

HB40 INTRODUCED



1 HB40
2 2DD4KIK-1
3 By Representative England
4 RFD: Judiciary
5 First Read: 04-Feb-25
6 PFD: 11-Sep-24



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SYNOPSIS:

This bill would create the Criminal Justice Policy Development Council to oversee the development and implementation of validated risk and needs assessments for offenders, parole release guidelines, and classification guidelines of inmates.

Under existing law, the Board of Pardons and Paroles uses parole release guidelines as an aid in the parole process.

This bill would require the Board of Pardons and Paroles to use parole release guidelines created by the Criminal Justice Policy Development Council in its parole decisions.

This bill would provide that if the board deviates from the parole release guidelines, the board would be required to state its reasons for the deviation.

This bill would also provide appellate relief for inmates who are negatively affected by the board's deviation from the parole release guidelines.

A BILL
TO BE ENTITLED
AN ACT



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29
30 Relating to criminal justice; to create the Criminal
31 Justice Policy Development Council; to specify the membership
32 of the council; to specify the duties of the council; and to
33 amend Section 15-22-26, Code of Alabama 1975, to require the
34 Board of Pardons and Paroles to use certain parole release
35 guidelines; to revise certain parole proceedings; and to
36 provide appellate review of certain parole decisions.

37 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

38 Section 1. (a) The Criminal Justice Policy Development
39 Council is created to oversee the development and
40 implementation of certain policies and guidelines relating to
41 offenders in the criminal justice system as provided in this
42 section.

43 (b) (1) The council shall be composed of the following
44 members:

45 a. The Attorney General or his or her designee.

46 b. The Chair of the Senate Judiciary Committee or his
47 or her designee.

48 c. The Chair of the House Judiciary Committee or his or
49 her designee.

50 d. A member of the minority party of the Senate
51 appointed by the Senate Minority Leader.

52 e. A member of the minority party of the House of
53 Representatives appointed by the House of Representatives
54 Minority Leader.

55 f. The Director of the Legislative Services Agency or
56 his or her designee.



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57 g. The Executive Director of the Alabama Sentencing
58 Commission or his or her designee.

59 h. The Commissioner of the Department of Corrections or
60 his or her designee.

61 i. The Director of the Board of Pardons and Paroles or
62 his or her designee.

63 j. The Executive Director of the Office of Prosecution
64 Services or his or her designee.

65 k. A member appointed by Victims of Crime and Leniency,
66 Incorporated (VOCAL).

67 (2) The council shall select a chair and a vice chair
68 at its first meeting, to be held no later than August 1, 2025.

69 (3) Members of the council shall serve without
70 compensation, but may be reimbursed for necessary expenses in
71 attending meetings of the council according to policies and
72 procedures of their respective appointing authority or
73 employing agency.

74 (c) (1) By October 1, 2027, the council shall complete
75 all of the following:

76 a. Update the inmate classification system for
77 implementation by the Department of Corrections.

78 b. Create and adopt parole guidelines to be implemented
79 by the Board of Pardons and Paroles.

80 c. Adopt a validated risk and needs assessment, that
81 has been created and validated for the Alabama felony offender
82 population, to be implemented by the Department of Corrections
83 and the Board of Pardons and Paroles.

84 (2) The council may contract with third parties to



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85 develop and validate the systems, policies, and guidelines
86 required in subdivision (1).

87 (d) The council may meet as often as necessary at the
88 call of the chair or a majority of the members.

89 (e) Beginning on October 1, 2025, and quarterly
90 thereafter, the council shall submit a written report to the
91 Legislature on its progress with the development and
92 implementation of the systems, policies, and guidelines
93 required in this section. Upon adoption of each system,
94 policy, and guideline, the council shall certify to the
95 Legislature that it has completed that task.

96 (f) (1) Upon the adoption of the systems, policies, and
97 guidelines by the council, as provided by this section, the
98 Department of Corrections and the Board of Pardons and Paroles
99 shall implement the use of the systems, policies, and
100 guidelines.

101 (2) Within 60 days of the council's certification to
102 the Legislature as required in subsection (e), the Department
103 of Corrections and the Board of Pardons and Paroles shall
104 report to the Legislature in writing how the department and
105 board have implemented the particular system, policy, or
106 guideline.

107 (g) The Legislative Services Agency, the Administrative
108 Office of Courts, the Department of Corrections, the Board of
109 Pardons and Paroles, the Alabama State Law Enforcement Agency,
110 and any other entities designated by the council shall provide
111 assistance to the council as necessary.

112 (h) The council shall stand dissolved on January 1,



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113 2028.

114 Section 2. Section 15-22-26, Code of Alabama 1975, is
115 amended to read as follows:

116 "§15-22-26

117 (a) (1) ~~No prisoner shall be released on parole merely~~
118 ~~as a reward for good conduct or efficient performance of~~
119 ~~duties assigned in prison, but only if the Board of Pardons~~
120 ~~and Paroles is of the opinion that the prisoner meets criteria~~
121 ~~and guidelines established by the board~~ The Board of Pardons
122 and Paroles, by rule, shall establish parole release
123 guidelines to determine ~~a prisoner's~~ an inmate's fitness for
124 parole and to ensure public safety.

125 (2) The parole release guidelines shall ~~serve as an aid~~
126 be used by the board in the parole process and shall promote
127 the use of prison space for the most violent and greatest risk
128 offenders, while recognizing that the board's paramount duty
129 is to protect public safety. ~~The guidelines shall be~~
130 ~~structured, actuarially based, reviewed every three years by~~
131 ~~the board, after a specified open comment period determined by~~
132 ~~the board, and posted on the website of the board and include,~~
133 ~~but not be limited to, the following:~~

134 (3) The parole release guidelines shall assess all of
135 the following:

136 ~~(1)~~ a. The ~~prisoner's~~ inmate's risk to reoffend, based
137 upon a validated risk and needs assessment, as defined in
138 Section 12-25-32.

139 ~~(2)~~ b. Progress by the ~~prisoner and inmate in complying~~
140 with the Department of ~~Corrections to~~ Corrections' plan for



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141 reentry.

142 ~~(3)~~ c. Input from the victim or victims, the family of
143 the victim or victims, prosecutors, and law enforcement
144 entities.

145 ~~(4)~~ d. Participation in risk-reduction programs while
146 incarcerated.

147 ~~(5)~~ e. Institutional behavior of the ~~prisoner~~ inmate
148 while incarcerated.

149 ~~(6)~~ f. Severity of the underlying offense for which the
150 ~~prisoner~~ inmate was sentenced to incarceration.

151 g. Any interview or statement of the inmate.

152 ~~(b) Except as provided in Section 15-22-37, if the~~
153 ~~board grants a prisoner parole, the prisoner shall be released~~
154 ~~from prison upon the terms and conditions set by the board,~~
155 ~~and while released on parole, shall remain in the legal~~
156 ~~custody of the warden of the prison from which he or she is~~
157 ~~paroled until the expiration of the maximum term specified in~~
158 ~~his or her sentence or until he or she is fully pardoned.~~

159 (b) (c) The board shall clearly articulate its reasons
160 for approval or denial of parole for each prisoner, based on
161 its established guidelines, and shall provide the reasons for
162 approval or denial If the board deviates from the parole
163 release guidelines, the board shall provide a detailed written
164 explanation for the deviation to the ~~prisoner~~ inmate, the
165 victim, the Department of Corrections, ~~or~~ and, upon written
166 request submitted to the board, any other interested party
167 ~~upon written request submitted to the board. The use of~~
168 ~~established guidelines for parole consideration shall not~~



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169 ~~create a right or expectation by a prisoner to parole release.~~
170 ~~Additionally, the articulated reasons for denial of parole~~
171 ~~release shall not create a right or expectation for parole~~
172 ~~release. The guidelines shall serve as an aid in the parole~~
173 ~~decisionmaking process, and the decision concerning parole~~
174 ~~release shall be at the complete discretion of the board.~~

175 (c) Deviations from the parole release guidelines shall
176 be subject to appellate review as provided in this subsection.
177 The board shall provide written notice to the inmate that he
178 or she has a right to appeal the denial of parole.

179 (1) Within 30 days of the board denying an inmate
180 parole, an inmate who is aggrieved by the deviation from the
181 parole release guidelines may appeal the decision.

182 (2) The venue for an appeal shall be the Court of
183 Criminal Appeals.

184 (3) The decision by the Court of Criminal Appeals shall
185 be final.

186 (d) If the board grants an inmate parole, the inmate
187 shall be released from prison upon the terms and conditions
188 set by the board and, while released on parole, shall remain
189 in the legal custody of the warden of the prison from which he
190 or she is paroled until the expiration of the maximum term
191 specified in his or her sentence or until he or she is granted
192 a full pardon."

193 Section 3. This act shall become effective on June 1,
194 2025.