

1 SB217
2 127262-2
3 By Senators Williams, Ward, Bussman, Waggoner, Bedford,
4 Fielding, Coleman, Beasley, Irons, Ross, Singleton, Brewbaker,
5 Pittman and Orr
6 RFD: Judiciary
7 First Read: 22-MAR-11

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 To authorize Honor and Opportunity Probation with
12 Enforcement programs in the State of Alabama.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. This act shall be cited as the Honor and
15 Opportunity Probation with Enforcement Act of 2011.

16 Section 2. As used in this act, the following words
17 shall have the following meanings:

18 (1) HOPE. Honor and Opportunity Probation with
19 Enforcement.

20 (2) KEY PROCESS AND OUTCOME MEASURES. These measures
21 include individual and aggregate data on the following:

- 22 a. Individuals enrolled in the program.
23 b. The frequency of drug testing.
24 c. The number and type of violations and sanctions
25 imposed.
26 d. The number of jail stays imposed.

1 e. The period of time between detection of a
2 violation and the issuance of a sanction.

3 f. The number and cause of revocations.

4 g. The number and cause of arrests.

5 h. Participants who successfully completed or failed
6 the program or otherwise did not complete the program.

7 i. Participants referred to a certified drug
8 treatment program.

9 j. Participants regularly employed and the type of
10 employment.

11 k. The amount of cost savings, if any, resulting
12 from the reduced incarceration achieved through the program.

13 (3) SYSTEM ACTORS. All individuals who are or will
14 be involved in the operation of the HOPE program, including
15 but not limited to:

16 a. Probation officers.

17 b. The sheriff, jailer, or jail administrator as
18 provided in Section 14-6-1, Code of Alabama 1975.

19 c. The district attorney or his or her designee.

20 d. The public defender and other members of the
21 criminal defense bar in the circuit.

22 e. The sheriff of each county in the circuit or his
23 or her designee.

24 f. The chief of police of each municipality in the
25 circuit or his or her designee.

26 Section 3. The Legislature makes the following
27 findings:

1 (1) The Legislature recognizes the important role
2 that probation supervision plays in the state's criminal
3 justice system.

4 (2) The HOPE initiative is an offender supervision
5 program aimed at reducing probation violations by moderate to
6 high-risk offenders as determined by a recognized risk and
7 needs assessment recommended for use in Alabama, by using
8 clearly articulated sanctions applied in a manner that is
9 certain, swift, consistent, and proportionate.

10 Section 4. The goals of this act are to provide the
11 judicial circuits and local jurisdictions with standards and
12 guidelines with which to initiate a HOPE program. These
13 standards and guidelines are intended to:

14 (1) Enhance public safety by reducing recidivism.

15 (2) Reduce substance abuse.

16 (3) Increase the accountability and personal
17 responsibility of offenders on probation supervision.

18 (4) Help probation officers mete out fair,
19 consistent, and proportionate sanctions.

20 (5) Encourage probation officers and the courts to
21 sanction those probationers in the program for each and every
22 violation.

23 (6) Reduce the costs of incarceration.

24 Section 5. The presiding judge of each judicial
25 circuit and after consultation with the district attorney,
26 with the consent of the chief probation officers of the
27 circuit, may establish a HOPE program. The structure and

1 operation of each HOPE program may differ and should be based
2 on the specific needs of and resources available to the
3 judicial circuit where the program will operate, but shall be
4 created and operated pursuant to this act and in compliance
5 with the guidelines contained herein.

6 Section 6. A HOPE program established within a
7 judicial circuit in the State of Alabama shall comply with the
8 following standards:

9 (1) In developing, launching, and operating the
10 program, the presiding judge or the judge assigned by the
11 presiding judge to operate the program shall involve and
12 receive a commitment of involvement from all system actors who
13 will participate in the operation of the program. Regular
14 coordination meetings shall be held between the relevant
15 system actors. The presiding judge or the judge assigned by
16 the presiding judge to operate the program may authorize a
17 court employee or system actor to handle administrative
18 matters concerning the program.

19 (2) The program must target individuals who are
20 serving a term of probation and who are at higher risk of
21 failing to observe the conditions of probation and of being
22 returned to incarceration as a result of such failure.

23 (3) The judge overseeing the program shall notify
24 the selected probationers of the rules of the program,
25 consequences of violating such rules, and the sanctions that
26 will be imposed.

1 (4) Regular, random, and rapid-result drug tests
2 shall be a part of any program created.

3 (5) Probationers shall be monitored to ensure that
4 their conditions of probation are being met, including, but
5 not limited to, reporting to the probation officer as
6 scheduled, abstaining from drug use, and paying court-ordered
7 financial obligations such as restitution or child support.

8 (6) The judge and the probation officer shall
9 respond to every violation of the conditions of probation with
10 immediate arrest of the violating probationers, and swift and
11 certain modification of the conditions of probation, including
12 imposition of short periods of confinement. The imposition of
13 short periods of confinement may be graduated to longer
14 periods of confinement with each additional violation and
15 modification.

16 (7) The judge shall immediately respond to a
17 probationer who has removed, absconded, or secreted himself or
18 herself from probation with the issuance of bench warrants and
19 immediate sanctions.

20 (8) The probation officer shall provide incentives
21 to probationers who comply with the rules, including less
22 frequent drug testing and reporting.

23 (9) Referral to a certified substance abuse
24 treatment program shall be provided to probationers who
25 repeatedly fail to refrain from the use of illicit drugs.

26 (10) Procedures shall be established to terminate
27 program participation and initiate revocation to a term of

1 incarceration for probationers who habitually fail to abide by
2 the program rules and pose a threat to public safety.

3 Section 7. Any HOPE program established within the
4 State of Alabama shall collect key process and outcome
5 measures and report such measures to the Alabama Sentencing
6 Commission on an ongoing and at least annual basis, as
7 directed by the Alabama Sentencing Commission.

8 Section 8. This act shall become effective on the
9 first day of the third month following its passage and
10 approval by the Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Judiciary..... 22-MAR-11

Read for the second time and placed on the calen-
dar 2 amendments..... 21-APR-11

Read for the third time and passed as amended 31-MAY-11

Yeas 27
Nays 0

Patrick Harris
Secretary