

1 SB412
2 159168-2
3 By Senator Orr
4 RFD: Finance and Taxation General Fund
5 First Read: 26-FEB-14

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8 SYNOPSIS: Under existing law, the Board of Pardons and
9 Paroles is responsible for determining whether an
10 offender should be pardoned or paroled, as well as
11 supervising offenders on parole or probation.

12 This bill would create the Division of
13 Probation and Parole within the Department of
14 Corrections for the purpose of supervising
15 offenders on probation or parole and would transfer
16 the duties, responsibilities, papers, funds,
17 property, employees, and other effects of the Board
18 of Pardons and Paroles, as they relate to the
19 supervision of offenders on probation or parole, to
20 the Department of Corrections.

21
22 A BILL

23 TO BE ENTITLED

24 AN ACT

25
26 Relating to probation and parole supervision; to
27 amend Sections 12-23A-2, 12-25-37, 12-25-38, 14-1-1.2,

1 15-18-71, 15-18-74, 15-18-76, 15-18-77, 15-20A-20, 15-20A-39,
2 15-22-1.3, 15-22-2, 15-22-24, 15-22-28, 15-22-30, 15-22-33,
3 15-22-35, 15-22-36, 15-22-36.1, 15-22-36.2, 15-22-37,
4 15-22-51, 15-22-53, 15-22-56, 15-23-72, 36-21-2, and 41-9-1060
5 of the Code of Alabama, 1975, related to probation and parole
6 supervision; and to create the Division of Probation and
7 Parole within the Department of Corrections, as well as
8 transfer the duties, responsibilities, papers, funds,
9 property, employees, and other effects of the Board of Pardons
10 and Paroles, as they relate to supervision of offenders on
11 probation or parole, to the Department of Corrections.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. Sections 12-23A-2, 12-25-37, 12-25-38,
14 14-1-1.2, 15-18-71, 15-18-74, 15-18-76, 15-18-77, 15-20A-20,
15 15-20A-39, 15-22-1.3, 15-22-2, 15-22-24, 15-22-28, 15-22-30,
16 15-22-33, 15-22-35, 15-22-36, 15-22-36.1, 15-22-36.2,
17 15-22-37, 15-22-51, 15-22-53, 15-22-56, 15-23-72, 36-21-2, and
18 41-9-1060 of the Code of Alabama, 1975, are amended to read as
19 follows:

20 "§12-23A-2.

21 "As used in this chapter, the following words shall
22 have the following meanings:

23 "(1) ADVISORY COMMITTEE. A local committee which may
24 consist of the following members or their designees:

25 "b. The district attorney.

26 "c. The public defender or a member of the criminal
27 defense bar.

1 "d. The drug court coordinator.

2 "e. The court clerk.

3 "f. A community corrections or court referral
4 officer, or both.

5 "g. A pretrial services provider.

6 "h. A law enforcement officer.

7 "i. Substance abuse treatment providers.

8 "j. Any other person the chair deems appropriate.

9 "(2) ASSESSMENT. A diagnostic evaluation for
10 placement in a treatment program which shall be performed in
11 accordance with criteria certified by the Department of Mental
12 Health, Substance Abuse Services Division.

13 "(3) CHARGE. As defined in Section 12-25-32(13).

14 "(4) CONTINUUM OF CARE. A seamless and coordinated
15 course of substance abuse education and treatment designed to
16 meet the needs of drug offenders as they move through the
17 criminal justice system and beyond, maximizing
18 self-sufficiency.

19 "(5) CO-OCCURRING. A substance abuse and mental
20 health disorder.

21 "(6) DRUG. Includes all of the following:

22 "a. A controlled substance, drug, or other substance
23 for which a medical prescription or other legal authorization
24 is required for purchase or possession.

25 "b. A drug whose manufacture, sale, use, or
26 possession is forbidden by law.

1 "c. Other harmful substance, a misused substance
2 otherwise legal to possess, including alcohol.

3 "(7) DRUG COURT. A judicial intervention program for
4 drug offenders in the criminal division of the circuit or
5 district court that incorporates the ten key components as
6 enumerated in subsection (f) of Section 12-23A-4 and may
7 include any of the following:

8 "a. Pre-adjudication. A drug offender is ordered to
9 participate in drug court before acceptance of a plea of
10 guilty or conviction.

11 "b. Post-adjudication. A drug offender is ordered to
12 participate in drug court after entering a plea of guilty or
13 having been found guilty.

14 "c. Reentry. A drug offender is ordered to
15 participate in drug court upon release from a sentence of
16 incarceration.

17 "d. Combination program. May include
18 pre-adjudication, post-adjudication, and/or reentry.

19 "(8) DRUG COURT COORDINATOR. An individual who is
20 responsible for coordinating the establishment, staffing,
21 operation, evaluation, and integrity of the drug court.

22 "(9) DRUG COURT TEAM. Consists of all of the
23 following members who are assigned to the drug court:

24 "a. The drug court judge.

25 "b. The district attorney or his or her designee.

26 "c. The public defender or a member of the criminal
27 defense bar.

1 "d. A law enforcement officer.

2 "e. The drug court coordinator.

3 "f. A representative from community corrections,
4 court referral program, or the ~~Board of Pardons and Paroles~~
5 Division of Probation and Parole of the Department of
6 Corrections.

7 "g. Any other persons selected by the drug court
8 team.

9 "(10) DRUG OFFENDER. A person charged with or
10 convicted of a drug-related offense or an offense in which
11 substance abuse is determined from the evidence to have been a
12 significant factor in the commission of the offense and who
13 has applied for or been accepted to participate in a drug
14 court program for drug offenders in the criminal division of
15 the circuit or district court.

16 "(11) MEMORANDUM OF UNDERSTANDING. A written
17 document setting forth an agreed upon procedure.

18 "(12) RECIDIVISM. A subsequent conviction or plea of
19 nolo contendere in this or any other state or federal court of
20 the United States within three years of successful completion
21 of, or termination from, drug court for any offense carrying a
22 sentence of one year or more.

23 "(13) RELAPSE. A return to substance use after a
24 period of abstinence from substance abuse.

25 "(14) SCREENING. The process of gathering basic
26 information to determine whether the offender meets
27 established drug court eligibility criteria and shall include,

1 but is not limited to, the current charge, a substance abuse
2 evaluation, a brief questionnaire to determine if a risk or
3 needs assessment is needed, and drug testing, and may include,
4 but is not limited to, a substance abuse evaluation, risk
5 assessment, or needs assessment.

6 "(15) SPLIT SENTENCING. A sentence which includes a
7 period of incarceration followed by a period of probation.

8 "(16) STAFFING. The meeting before an appearance of
9 a drug offender in drug court in which the drug court team
10 discusses a coordinated response to the drug offender's
11 behavior.

12 "(17) SUBSTANCE. Drug as defined in subdivision (6).

13 "(18) SUBSTANCE ABUSE. The illegal or improper
14 consumption of a drug.

15 "(19) SUBSTANCE ABUSE TREATMENT. The application of
16 professionally planned, managed, administered, and monitored
17 procedures for the purpose of alleviating, minimizing, and
18 stabilizing the effect of substance-related disorders and
19 restoring impaired functionality.

20 "(20) VIOLENT OFFENSE OR CHARGE. As defined in
21 Section 12-25-32(13).

22 "§12-25-37.

23 "(a) An offender sentenced based on the voluntary
24 truth-in-sentencing standards is released from incarceration
25 to post-release supervision on the date equivalent to the
26 expiration of the minimum term of sentence plus any additional
27 time added by the Department of Corrections on the offender's

1 extended term of sentence. In no event, however, shall an
2 offender's initial release date be later than the date
3 equivalent to the extended term less the time equivalent to
4 the period of post-release supervision.

5 "(b) An offender may not refuse post-release
6 supervision.

7 "(c) An offender whose offense was committed after
8 the effective date of the voluntary truth-in-sentencing
9 standards but whose sentence of active incarceration was a
10 departure from the standards, shall be released to
11 post-release supervision one year prior to the date calculated
12 as the end of the offender's sentence.

13 "(d) Before an offender is released to post-release
14 supervision, the ~~Board of Pardons and Paroles~~ Department of
15 Corrections shall design a release plan to reintegrate the
16 offender into society and to further hold the offender
17 accountable for his or her offense by collecting restitution
18 and other court indebtedness.

19 "(e) Post-release supervision shall be provided by
20 probation and parole officers or other officers designated by
21 the ~~Board of Pardons and Paroles~~ Department of Corrections.

22 "§12-25-38.

23 "(a) Offenders who fail to comply with the
24 conditions of post-release supervision as specified by the
25 ~~Board of Pardons and Paroles~~ Department of Corrections may
26 have their release status revoked.

1 "(b) At any time during the period of post-release
2 supervision, the ~~Board of Pardons and Paroles~~ Department of
3 Corrections may issue a warrant and may cause the offender to
4 be arrested for violating any of the conditions of
5 post-release supervision.

6 "(c) Any probation officer, police officer, or other
7 officer with power of arrest, when requested by the probation
8 officer or other supervising officer, may arrest an offender
9 under post-release supervision without a warrant. To arrest
10 the offender without a warrant, the arresting officer shall
11 have a written statement by the probation officer or other
12 supervising officer declaring that the offender under
13 post-release supervision, in his or her judgment, has violated
14 the conditions of post-release supervision. The statement
15 shall be sufficient warrant for the detention of the person
16 under post-release supervision in the county jail or other
17 appropriate place of detention until the offender under
18 post-release supervision is brought before the ~~Board of~~
19 ~~Pardons and Paroles~~ Department of Corrections; provided that
20 no person detained under this section shall be held in the
21 county jail for more than 20 days, and if his or her detention
22 exceeds 20 days, he or she shall be immediately transferred to
23 a state correctional facility. The probation officer or other
24 supervising officer shall forthwith report the arrest and
25 detention to the ~~Board of Pardons and Paroles~~ Department of
26 Corrections and shall submit in writing a report demonstrating

1 how the offender under post-release supervision violated the
2 terms of his or her release status.

3 "(d) If the offender violates a condition of
4 post-release supervision, the ~~Board of Pardons and Paroles~~
5 Department of Corrections after a hearing, may implement one
6 or more of the following options:

7 "(1) Continue the existing term of post-release
8 supervision.

9 "(2) Issue a formal or informal warning to the
10 offender under post-release supervision that further violation
11 may result in revocation of his or her post-release
12 supervision status and a return to incarceration for a period
13 of time not to exceed the remainder of the maximum sentence
14 imposed at the time of sentencing. An offender shall not
15 receive credit on his or her sentence for time served on
16 post-release supervision.

17 "(3) Conduct a formal or informal conference with
18 the offender under post-release supervision to reemphasize the
19 necessity of compliance with the conditions of his or her
20 release status.

21 "(4) Modify the conditions of post-release
22 supervision, including, but not limited to, short periods of
23 confinement.

24 "(5) Revoke the post-release supervision status of
25 the offender and order the offender returned to custody for
26 such period of time as provided in subdivision (2).

1 "(e) The ~~Board of Pardons and Paroles~~ Department of
2 Corrections may not revoke the release status of an offender
3 and order additional confinement unless the ~~board~~ department
4 finds, on the basis of the original offense and the
5 intervening conduct of the offender, either of the following:

6 "(1) That no measure short of confinement will
7 adequately protect the community from further criminal
8 activity by the offender.

9 "(2) That no measure short of confinement will avoid
10 depreciating the seriousness of the violation.

11 "(3) In lieu of a formal hearing, the ~~Board of~~
12 ~~Pardons and Paroles~~ Department of Corrections may issue a
13 standing order authorizing supervising officers to impose the
14 sanctions listed in subdivisions (1), (2), or (3) of this
15 subsection (d) or any pre-approved sanction that does not
16 include a period of confinement. All instances of
17 non-compliance and disciplinary actions shall be immediately
18 reported to the ~~Board of Pardons and Paroles~~ Department of
19 Corrections.

20 "§14-1-1.2.

21 "The department shall be an administrative
22 department responsible for administering and exercising the
23 direct and effective control over penal and corrections
24 institutions throughout this state, as well as over probation
25 and parole supervision. An institution over which the
26 department exercises control may not be leased, transferred,
27 or placed under the supervision or management of any

1 nongovernmental entity without first obtaining the consent of
2 the Legislature through the passage of legislation by a
3 majority vote of the membership of each house.

4 "§15-18-71.

5 "When a defendant is sentenced to a term of
6 imprisonment, the order of restitution shall be enforceable
7 during the period of imprisonment when the defendant has any
8 asset or other income or any portion thereof to which a
9 defendant is or may be entitled. The Board of Pardons and
10 Paroles shall be notified of the amount of restitution by ~~its~~
11 ~~parole officers~~ the Department of Corrections and when and if
12 the defendant is paroled, it shall be made a condition of the
13 parole to continue the restitution payments to the victim. If
14 during the period of the defendant's parole, he or she fails
15 to make restitution as ordered by the original court, it shall
16 be grounds for revocation of parole.

17 "§15-18-74.

18 "Whenever an offender in the custody of the
19 Department of Corrections is paroled, the Board of Pardons and
20 Paroles will inform him of the court's imposition of
21 restitution payments and the supervising parole officer of the
22 Division of Probation and Parole of the Department of
23 Corrections will see that the schedule of payment of
24 restitution is resumed and continued until paid in full.

25 "§15-18-76.

26 "(a) The county commissions of several counties and
27 the governing authorities of municipalities are hereby

1 authorized to cooperate with the ~~State Board of Pardons and~~
2 ~~Paroles~~ Department of Corrections in the establishment of
3 restitution centers. Such centers shall be operated by the
4 ~~State Board of Pardons and Paroles~~ Department of Corrections.
5 County or municipal property may be utilized with the approval
6 of the county commission or municipal governing authority for
7 the construction, renovation, and maintenance of facilities
8 owned by the state or a local political subdivision. Such a
9 facility may be furnished or leased to the ~~Board of Pardons~~
10 ~~and Paroles~~ Department of Corrections for a period of time for
11 use as a restitution center.

12 "(b) It is the intent of this section that county
13 and local governments contribute only to the establishment,
14 renovation, furnishing, and maintenance of the physical plant
15 of the restitution center and that the ~~Board of Pardons and~~
16 ~~Paroles~~ Department of Corrections support the operation of and
17 have the responsibility of offenders in such centers.
18 Provided, however, that no provision of this article shall
19 operate so as to deprive the court of its power to revoke
20 probation of residence or the State Board of Pardons and
21 Paroles' power to revoke parolees housed in the center.

22 "§15-18-77.

23 "The ~~State Board of Pardons and Paroles~~ Department
24 of Corrections, the county commissions and the governing
25 authorities of municipalities are hereby authorized to
26 cooperate in the institution and administration of services at
27 restitution centers as authorized in Section 15-18-76.

1 ~~"The Board of Pardons and Paroles~~ Department of
2 Corrections, the county commissions and the governing
3 authorities of municipalities are authorized jointly:

4 "(1) To seek funding from federal or other sources
5 to provide the maximum supportive services for offenders and
6 the families of offenders who are participating in the
7 restitution program;

8 "(2) To develop additional programs whereby the
9 offenders may be afforded the opportunity to contribute to
10 society and the support of their families through restitution
11 programs; and

12 "(3) To develop pilot programs of counseling,
13 training and job placement whereby restitution may be
14 accomplished; such programs may be residential or
15 nonresidential as appropriate.

16 "§15-20A-20.

17 "(a) The Alabama Criminal Justice Information Center
18 shall implement a system of active and passive electronic
19 monitoring that identifies the location of a monitored person
20 and that can produce upon request reports or records of the
21 person's presence near or within a crime scene or prohibited
22 area, the person's departure from specified geographic
23 limitations, or curfew violations by the offender. The
24 Director of the Criminal Justice Information Center may
25 promulgate any rules as are necessary to implement and
26 administer this system of active electronic monitoring
27 including establishing policies and procedures to notify the

1 person's probation and parole officer or other court-appointed
2 supervising authority when a violation of his or her
3 electronic monitoring restrictions has occurred.

4 "(b) The Board of Pardons and Paroles or a court may
5 require, as a condition of release on parole, probation,
6 community corrections, court referral officer supervision,
7 pretrial release, or any other community-based punishment
8 option, that any person charged or convicted of a sex offense
9 be subject to electronic monitoring as provided in subsection
10 (a).

11 "(c) Any person designated a sexually violent
12 predator pursuant to Section 15-20A-19, upon release from
13 incarceration, shall be subject to electronic monitoring
14 supervised by the ~~Board of Pardons and Paroles~~ Division of
15 Probation of Parole of the Department of Corrections, as
16 provided in subsection (a), for a period of no less than 10
17 years from the date of the sexually violent predator's
18 release. This requirement shall be imposed by the sentencing
19 court as a part of the sentence of the sexually violent
20 predator in accordance with subsection (c) of Section 13A-5-6.

21 "(d) Any person convicted of a Class A felony sex
22 offense involving a child as defined in Section 15-20A-4, upon
23 release from incarceration, shall be subject to electronic
24 monitoring supervised by the ~~Board of Pardons and Paroles~~
25 Division of Probation and Parole of the Department of
26 Corrections, as provided in subsection (a), for a period of no
27 less than 10 years from the date of the sex offender's

1 release. This requirement shall be imposed by the sentencing
2 court as a part of the sex offender's sentence in accordance
3 with subsection (c) of Section 13A-5-6.

4 "(e) Anyone subject to electronic monitoring
5 pursuant to this section, unless he or she is indigent, shall
6 be required to reimburse the supervising entity a reasonable
7 fee to defray supervision costs. The ~~Board of Pardons and~~
8 ~~Paroles~~ Department of Corrections, the sentencing court, or
9 other supervising entity shall determine the amount to be paid
10 based on the financial means and ability to pay of the person,
11 but such amount shall not exceed fifteen dollars (\$15) per
12 day.

13 "(f) The supervising entity shall pay the Criminal
14 Justice Information Center a fee, to be determined by the
15 center, but not exceeding ten dollars (\$10) per day, to defray
16 monitoring equipment and telecommunications costs.

17 "(g) It shall constitute a Class C felony for any
18 person to alter, disable, deactivate, tamper with, remove,
19 damage, or destroy any device used to facilitate electronic
20 monitoring under this section.

21 "(h) The procurement of any product or services
22 necessary for compliance with Act 2005-301, including any
23 system of electronic monitoring, any equipment, and the
24 building of a website, shall be subject to the competitive bid
25 process.

26 "§15-20A-39.

1 "(a) A person is guilty of the crime of harboring,
2 assisting, concealing, or withholding information about a sex
3 offender if the person has knowledge or reason to believe that
4 a sex offender is required to register and has not complied
5 with the registration requirements of this chapter and the
6 person assists the sex offender in avoiding a law enforcement
7 agency that is seeking to find the sex offender to question
8 the sex offender about, or to arrest the sex offender for,
9 noncompliance with the requirements of this chapter if the
10 person does any of the following:

11 "(1) Harbors, attempts to harbor, or assists another
12 person in harboring or attempting to harbor the sex offender.

13 "(2) Allows a sex offender to reside at his or her
14 residence to avoid registration if the address is not the
15 address the sex offender listed as his or her residence
16 address.

17 "(3) Warns a sex offender that a law enforcement
18 agency is attempting to locate the sex offender.

19 "(4) Provides the sex offender with money,
20 transportation, weapon, disguise, or other means of avoiding
21 discovery or apprehension.

22 "(5) Conceals, attempts to conceal, or assists
23 another in concealing or attempting to conceal the sex
24 offender.

25 "(6) Provides information to a law enforcement
26 agency regarding a sex offender which the person knows to be
27 false.

1 "(b) For the purposes of this section, the term law
2 enforcement agency includes, but is not limited to, the ~~Board~~
3 ~~of Pardons and Paroles~~ Department of Corrections.

4 "(c) Harboring, assisting, or concealing a sex
5 offender is a Class C felony.

6 "§15-22-1.3.

7 "(a) Any adult offender placed under community
8 supervision and released to the community under the
9 jurisdiction of the courts, paroling authorities, corrections,
10 or other criminal justice agencies filing a written request to
11 transfer residence from this state to another state under the
12 Interstate Compact for Adult Offender Supervision shall pay a
13 transfer application fee of seventy-five dollars (\$75) for
14 each application prepared for the offender. An exemption from
15 the transfer application fee under this subsection may be
16 granted by the ~~Board of Pardons and Paroles~~ Department of
17 Corrections for undue hardship on a case-by-case basis upon
18 the written request of the offender making an application for
19 transfer.

20 "(b) The proceeds of the application fees collected
21 pursuant to subsection (a) shall be deposited into the State
22 Treasury to the credit of the ~~Probationer's Upkeep Fund~~
23 Probation and Parole Fund established in Section 15-22-2. The
24 funds are hereby continuously appropriated to the ~~Board of~~
25 ~~Pardons and Paroles~~ Department of Corrections.

26 "§15-22-2.

1 "(a) (1) Any person who is placed on parole by the
2 Board of Pardons and Paroles and under the supervision of the
3 Division of Probation and Parole of the Department of
4 Corrections or any person who is granted probation by a court
5 of competent jurisdiction and who is subject to supervision by
6 the ~~Board of Pardons and Paroles~~ Division of Probation and
7 Parole of the Department of Corrections and who has an income
8 shall be required to contribute forty dollars (\$40) per month
9 toward the cost of his or her supervision and rehabilitation
10 beginning 30 days from the date he or she has an income. The
11 sum shall be deducted by the parolee or probationer from his
12 or her monthly income and delivered to the ~~Board of Pardons~~
13 ~~and Paroles~~ Department of Corrections each month for deposit
14 in the General Fund of the State Treasury. By prior agreement
15 between an employer and employee, an employer may deduct forty
16 dollars (\$40) from the monthly net earned income of the
17 parolee or probationer and remit the amount to the ~~Board of~~
18 ~~Pardons and Paroles~~ Department of Corrections each month. The
19 responsibility of assuring the contribution shall remain that
20 of the parolee or probationer. Exemptions from payments
21 required by this section may be granted for undue hardship on
22 a case by case basis by the sentencing court in probation and
23 the Board of Pardons and Paroles in parole cases.

24 "(2) In the event of over two months' arrearage or
25 delinquency in making a contribution, the arrearage or
26 delinquency shall constitute sufficient ground for revocation
27 of the parole or probation of the person in arrears.

1 "(3) There is established a ~~Probationer's Upkeep~~
2 Probation and Parole Fund. All moneys received pursuant to
3 this section ~~since August 24, 1976, shall be transferred by~~
4 ~~the State Treasury into the fund for the credit and use of the~~
5 ~~Board of Pardons and Paroles and all sums collected pursuant~~
6 ~~thereto after May 5, 1977,~~ shall be deposited into the
7 Treasury to the credit of the fund for use by the Department
8 of Corrections. All funds shall be withdrawn or expended only
9 for ~~the~~ probation and parole purposes ~~stated in this section~~.
10 The funds are hereby appropriated to the ~~Board of Pardons and~~
11 ~~Paroles~~ Department of Corrections for the purposes stated in
12 this section.

13 "(4) After December 31, 2015, the sum contributed or
14 deducted by parolees and probationers under supervision with
15 the ~~Board of Pardons and Paroles~~ Division of Probation and
16 Parole of the Department of Corrections pursuant to this
17 section shall be reduced from forty dollars (\$40) to thirty
18 dollars (\$30) per month.

19 "(b) The amount of contribution of each parolee and
20 probationer of his or her monthly net earned income shall be
21 excluded from the taxable income of the person for the purpose
22 of determining the state income tax liability of the person.

23 "(c) A parolee or probationer authorized to work at
24 paid employment in the community under this section shall
25 comply with all rules and regulations promulgated by the ~~Board~~
26 ~~of Pardons and Paroles~~ Department of Corrections.

1 "(d) On October 1, 2014, all funds remaining in the
2 Probationer's Upkeep Fund #0343 shall be transferred into the
3 Probation and Parole Fund established by this section.

4 "§15-22-24.

5 "(a) The Board of Pardons and Paroles, hereinafter
6 referred to as "the board," shall be charged with the duty of
7 determining what prisoners serving sentences in the jails and
8 prisons of the State of Alabama may be released on parole and
9 when and under what conditions. ~~Such board~~ The Division of
10 Probation and Parole of the Department of Corrections shall
11 ~~also~~ be charged with the duty of supervising all prisoners
12 released on parole from the jails or prisons of the state and
13 ~~of lending its assistance to the courts in the supervision of~~
14 with the duty of supervising all prisoners placed on probation
15 by courts exercising criminal jurisdiction and making such
16 investigations as may be necessary in connection therewith, of
17 determining whether violation of parole or probation
18 conditions exist in specific cases, deciding, in the case of
19 parolees, what action should be taken with reference thereto,
20 causing, in the case of probationers, reports of such
21 investigations to be made to the judges of the courts having
22 jurisdiction of the probationers and of aiding parolees and
23 probationers to secure employment. It shall also be the duty
24 of the ~~board~~ Department of Corrections to personally study the
25 prisoners confined in the jails and prisons of the state so as
26 to determine their ultimate fitness to be paroled. The

1 Department of Corrections shall report such information to the
2 Board of Pardons and Paroles at the request of the board.

3 "(b) Between October 1 and December 31 of each year,
4 the board and the Division of Probation and Parole of the
5 Department of Corrections shall make a full report of ~~its~~
6 their activities and functions during the preceding year, and
7 such report shall be prepared in quadruplicate, with one copy
8 thereof lodged with the Governor, one filed in the office of
9 the Secretary of State, one filed in the office of the
10 Department of Archives and History, and one copy retained in
11 the permanent records of the board the Department of
12 Corrections.

13 "(c) The board may accept grants, devices, bequeaths
14 [bequests] or gifts and make expenditures therefrom for the
15 operations of the board and not individually as board members.

16 "(d) The board shall have the power and authority to
17 enter contracts to accomplish the objectives of the board.

18 "(e) The board may adopt policy and procedural
19 guidelines for establishing parole consideration eligibility
20 dockets based on its evaluation of a prisoner's prior record,
21 nature and severity of the present offense, potential for
22 future violence, and community attitude toward the offender.

23 "(f) Any person who, at the time of his retirement,
24 is employed by the ~~Board of Pardons and Paroles~~ Division of
25 Probation and Parole of the Department of Corrections as a
26 probation and parole officer, shall receive as part of his

1 retirement benefits, without cost to him, his badge, and
2 pistol.

3 "(g) The ~~board~~ Division of Probation and Parole of
4 the Department of Corrections is hereby authorized and
5 empowered to promulgate rules and regulations to establish a
6 program that will authorize the ~~board~~ division to expend state
7 moneys not to exceed \$250.00 per year for awarding recognition
8 incentive awards for outstanding employees.

9 "(h) No state official shall appear or otherwise
10 represent an applicant before the board for any consideration
11 or thing of value unless said official was counsel of record
12 for the applicant during a trial or hearing in the regular
13 judicial process that led to said applicant's present status;
14 however, no state official shall be prohibited from appearing
15 without consideration before the board or board panel on
16 behalf of an applicant.

17 "(i) The ~~board~~ Department of Corrections shall have
18 the power, authority, and jurisdiction to conditionally
19 transfer a prisoner to the authorities of the federal
20 government or any other jurisdiction entitled to his custody
21 to answer pending charges or begin serving a sentence in
22 response to a properly filed detainer from the other
23 jurisdiction. Such conditionally transferred prisoner shall
24 remain in the legal custody of the warden of the institution
25 from which he was transferred. Should any such conditionally
26 transferred prisoner satisfy all detainers against him prior
27 to completion of his Alabama sentence, said prisoner shall not

1 be released from custody without further order of the ~~Board of~~
2 ~~Pardons and Paroles~~ Department of Corrections.

3 "(j) The board and its agents shall have the power
4 and authority to administer oaths and affirmation, examine
5 witnesses and receive evidence on all matters to be considered
6 by the board.

7 "§15-22-28.

8 "(a) It shall be the duty of the ~~Board of Pardons~~
9 ~~and Paroles~~, Department of Corrections, upon its own
10 initiative, to make an investigation of any and all prisoners
11 confined in the jails and prisons of the state with a view of
12 determining the feasibility of releasing the prisoners on
13 parole and effecting their reclamation. Reinvestigations shall
14 be made from time to time as the ~~board~~ department may
15 determine ~~or as the Board of Corrections may request~~. The
16 investigations shall include such reports and other
17 information as the ~~board~~ department may require from ~~the Board~~
18 ~~of Corrections~~ ~~or~~ any of its officers, agents or employees.

19 "(b) It shall be the duty of the ~~Board~~ Department of
20 Corrections to ~~cooperate with~~ report to the Board of Pardons
21 and Paroles ~~for the purpose of carrying out the provisions of~~
22 ~~this article~~ any investigations or reports completed pursuant
23 to subsection (a) at the request of the board.

24 "(c) Temporary leave from prison, including
25 Christmas furloughs, may be granted only by the Commissioner
26 of Corrections to a prisoner for good and sufficient reason
27 and may be granted within or without the state; provided, that

1 Christmas furloughs shall not be granted to any prisoner
2 convicted of drug peddling, child molesting or rape, or to any
3 maximum security prisoner. A permanent, written record of all
4 such temporary leaves, together with the reasons therefor,
5 shall be kept by such commissioner. ~~He shall furnish the~~
6 ~~Pardon and Parole Board with a record of each such leave~~
7 ~~granted and the reasons therefor, and the same shall be placed~~
8 ~~by the board in the prisoner's file.~~

9 "(d) No prisoner shall be released on parole except
10 by a majority vote of the board, nor unless the board is
11 satisfied that he will be suitably employed in self-sustaining
12 employment or that he will not become a public charge if so
13 released. The board shall not parole any prisoner for
14 employment by any official of the State of Alabama, nor shall
15 any parolee be employed by an official of the State of Alabama
16 and be allowed to remain on parole; provided, however, that
17 this provision shall not apply in the case of a parolee whose
18 employer, at the time of the parolee's original employment,
19 was not a state official.

20 "(e) The board shall not grant a parole to any
21 prisoner who has not served at least one third or 10 years of
22 his sentence, whichever is the lesser, except by a unanimous
23 affirmative vote of the board.

24 "§15-22-30.

25 "~~(a) The State Board of Pardons and Paroles~~
26 Department of Corrections is authorized to charge each parolee
27 resident of a community residential facility a monthly amount

1 for room and board which shall not exceed 25 percent of the
2 adjusted gross monthly income of the parolee; provided, that
3 under hardship circumstances such charge may be waived for a
4 parolee resident upon written recommendation by the director
5 of the facility.

6 "(b) The proceeds from any charges collected under
7 the provisions of this section shall be paid into the State
8 Treasury to the credit of the General Fund and shall be used
9 exclusively for funding the community residential facilities
10 program of the ~~State Board of Pardons and Paroles~~ Department
11 of Corrections.

12 "(c) The ~~State Board of Pardons and Paroles~~
13 Department of Corrections is hereby authorized to promulgate
14 and effect all rules and regulations necessary to implement
15 the provisions of this section.

16 "§15-22-33.

17 "No person released on parole shall be discharged
18 from parole prior to the expiration of the full maximum term
19 for which he was sentenced unless he is sooner fully pardoned.
20 ~~The Board of Pardons and Paroles, however,~~ However, the
21 Department of Corrections may relieve a prisoner on parole
22 from making further reports and may permit such prisoner to
23 leave the state or county if satisfied that this is for the
24 best interests of society.

25 "§15-22-35.

26 "Parole officers employed by the ~~Board of Pardons~~
27 ~~and Paroles~~ Department of Corrections, however, in addition to

1 supervision of parolees ~~under the direction of the board,~~
2 shall cooperate with courts exercising criminal jurisdiction
3 in supervising probationers whose sentences have been
4 suspended or entering of judgment of conviction has been
5 postponed by such courts, and they shall make such reports to
6 the courts as the ~~board, courts in cooperation with the~~
7 ~~courts,~~ may direct.

8 "§15-22-36.

9 "(a) In all cases, except treason and impeachment
10 and cases in which sentence of death is imposed and not
11 commuted, as is provided by law, the Board of Pardons and
12 Paroles shall have the authority and power, after conviction
13 and not otherwise, to grant pardons and paroles and to remit
14 fines and forfeitures.

15 "(b) Each member of the Board of Pardons and Paroles
16 favoring a pardon, parole, remission of a fine or forfeiture,
17 or restoration of civil and political rights shall enter in
18 the file his or her reasons in detail, which entry and the
19 order shall be public records, but all other portions of the
20 file shall be privileged.

21 "(c) No pardon shall relieve one from civil and
22 political disabilities unless specifically expressed in the
23 pardon. No pardon shall be granted unless the prisoner has
24 successfully completed at least three years of permanent
25 parole or until the expiration of his or her sentence if his
26 or her sentence was for less than three years. Notwithstanding
27 the foregoing, a pardon based on innocence may be granted upon

1 the unanimous affirmative vote of the board following receipt
2 and filing of clear proof of his or her innocence of the crime
3 for which he or she was convicted and the written approval of
4 the judge who tried his or her case or district attorney or
5 with the written approval of a circuit judge in the circuit
6 where he or she was convicted if the judge who tried his or
7 her case is dead or no longer serving.

8 "(d) The Board of Pardons and Paroles shall have no
9 power to grant a pardon, order a parole, remit a fine or
10 forfeiture, or restore civil and political rights until 30
11 days' notice that the prisoner is being considered therefor
12 has been given by the board to the Attorney General, the judge
13 who presided over the case, the district attorney who tried
14 the subject's case, the chief of police in the municipality in
15 which the crime occurred, if the crime was committed in an
16 incorporated area with a police department, and to the sheriff
17 of the county where convicted, and to the same officials of
18 the county where the crime occurred if different from the
19 county of conviction; provided, however, that if they are dead
20 or not serving, the notice shall be given to the district
21 attorney, incumbent sheriff, and one of the judges of the
22 circuit in which the subject was convicted. The board also
23 shall be required to provide the same notice to the Crime
24 Victims Compensation Commission.

25 "(e) (1) Until and unless at least 30 days' written
26 notice of the board's action to be considered has been given
27 by the board to the victim named in the indictment, the

1 victim's representative, or any other interested individual,
2 after the board has received a request that includes the
3 preferred mode of notification from the victim, the victim's
4 representative, or other interested individual and is
5 submitted 30 days or more in advance of the board action to be
6 considered either through the automated victim notification
7 system or by a direct request to the board or other authorized
8 individual, the Board of Pardons and Paroles shall have no
9 power or authority to in any way approve or order any parole,
10 pardon, remission of fine or forfeiture, restoration of civil
11 and political rights, furlough, leave or early release of a
12 person convicted of the following offenses:

13 "a. A Class A felony.

14 "b. Any felony committed prior to the first day of
15 January, 1980, which if committed after the first day of
16 January, 1980, would be designated a Class A felony.

17 "c. Any felony involving violence, death, or any
18 physical injury to the person of another.

19 "d. Any felony involving unlawful sexual assault or
20 other unlawful sexual conduct on the person of another.

21 "e. Any felony involving sexual assault, or a lewd
22 or lascivious act upon a child under the age of 16 years or
23 attempt thereof.

24 "f. Sexual abuse or any other criminal conduct
25 committed prior to the first day of January, 1980, which if
26 committed after the first day of January, 1980, would be
27 defined as sexual abuse under the Alabama Criminal Code.

1 "g. Child abuse or any criminal conduct committed
2 prior to the first day of January, 1980, which if committed
3 after the first day of January, 1980, would be defined as
4 child abuse under the Alabama Criminal Code.

5 "h. Sodomy or any criminal conduct committed prior
6 to the first day of January, 1980, which if committed after
7 the first day of January, 1980, would be defined as sodomy
8 under the Alabama Criminal Code.

9 "i. Any violation of Section 13A-6-69, as amended.

10 "(2) If, however, the victim, victim's
11 representative, or other interested individual has not been
12 registered for notice through the automated victim
13 notification system or otherwise made a direct request to the
14 board for notice or to another authorized individual, the
15 victim's information has not been updated, or a particular
16 mode of notification has not been requested at least 30 days
17 or more in advance of the board's action to be considered, the
18 board shall not be limited in power or authority in any way to
19 approve or order any parole, pardon, remission of fine or
20 forfeiture, restoration of civil and political rights,
21 furlough, leave, or early release of a person convicted of the
22 offenses named in subsection (e)(1)a. to i., inclusive.

23 "(3) The notice shall be given by U.S. certified
24 mail, return receipt requested, U.S. mail, electronic
25 transmission, or by other commonly accepted method of
26 delivery, upon a request made through the automated victim
27 notification system or otherwise upon direct request made to

1 the board or other authorized individual 30 days or more in
2 advance of the board's action to be considered and shall
3 include:

4 "a. The name of the prisoner or defendant involved.

5 "b. The crime for which the prisoner or defendant
6 was convicted.

7 "c. The date of the sentence.

8 "d. The court in which the conviction occurred.

9 "e. The sentence imposed.

10 "f. The actual time the prisoner has been held in
11 confinement and the prisoner's minimum release date, as
12 computed by the Department of Corrections.

13 "g. The action to be considered by the board.

14 "h. The date, time, and location of the board
15 meeting at which the action is to be considered.

16 "i. The right of the victim named in the indictment,
17 a victim's representative, or if the victim is deceased as a
18 result of the offense, the victim's immediate family, as
19 defined by the board's operating rules, or, in the event there
20 is no immediate family, a relative of a victim, if any, to
21 present his or her views to the board in person or in writing.

22 "Notice for robbery victims who were robbed while on
23 duty as an employee of a business establishment shall be
24 sufficient if mailed to the last address provided by the
25 victim or as otherwise noted on the indictment or in the board
26 files.

1 "(4) If a victim, victim's representative, or
2 otherwise interested individual requests not to be notified,
3 the request shall be made to the Board of Pardons and Paroles
4 in writing or by electronic signature. Confirmation of a
5 request to not be notified shall be provided to the victim so
6 requesting. After a request is received, the board shall
7 provide no further notifications, unless and until the victim,
8 victim's representative, or otherwise interested individual
9 subsequently requests future notifications, at least 30 days
10 in advance of the board's action to be considered through the
11 automated victim notification system ~~designated by the board~~
12 or by contacting the board or other authorized individual in
13 writing, in person, or by telephone.

14 "(5) Should a victim, victim's representative, or
15 otherwise interested person wish to receive notice of any
16 specific board hearing and action taken by the board, if any,
17 in a specific case, the individual may register to request the
18 notice through the automated victim notification system or
19 otherwise request notice by making a direct request to the
20 board or other authorized individual to receive notice at
21 least 30 days in advance of the board's action to be
22 considered. The individual shall be required to designate his
23 or her preferred mode or modes of communication.

24 "(6) Prior to the sentencing of any defendant
25 convicted of the offenses named in subsection (e) (1)a. to i.,
26 inclusive, and only after the most recent victim information
27 has been furnished to the Board of Pardons and Paroles

1 pursuant to Section 12-17-184(9), in those cases, the
2 probation and parole officer assigned to prepare a
3 pre-sentence investigation report shall register the most
4 recent information for the victim named in the indictment into
5 the automated victim notification system ~~designated by the~~
6 ~~board~~. In case of a homicide, the information of immediate
7 family members shall be entered into the automated victim
8 notification system ~~designated by the board~~. If a surviving
9 victim is a minor, information for parents or guardians shall
10 be entered into the automated victim notification system
11 ~~designated by the board~~. The probation and parole officer
12 assigned to prepare a pre-sentence investigation report shall
13 then report to the sentencing court that all most current
14 victim information has been so registered. The sentencing
15 court shall then record into the case record that the victim
16 information has been entered into the automated victim
17 notification system.

18 "(7) For those cases in which a defendant has been
19 convicted and sentenced prior to the implementation task force
20 determining that the automated victim notification system
21 complies with the requirements of this section and Sections
22 15-22-23 and 15-22-36.2, for any homicide, and Class A felony,
23 except Burglary I in which no victim was present, or any
24 criminal sex offense, as defined by Section 15-20-21(4), the
25 board shall exercise due diligence to locate the victim or
26 victims and register the most recent victim information into
27 the automated victim notification system ~~designated by the~~

1 board. If all attempts to locate a victim, or in case of a
2 homicide to locate immediate family member or members, have
3 failed and the agent of the board has certified that due
4 diligence has been exercised, no future location attempts
5 shall be required.

6 "(f) After any board action is taken granting any
7 pardon or parole, the board shall promptly notify all persons
8 who timely requested notice, pursuant to this section as to
9 the action taken by the board and the conditions, if any, of
10 any such parole or pardon via electronic notification through
11 the automated victim notification system or posting publicly
12 on a state agency website.

13 "§15-22-36.1.

14 "(a) Any other provision of law notwithstanding, any
15 person, regardless of the date of his or her sentence, may
16 apply to the Board of Pardons and Paroles for a Certificate of
17 Eligibility to Register to Vote if all of the following
18 requirements are met:

19 "(1) The person has lost his or her right to vote by
20 reason of conviction in a state or federal court in any case
21 except those listed in subsection (g).

22 "(2) The person has no criminal felony charges
23 pending against him or her in any state or federal court.

24 "(3) The person has paid all fines, court costs,
25 fees, and victim restitution ordered by the sentencing court.

26 "(4) Any of the following are true:

1 "a. The person has been released upon completion of
2 sentence.

3 "b. The person has been pardoned.

4 "c. The person has successfully completed probation
5 or parole and has been released from compliance by the
6 ordering entity.

7 "(b) The Certificate of Eligibility to Register to
8 Vote shall be granted upon a determination that all of the
9 requirements in subsection (a) are fulfilled.

10 "(c) Upon receipt of an application under this
11 section, investigation of the request shall be assigned
12 forthwith to an officer of the ~~state Board of Pardons and~~
13 ~~Paroles~~ Department of Corrections. The assigned officer shall
14 verify, through court records, records of the board, and
15 records of the Department of Corrections, that the applicant
16 has met the qualifications set out in subsection (a). The
17 officer shall draft a report of his or her findings and make a
18 recommendation concerning whether the offender has
19 successfully completed his or her sentence and has complied
20 with all the eligibility requirements provided in subsection
21 (a).

22 "(d) After completing the investigation set out in
23 subsection (c), the officer shall submit his or her report of
24 investigation and recommendation to the ~~Executive~~ Director of
25 the ~~Board of Pardons and Paroles~~ Division of Probation and
26 Parole of the Department of Corrections, who shall refer the
27 report and recommendation to ~~a senior staff member~~ the Board

1 of Pardons and Paroles to determine whether the applicant has
2 met the qualifications set out in subsection (a).

3 ~~"(e) Upon the senior staff member's completion of~~
4 ~~his or her review of the report and recommendation and a~~
5 ~~determination that all eligibility requirements of subsection~~
6 ~~(a) have been met, he or she shall file a report with the~~
7 ~~Executive Director of the Board of Pardons and Paroles stating~~
8 ~~whether or not all of the criteria for obtaining a Certificate~~
9 ~~of Eligibility to Register to Vote have been met. Within 45~~
10 ~~days of the date of the initial application for a certificate~~
11 ~~under this section, the executive director shall make the~~
12 ~~reports and recommendations available to the members of the~~
13 ~~board for review and if, members of the Board of Pardons and~~
14 ~~Paroles shall review the report and recommendation provided to~~
15 ~~them under Section (d). If within five days, no objection is~~
16 ~~made by a board member on the basis that the criteria set out~~
17 ~~in subsection (a) have not been met within 45 days of the~~
18 ~~initial application, the ~~executive director~~ Board of Pardons~~
19 ~~and Paroles shall issue a Certificate of Eligibility to~~
20 ~~Register to Vote to the applicant; provided, however, that the~~
21 ~~45-day requirement in this sentence shall not apply for the~~
22 ~~first 90 days following September 25, 2003. Upon determination~~
23 ~~by the ~~senior staff member~~ Board of Pardons and Paroles that~~
24 ~~any of the criteria have not been met, the applicant shall be~~
25 ~~notified of the reasons the Certificate of Eligibility to~~
26 ~~Register to Vote will not be issued and that upon satisfaction~~

1 of all outstanding requirements, a new request may be
2 submitted by the applicant.

3 "(f) In the event a board member objects to the
4 issuance of a Certificate of Eligibility to Register to Vote
5 on the basis that the criteria set out in subsection (a) have
6 not been met, the matter shall be referred to the next hearing
7 docket of the board, without regard to any other provision of
8 law affecting the setting of a hearing date, for the board to
9 determine whether the applicant has met the criteria
10 established by subsection (a). In the event the board
11 determines, by a majority vote, that the criteria have been
12 met, the ~~executive director~~ Board of Pardons and Paroles shall
13 forthwith issue a Certificate of Eligibility to Register to
14 Vote to the applicant. Upon a determination by the board that
15 the criteria have not been met, the applicant shall be
16 notified of the reasons the Certificate of Eligibility to
17 Register to Vote will not be issued, and that upon
18 satisfaction of all outstanding requirements, a new
19 application may be submitted by the applicant.

20 "(g) A person who has lost his or her right to vote
21 by reason of conviction in a state or federal court for any of
22 the following will not be eligible to apply for a Certificate
23 of Eligibility to Register to Vote under this section:
24 Impeachment, murder, rape in any degree, sodomy in any degree,
25 sexual abuse in any degree, incest, sexual torture, enticing a
26 child to enter a vehicle for immoral purposes, soliciting a
27 child by computer, production of obscene matter involving a

1 minor, production of obscene matter, parents or guardians
2 permitting children to engage in obscene matter, possession of
3 obscene matter, possession with intent to distribute child
4 pornography, or treason.

5 "(h) This section shall not affect the right of any
6 person to apply to the board for a pardon with restoration of
7 voting rights pursuant to Section 15-22-36.

8 "§15-22-36.2.

9 "(a) There is hereby created the Implementation Task
10 Force to guide and support the implementation of a statewide
11 automated victim notification system in Alabama. The task
12 force shall be composed of two representatives of victims'
13 rights organizations designated by the Attorney General and at
14 least one designee from each of the following: The Board of
15 Pardons and Paroles, the Department of Corrections, the
16 Alabama Criminal Justice Information Center, the Alabama Crime
17 Victims Compensation Commission, the District Attorneys
18 Association or a district attorney representative, the
19 Attorney General, and any other entity or organization as
20 deemed appropriate by a majority vote of the current
21 representatives composing the task force. The task force shall
22 elect a chair to function as the administrative head. The task
23 force shall meet initially by March 1, 2012, at the call of
24 the Attorney General. The task force shall meet not less than
25 quarterly after January 1, 2012, until December 31, 2015, and
26 otherwise at the call of the chair or a majority vote of the
27 current task force representatives. Pursuant to this section

1 and Sections 15-22-23 and 15-22-36, the task force shall be
2 responsible for overseeing the development and integration of
3 a process to automatically update victim information into the
4 automated victim notification system on a continual basis. The
5 task force shall also oversee a statewide public education and
6 awareness campaign for the implementation of the automated
7 victim notification system and shall be charged with
8 confirming, by majority vote, that the automated victim
9 notification system complies with the requirements of this
10 section and Sections 15-22-23 and 15-22-36. Approval from the
11 task force shall not be required for the validity of any
12 action taken by any entity represented on the task force in
13 the exercise of any of the power or authority granted to it by
14 the Legislature. The task force shall be dissolved effective
15 December 31, 2015.

16 "(b) The ~~Board of Pardons and Paroles~~ Department of
17 Corrections shall have authority to carry out the enforcement
18 of this section and Sections 15-22-23 and 15-22-36.

19 "§15-22-37.

20 "The Board of Pardons and Paroles and the Department
21 of Corrections may adopt and promulgate rules and regulations,
22 not inconsistent with the provisions of this article, touching
23 upon all matters dealt with in this article, including, among
24 others, practice and procedure in matters pertaining to
25 paroles, pardons and remission of fines and forfeitures;
26 provided, however, that no rule or regulation adopted and
27 promulgated by ~~such board~~ the Board of Pardons and Paroles

1 shall have the effect of denying to any person whose
2 application for parole or the revocation of whose parole is
3 being considered by said board from having the benefit of
4 counsel or witnesses upon said hearing.

5 "§15-22-51.

6 "(a) When directed by the court, a probation officer
7 shall fully investigate and report to the court in writing the
8 circumstances of the offense, criminal record, social history
9 and present condition of a defendant. No defendant, unless the
10 court shall otherwise direct, shall be placed on probation or
11 released under suspension of sentence until the report of such
12 investigation shall have been presented to and considered by
13 the court; provided, however, that after conviction the court
14 may continue the case for such time as may be reasonably
15 necessary to enable the probation officer to make his
16 investigation and report.

17 "(b) Whenever practicable, such investigation shall
18 include physical and mental examinations of the defendant;
19 and, if such defendant is committed to an institution, a copy
20 of the report of such investigation shall be sent to the ~~Board~~
21 Department of Corrections at the time of commitment; provided,
22 that in all cases where the defendant was on bond prior to the
23 time of the trial and an application for probation is made to
24 the court, then the judge of such court, in his discretion,
25 may suspend the execution of the sentence pending the
26 disposition of the application for probation and continue the
27 defendant under the same bond that he was under or, in his

1 discretion, may raise the bond or lower the same pending the
2 disposition of the application for probation, and such bond
3 shall remain in full force and effect until the application
4 for probation is finally disposed of.

5 "(c) Beginning October 1, 2014, the Division of
6 Probation and Parole of the Department of Corrections shall be
7 responsible for the supervision of all persons released on
8 probation under this article pursuant to Section 2.

9 "§15-22-53.

10 "(a) A probation officer shall investigate all cases
11 referred to him for investigation by any court or by the ~~Board~~
12 ~~of Pardons and Paroles~~ Department of Corrections and shall
13 report in writing thereon. He shall furnish to each person
14 released on probation under his supervision a written
15 statement of the conditions of probation and shall instruct
16 him regarding the same. Such officer shall keep informed
17 concerning the conduct and condition of each person on
18 probation under his supervision by visiting, requiring reports
19 and in other ways, and he shall report thereon in writing as
20 often as the court or the ~~board~~ Department of Corrections may
21 require. Such officer shall use all practicable and suitable
22 methods, not inconsistent with the provisions imposed by the
23 court, to aid and encourage persons on probation and to bring
24 about improvements in their conduct and condition. Such
25 officer shall keep detailed records of his work and shall make
26 such reports in writing to the court and the ~~board~~ Department
27 of Corrections as ~~they~~ it may require. A probation officer

1 shall have, in the execution of his duties, the powers of
2 arrest and the same right to execute process as is now given
3 or may hereafter be given by law to the sheriffs of this
4 state.

5 "(b) All reports, records and data assembled by any
6 probation officer and referred to the court shall be
7 privileged and shall not be available for public inspection
8 except upon order of the court to which the same was referred.

9 "(c) In no case shall the right to inspect said
10 report be denied the defendant or his counsel after said
11 report has been completed or filed.

12 "§15-22-56.

13 "(a) The ~~Board of Pardons and Paroles~~ Department of
14 Corrections may, by whatever criteria it deems reasonable,
15 classify certain persons under the supervision of its
16 probation and parole officers as deserving of intensive
17 supervision. Special conditions may be imposed on such
18 persons, individually or as a class.

19 "(b) The ~~board~~ Department of Corrections is hereby
20 authorized to charge each person participating in the
21 intensive supervision program a fee for supervision costs,
22 which shall not exceed 25 percent of their gross monthly
23 income. The ~~board~~ Department of Corrections shall, by
24 regulation, establish criteria for determining the fee to be
25 charged in each case. Such sums shall be retained by the ~~board~~
26 Department of Corrections and placed in the ~~Probationer's~~
27 ~~Upkeep~~ Probation and Parole Fund in the State Treasury to

1 defray the expense of administering this program and are
2 hereby appropriated therefor. On October 1, 2014, all funds
3 remaining in the Probationer's Upkeep Fund #0343 in the State
4 Treasury shall be transferred to the Probation and Parole Fund
5 established in Section 15-22-2 for use by the Department of
6 Corrections.

7 "§15-23-72.

8 "The prosecuting attorney shall provide to the
9 victim the date of a conviction, acquittal, or dismissal of
10 the charges filed against the defendant and prior to
11 sentencing, when applicable, notice of the following:

12 "(1) The criminal offense for which the defendant
13 was convicted, acquitted, or the effect of a dismissal of the
14 charges filed against the defendant.

15 "(2) If the defendant is convicted, on request, the
16 victim shall be notified, if applicable, of the following:

17 "a. The existence and function of the pre-sentence
18 report.

19 "b. The name, address, and telephone number of the
20 office of the ~~Board of Pardons and Paroles~~ Department of
21 Corrections which is preparing the pre-sentence report.

22 "c. The right to make a victim impact statement.

23 "d. The right of the defendant to view the
24 pre-sentence report.

25 "e. The right to be present and be heard at any
26 sentencing proceeding.

1 "f. The time, place, and date of the sentencing
2 proceeding.

3 "g. If the court orders restitution, the right to
4 pursue collection of the restitution as provided by Section
5 15-18-65 et seq.

6 "§36-21-2.

7 "(a) Any law enforcement officer of the State of
8 Alabama who is employed by the Department of Public Safety,
9 Department of Industrial Relations, Department of Conservation
10 and Natural Resources, Alabama Alcoholic Beverage Control
11 Board, Department of Agriculture and Industries, Alabama
12 Department of Forensic Sciences, the Transportation
13 Enforcement Division of the Alabama Public Service Commission,
14 Alabama Liquefied Petroleum Gas Board, the Alabama Criminal
15 Justice Information Center, the Alabama Peace Officers'
16 Standards and Training Commission, the Alabama Securities
17 Commission, the State Port Authority, probation and parole
18 officers of the ~~Alabama Board of Pardons and Paroles~~
19 Department of Corrections, fire marshals of the Department of
20 Insurance, revenue enforcement officers of the Department of
21 Revenue, law enforcement officers of the State Capitol Police,
22 any investigator employed by the Alabama Ethics Commission,
23 any investigator employed by a district attorney on a
24 full-time basis, the marshal or any deputy marshal of the
25 state appellate court, or correctional officers of the
26 Department of Corrections shall receive a subsistence
27 allowance of twelve dollars (\$12) for each working day of a

1 pay period while engaged in the performance of the duties as a
2 law enforcement officer. This allowance shall be in addition
3 to all other compensation, expenses, and allowances provided
4 those officers.

5 "(b) The subsistence allowance shall not be subject
6 to any income or other taxes levied by the State of Alabama or
7 the federal government.

8 "(c) The act adding this amendatory language
9 regarding the Department of Corrections correctional officers
10 shall be phased-in in the amount of one dollar (\$1) per fiscal
11 year for the 12 years beginning October 1, 1995. In any year
12 that it is determined by Senate Joint Resolution or House
13 Joint Resolution enacted by both houses and signed by the
14 Governor that because of fiscal emergency the implementation
15 of the one dollar (\$1) per fiscal year shall be suspended for
16 that year only, this subsistence allowance, or any portion
17 thereof, may be suspended.

18 "(d) The subsistence allowance to law enforcement
19 officers at the Alabama Criminal Justice Information Center
20 shall be paid from its Special Revenue Fund and not from
21 General Fund appropriations to the center. The subsistence
22 allowance to law enforcement officers at the Peace Officers'
23 Standards and Training Commission shall be paid from the Peace
24 Officers' Standards and Training Fund and the subsistence
25 allowance paid to Securities Commission Officers shall be paid
26 from the Securities Commission Fund.

1 "(e) The subsistence allowance for law enforcement
2 officers employed by the State Port Authority provided in
3 subsection (a) shall be phased in as follows:

4 "(1) For the remainder of the fiscal year ending
5 September 30, 2006, the subsistence allowance shall be six
6 dollars (\$6) per day.

7 "(2) For the fiscal year commencing October 1, 2006,
8 the subsistence allowance shall be nine dollars (\$9) per day.

9 "(3) For the fiscal year commencing October 1, 2007,
10 and thereafter, the subsistence allowance shall be the amount
11 provided in subsection (a).

12 "§41-9-1060.

13 "(a) The Commission on Girls and Women in the
14 Criminal Justice System is created.

15 "(b) The commission shall be composed of all of the
16 following members:

17 "(1) Three members of each house, to be appointed by
18 the presiding officer in each house. One member of each house
19 shall be designated the co-chairperson of the commission.

20 "(2) The Director of the ~~Board of Pardons and~~
21 ~~Paroles~~ Division of Probation and Parole of the Department of
22 Corrections or his or her designee.

23 "(3) The Commissioner of the Department of
24 Corrections or his or her designee.

25 "(4) The Executive Director of the Alabama
26 Department of Youth Services or his or her designee.

1 "(5) The Commissioner of the Department of Human
2 Resources or his or her designee.

3 "(6) The Commissioner of the Department of Mental
4 Health or his or her designee.

5 "(7) The Executive Director of the Alabama
6 Sentencing Commission or his or her designee.

7 "(8) The State Health Officer of the Alabama
8 Department of Public Health or his or her designee.

9 "(9) The Chancellor of Postsecondary Education or
10 his or her designee.

11 "(10) The President of the Alabama Association of
12 Community Corrections or his or her designee.

13 "(11) The Deputy Commissioner of the Substance Abuse
14 Division of the Department of Mental Health or his or her
15 designee.

16 "(12) The Executive Director of the Association of
17 County Commissions of Alabama or his or her designee.

18 "(13) A circuit court judge appointed by the Chief
19 Justice of the Supreme Court of Alabama.

20 "(14) The Chief Justice of the Supreme Court of
21 Alabama.

22 "(15) A representative from the Alabama Coalition
23 Against Domestic Violence.

24 "(16) A representative from Aid to Inmate Mothers.

25 "(17) A re-entry professional appointed by the
26 Governor.

1 "(18) Two members of the Alabama State Bar
2 Association with experience relating to women's legal issues,
3 juvenile justice, or criminal justice appointed by the
4 association president.

5 "(19) An attorney specializing in criminal defense,
6 appointed by the Alabama Association of Criminal Defense
7 Lawyers.

8 "(20) A district attorney, appointed by the District
9 Attorney's Association.

10 "(21) A representative of the Alabama Women's
11 Resource Network.

12 "(22) An adult recipient or family member of
13 programs/services of the criminal or juvenile justice system
14 appointed by the chair.

15 "(23) The Executive Director of the Alabama
16 Sheriff's Association or his or her designee.

17 "(24) The Executive Director of the Fraternal Order
18 of Police or his or her designee.

19 "(25) The Chair of the Alabama Juvenile Court Judges
20 Association or his or her designee.

21 "(26) The President of the Chief Juvenile Probation
22 Officers Association or his or her designee.

23 "(27) The State Superintendent of Education or his
24 or her designee.

25 "(c) The membership of the commission shall be
26 inclusive and reflect the racial, gender, geographic, urban
27 and rural, and economic diversity of the state.

1 "(d) Citizen members of the commission shall serve
2 at the pleasure of the appointing authority.

3 "(e) Initial legislative members of the commission
4 shall be appointed after July 1, 2010. Thereafter, legislative
5 members of the commission shall be appointed by the incoming
6 President of the Senate and the incoming Speaker of the House
7 of Representatives after the election of such officers for
8 each legislative term. Legislative members shall serve a term
9 concurrent with the legislative term of office.

10 "(f) Legislative members of the commission may serve
11 on the commission during the term for which appointed, and if
12 reelected to the same house without break in service to that
13 house, during the succeeding legislative term until a
14 successor on the commission is appointed.

15 "(g) Legislative vacancies shall be filled by the
16 appointing authority who appointed the vacating member for the
17 remainder of the vacated term.

18 "(h) The commission shall meet for the purpose of
19 organizing and electing such officers as it deems advisable,
20 determining a quorum, adopting procedures for operations, and
21 attending to such other matters as it deems appropriate by
22 August 15, 2010. The date, time, and place of the first
23 meeting shall be determined by the Speaker of the House of
24 Representatives.

25 Section 2. (a) There is hereby established the
26 Division of Probation and Parole within the Department of
27 Corrections.

1 (b) The director of this division shall be appointed
2 by the Commissioner of Corrections, the Governor of Alabama,
3 and the Chair of the Board of Pardons and Paroles, or majority
4 of them, from the list of qualified applicants who have passed
5 the official examination and who have been certified to the
6 aforesaid appointing authorities by the State Personnel
7 Department. The Director of the Division of Probation and
8 Parole appointed under the provisions of this section shall be
9 subject to the provisions of the Merit System, and his or her
10 salary shall be fixed by the State Personnel Board, upon
11 recommendation of the Commissioner of Corrections, which
12 salary shall be paid out of the appropriation provided by law
13 for payment of salaries and expenses of employees of the
14 Department of Corrections.

15 (c) The Comptroller shall establish a Probation and
16 Parole Program under the Department of Corrections. All
17 proceeds of the Probation and Parole Fund established in
18 Section 15-22-2 shall be exclusively designated for this
19 program.

20 (d) The Commissioner of Corrections is hereby
21 empowered and directed to establish the Division of Probation
22 and Parole within the Department of Corrections and to carry
23 out all provisions of the Division of Probation and Parole
24 under this act.

25 (e) Unless specifically prohibited or otherwise
26 provided for by this act, the functions of the Commissioner of
27 Corrections, with respect to this act, shall be as follows:

1 (1) To supervise probationers and parolees through
2 the Division of Probation and Parole established by this
3 section;

4 (2) To make recommendations and reports on probation
5 and parole throughout the state as requested, including
6 recommendations to the Legislature regarding any such
7 legislation as may be needed to further improve and increase
8 the efficiency of probation and parole supervision; and

9 (3) To supervise, direct and manage all activities
10 of the Division of Probation and Parole and its staff,
11 employees, and probation and parole officers.

12 (f) On the effective date of this act, all powers,
13 duties, and functions and all related records, property,
14 equipment of, employees of, and all contractual rights,
15 obligations of, and unexpended balance of appropriations and
16 other funds or allocations to the Board of Pardons and
17 Paroles, as they relate to the supervision of probationers and
18 parolees, shall be transferred to the Department of
19 Corrections.

20 (g) There shall be full cooperation of the
21 Department of Corrections, the Board of Pardons and Paroles,
22 all other state agencies and departments, and their officers,
23 directors, and employees to carry out the provisions of this
24 act.

25 Section 3. The Code of Commissioner shall conform
26 references in the Code of Alabama, 1975, to the Board of
27 Pardons and Paroles, as they relate to supervision of

1 offenders on probation or parole, to reflect the changes
2 required by this act. Code changes shall be made at a time
3 determined to be appropriate by the Code Commissioner.

4 Section 4. This act shall become effective on
5 October 1, 2014 following its passage and approval by the
6 Governor, or its otherwise becoming law.