

1 HB2
2 215135-2
3 By Representative Hill
4 RFD: Judiciary
5 First Read: 27-SEP-21

ENGROSSED

A BILL
TO BE ENTITLED
AN ACT

Relating to the mandatory supervised release of inmates; to amend Section 15-22-26.2, Code of Alabama 1975, and Section 15-22-29, as last amended by Act 2021-249, 2021 Regular Session, Code of Alabama 1975, to apply certain sentencing provisions to certain defendants; and to require electronic monitoring for certain inmates upon release; and to amend Section 14-10-1, Code of Alabama 1975, to require the Department of Corrections to provide an inmate a nondriver identification card prior to release.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 15-22-26.2, Code of Alabama 1975,
and Section 15-22-29, as last amended by Act 2021-249, 2021
Regular Session, Code of Alabama 1975, ~~is~~ are 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

1 released on parole under ~~the provisions of Chapter 22 of Title~~
2 ~~15~~ this chapter:

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

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

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

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

21 "(c) Prior to the defendant's release to supervision
22 pursuant to this section, notice of ~~such~~ the release shall be
23 provided by the department to the victim and interested
24 parties through the victim notification system established
25 pursuant to Section 15-22-36.2 ~~and under the provisions of~~
26 ~~Section 15-22-36.~~

1 "~~(d) (1) Release of an~~ An offender released to
2 supervision pursuant to this section shall be ~~release to an~~
3 ~~intensive program under~~ released to the supervision of the
4 Board of Pardons and Paroles and shall be subject to this
5 article.

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

9 "(e) (1) An offender released pursuant to this
10 section shall be subject to electronic monitoring for a period
11 of time determined by the director.

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

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

17 "§15-22-29.

18 "(a) The Board of Pardons and Paroles, in releasing
19 a prisoner an inmate on parole, shall specify in writing the
20 conditions of his or her parole and shall provide a copy of
21 the conditions shall be given to the parolee. A parolee who
22 violates the conditions of parole may be subject to arrest and
23 reimprisonment.

24 "(b) The Board of Pardons and Paroles shall adopt
25 general rules regarding the conditions of parole and their
26 violation and may make special rules to govern particular

1 cases. The rules, both general and special, shall include, but
2 are not limited to, all of the following:

3 "(1) The parolee ~~shall~~ may not leave the state
4 without the consent of the board.

5 "(2) The parolee shall contribute to the support of
6 his or her dependents to the best of his or her ability.

7 "(3) The parolee shall make reparation or
8 restitution for his or her crime.

9 "(4) The parolee shall avoid persons or places of
10 disreputable or harmful character.

11 "(5) The parolee shall follow the instructions of
12 his or her parole officer and ~~comport himself or herself as~~
13 ~~the officer shall determine~~ shall cooperate with the parole
14 officer.

15 "(6)a. The parolee shall be subject to electronic
16 monitoring for a period of time determined by the director.

17 "b. The board shall be responsible for the costs of
18 the electronic monitoring as required by this subdivision.

19 ~~(6)~~ (7) The parolee shall submit to behavioral
20 treatment, substance abuse treatment, GPS monitoring, or any
21 other treatment as deemed necessary by the board or the
22 supervising parole officer.

23 ~~(7)~~ (8) The parolee may not buy, own, or possess a
24 firearm in violation of federal law or in violation of Section
25 13A-11-72."

26 Section 2. Section 14-10-1, Code of Alabama 1975, is
27 amended to read as follows:

1 "§14-10-1.

2 "(a) The Department of Corrections shall adopt
3 reasonable ~~regulations~~ rules and criteria to determine those
4 state inmates ~~that~~ who require clothing and transportation
5 upon the expiration of their term of custody, and before the
6 expiration of their term of custody for each state inmate
7 shall make a reasonable determination of whether or not the
8 state inmate has ready and immediate access to clothing and
9 transportation, that meet the requirements of this section.
10 Each state inmate, who is determined to require clothing and
11 transportation shall, at the expiration of his or her term of
12 custody, shall be discharged from the custody and shall be
13 furnished with clothes and with the least expensive mode of
14 public transportation to the point where the inmate is to
15 report for parole and probation supervision, or to the point
16 of sentencing, to be paid from the Department of Corrections
17 general operating funds. Clothing shall be of decent and
18 reasonable quality for employment.

19 "(b) The Department of Corrections shall provide
20 minimum documentation for identification, including a social
21 security card and a birth certificate, necessary to obtain
22 employment. The Department of Corrections, in conjunction with
23 the Alabama State Law Enforcement Agency, shall assist an
24 inmate in obtaining a non-driver identification card, as
25 required in Section 41-27-3.2.

26 "(c) Any inmate entitled to clothing and
27 transportation may waive the same, in which case the

1 Department of Corrections shall not be required to make any
2 payment in lieu of clothing and transportation. Each state
3 inmate shall receive this clothing and transportation
4 allowance only once per offense and multiple offenses being
5 served consecutively or concurrently shall for this purpose be
6 considered one offense; but the Department of Corrections may
7 at its discretion furnish transportation as noted above upon
8 any discharge. If ~~such~~ the inmate is charged with the
9 commission of any other criminal offense, he or she must be
10 delivered to the proper sheriff or officer to answer ~~such~~ the
11 charge."

12 Section 3. ~~This act shall become effective on~~
13 ~~January 31, 2022, following its passage and approval by the~~
14 ~~Governor, or its otherwise becoming law. This act shall become~~
15 ~~effective on January 31, 2023, following its passage and~~
16 ~~approval by the Governor, or its otherwise becoming law,~~
17 ~~contingent upon certification by the Director of Finance that~~
18 ~~sufficient funds have been appropriated to the Board of~~
19 ~~Pardons and Paroles to implement this act. Section 1 of this~~
20 ~~act shall become effective on January 31, 2023, following its~~
21 ~~passage and approval by the Governor, or its otherwise~~
22 ~~becoming law, contingent upon certification by the Director of~~
23 ~~Finance that sufficient funds have been appropriated to the~~
24 ~~Board of Pardons and Paroles to implement this section; and~~
25 ~~Section 2 of this act shall become effective immediately~~
26 ~~following its passage and approval by the Governor, or its~~
27 ~~otherwise becoming law.~~

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Judiciary 27-SEP-21

Read for the second time and placed
on the calendar..... 28-SEP-21

Read for the third time and passed
as amended..... 29-SEP-21

Yeas 77, Nays 23, Abstains 0

Jeff Woodard
Clerk