the defendant's release to supervision pursuant to this section, notice of the release shall be provided by the department to the victim and interested parties through the victim notification system established pursuant to Section 15-22-36.2.

(d)(1) ~~An offender~~ A defendant released to supervision pursuant to this section shall be released to the supervision of the Board of Pardons and Paroles and shall be subject to this article.

(2) The board shall determine the level of supervision required for ~~an offender~~ the defendant based on the results of a validated risk and needs assessment.

(e)(1) ~~An offender~~ A defendant released pursuant to this section shall be subject to electronic monitoring for a

period of time determined by the Director of the Board of Pardons and Paroles.

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

(f) A defendant who is released pursuant to this section and who violates any term of release may be sanctioned by the Board of Pardons and Paroles as provided in Section 15-22-32. A defendant whose release is revoked pursuant to this subsection is not eligible for further release under this section.

(g) A defendant who is released pursuant to this section and whose release is revoked for committing a new criminal offense shall serve any sentence imposed on the new criminal offense consecutive with the revocation.

(h) A defendant who has been released on parole or probation and whose parole or probation has been revoked may not be released pursuant to this section until he or she has served a minimum of three months in the Department of Corrections following the revocation.

(i) A defendant may waive release pursuant to this section.

~~(f)~~ (j) This section applies to a defendant in the custody of the department without regard to when he or she was sentenced for or committed the crime."

Section 2. This act shall become effective on October 1, 2024.