

SB254 INTRODUCED



1 SB254
2 I37YCZZ-1
3 By Senator Givhan
4 RFD: Judiciary
5 First Read: 03-Feb-26



SYNOPSIS:

Under existing law, if an individual on parole for any offense except certain enumerated offenses commits a parole violation, the Board of Pardons and Paroles has the discretion to impose a range of sanctions, which may include revocation of parole, an imposed period of confinement of not more than 45 consecutive days, mandatory behavior treatment, mandatory substance abuse treatment, GPS monitoring, or any other treatment as determined by the board.

Also under existing law, if an individual on parole for certain enumerated offenses is arrested or commits any other type of parole violation, the board is required to automatically revoke parole for the entire balance of the parolee's sentence without discretion to consider the facts, circumstances, and severity of the violation.

This bill would provide the board with discretion to consider the recommendations of parole hearing officers and the totality of the circumstances surrounding parole violations for individuals on parole for enumerated offenses and would provide the board with discretion as to which sanctions are imposed for violations.

This bill would also provide that if the



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commission of a new criminal offense is the basis of parole revocation for individuals on parole, including those on parole for enumerated offenses, and the charges are later dismissed, the parolee is acquitted at trial, or the case is resolved as a misdemeanor or criminal violation, the board would have the discretion to immediately reinstate parole or conduct a hearing to determine whether reinstatement of parole is in the interest of public safety and the fair administration of justice.

A BILL

TO BE ENTITLED

AN ACT

Relating to parole; to amend Section 15-22-32, Code of Alabama 1975, as last amended by Act 2025-273, 2025 Regular Session, to further provide for the authority of the Board of Pardons and Paroles relating to parole; to provide various conditions where the board would be required to revoke parole; to provide various conditions where the board would have discretion as to the imposed punishment for a parole violation; and to provide various conditions where the board would be authorized to require a parolee to serve a sentence for a parole violation in a residential transition center or consenting county jail.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:



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Section 1. Section 15-22-32, Code of Alabama 1975, as last amended by Act 2025-273, 2025 Regular Session, is amended to read as follows:

"§15-22-32

(a) Whenever there is reasonable cause to believe that ~~a prisoner who has been paroled~~ a parolee has violated his or her parole, the Board of Pardons and Paroles, at its next meeting, may declare the parolee to be delinquent, and time owed shall date from the delinquency. The Department of Corrections, after receiving notice from the sheriff of the county jail where the parolee is being held, shall promptly notify the board of the return of a parolee charged with violation of his or her parole. The board, a single member of the board, a parole revocation hearing officer, or a designated parole officer shall hold a parole court and consider the case of the parole violator. The parolee shall be afforded all rights provided in subdivision (f)(1). The parole court shall determine whether sufficient evidence supports the violation charges. When a new arrest is the basis of the violation, the parole court shall make a finding as to whether the hearing officer is reasonably satisfied from the evidence that the parolee committed the new offense. Except as provided in subparagraph (f)(1)a.2., if a hearing is not held within 20 business days, the parolee shall be released back to parole supervision.

(b) Upon finding sufficient evidence to support a parole violation, the parole court may recommend to the board revocation or reinstatement of parole, and the board may take



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any of the following actions:

(1)a. If the underlying offense was a violent offense as defined in Section 12-25-32 and classified as a Class A felony, a sex offense pursuant to Section 15-20A-5, possession of a firearm by a person forbidden from firearm possession pursuant to Section 13A-11-72, or aggravated theft by deception pursuant to Section 13A-8-2.1, the following applies:

1. The board shall revoke parole when a new arrest for a felony charge or possessing a firearm is the basis of a violation if the board is reasonably satisfied based on the evidence that the parolee committed the new offense and require the parolee to serve the balance of the term for which he or she was originally sentenced, or any portion thereof, in a state prison facility, calculated from the date of his or her rearrest as a delinquent parolee.

2. The board may revoke parole when the violation is based on a new arrest for a misdemeanor charge, criminal violation, absconding, or other violation of the terms of parole if the board is reasonably satisfied based on the evidence supporting the parole violation charge that the parolee committed the violation and may require the parolee to serve the balance of the term for which he or she was originally sentenced, or any portion thereof that is not less than 45 days, in a state prison facility, residential treatment center established pursuant to Section 15-22-30.1, or a consenting county jail designated for this purpose as provided in Section 14-1-23, calculated from the date of his



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or her rearrest as a delinquent parolee.

~~b. If the parole violation was for absconding, possessing a firearm, or being arrested or convicted of a new offense, the board may revoke parole and require the parolee to serve the balance of the term for which he or she was originally sentenced, or any portion thereof, in a state prison facility, calculated from the date of his or her rearrest as a delinquent parolee.~~

b. If the underlying offense was other than those enumerated in paragraph a., the following applies:

1. If the parole violation was for absconding, possessing a firearm, or being arrested or convicted of a new offense and the board is reasonably satisfied based on the evidence that the parolee committed the violation, the board may revoke parole and require the parolee to serve the balance of the term for which he or she was originally sentenced, or any portion thereof, in a state prison facility, calculated from the date of his or her rearrest as a delinquent parolee.

2. If the parole violation was other than those enumerated in subparagraph 1. and the board is reasonably satisfied based on the evidence that the parolee committed the violation, the board may impose a period of confinement of not more than 45 days to be served in a residential transition center established pursuant to Section 15-22-30.1 or a consenting county jail designated for this purpose as provided in Section 14-1-23. The parolee shall be held in the county jail of the county in which the parole violation occurred while awaiting the revocation hearing. The Department of



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Corrections shall reimburse the state mileage rate to the county, as determined by the Comptroller, for any state inmate charged with, sanctioned with, or revoked for a parole violation and who is transferred to or from a Department of Corrections facility or to or from a consenting county jail by the county.

c. For all other parolees, the board may impose a period of confinement of no more than 45 consecutive days to be served in a residential transition center established pursuant to Section 15-22-30.1 or a consenting county jail designated for this purpose as provided in Section 14-1-23. The parolee shall be held in the county jail of the county in which the violation occurred while awaiting the revocation hearing. The Department of Corrections shall reimburse the state mileage rate to the county, as determined by the ~~Alabama Comptroller's Office~~Comptroller, for any state inmate charged with, or sanctioned or revoked for, a parole violation and who is transferred to or from a Department of Corrections facility or to or from a consenting county jail by the county.

(2) Upon completion of the confinement period and release from confinement, the parolee shall automatically continue on parole for the remaining term of the sentence without further action from the board. The parole court may not recommend and the board may not revoke parole unless the parolee has previously received a total of three periods of confinement under this subsection. A parolee shall receive only three total periods of confinement pursuant to this subsection. The maximum 45-day term of confinement ordered



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pursuant to this subsection shall be reduced by any time served in custody prior to the imposition of the period of confinement and shall be credited to the balance of the incarceration term for which the parolee was originally sentenced. In the event the time remaining on parole supervision is 45 days or less, the term of confinement may not exceed the remainder of the parolee's sentence.

(3) The total time spent in confinement under this subsection may not exceed the term of the parolee's original sentence.

(4) Confinement shall be immediate. The board shall ensure that the Department of Corrections, a county jail, a residential transition center, or a consenting county jail receives necessary documentation for imposing a period of confinement within five business days of the board's action.

(5) If the parolee is presented to a county jail, excluding a consenting county jail designated for this purpose, as provided in Section 14-1-23, for any period of confinement with a serious health condition, if the admittance of the parolee would create a security risk to the county jail, or if the county jail is near, at, or over capacity, the sheriff may refuse to admit the parolee. If, while in custody of the county jail, the parolee develops a serious health condition, if the presence of the parolee creates a security risk to the county jail, or if the county jail reaches near, at, or over capacity, the sheriff may release the parolee upon notification to the parole officer. A sheriff and employees in the county jail shall be immune from liability for exercising



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discretion pursuant to Section 36-1-12 in refusing to admit a parolee into the jail or releasing a parolee from jail pursuant to this subdivision.

(6) In all cases where the basis of the parole revocation is a new arrest for which charges are later dismissed, result in an acquittal, or are resolved as a criminal violation, the board may either immediately reinstate parole or the parolee shall be immediately eligible for parole and added to the earliest practicable parole hearing docket, not later than 90 calendar days, for the board to consider the circumstances surrounding the resolution of the charges and determine if parole reinstatement is in the interest of public safety and the fair administration of justice.

(c) The position of Parole Revocation Hearing Officer is created and established, subject to the state Merit System.

(d) The board may appoint or employ hearing officers who shall conduct a parole court. The hearing officers shall determine the sufficiency of evidence to support parole violation charges and recommend to the board revocation of parole pursuant to subsection (b) or reinstatement of parole.

(e) In lieu of subsections (a) and (b), when a parolee violates his or her parole terms and conditions, his or her parole officer, after an administrative review and approval by the parole officer's supervisor, may impose any of the following sanctions:

- (1) Mandatory behavior treatment.
- (2) Mandatory substance abuse treatment.
- (3) GPS monitoring.



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(4) Any other treatment as determined by the board or supervising officer.

(5)a. A short period of confinement in the county jail of the county in which the violation occurred. Periods of confinement under this subdivision may not exceed six days per month during any three separate months during the period of parole. The six days per month confinement periods may only be imposed as two-day or three-day consecutive periods at any single time. The total periods of confinement may not exceed nine total days.

b. Confinement pursuant to this subdivision does not limit the board's ability to directly impose sanctions, impose periods of confinement, or revoke parole.

(f)(1) Prior to imposing a sanction pursuant to subsection (e), the parolee must first be presented with a violation report setting forth the alleged parole violations and supporting evidence. The parolee shall be advised that he or she has all of the following rights:

a.1. The right to have a parole court, in person or by electronic means, on the alleged violation or violations. Except as provided in subparagraph 2., if a parole court is requested, no parolee may be held beyond 20 business days of the request.

2. If a parole court cannot be held within 20 business days due to a state of emergency being proclaimed under Chapter 9 of Title 31: (i) if the parolee is being held in a Department of Corrections facility, the parole court shall be held within 40 business days; or (ii) if the parolee is being



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held in a county jail, the sheriff may agree to the parole court being held within 40 business days. No parolee may be held beyond 40 business days of the request to have a parole court.

b. The right to present relevant witnesses and documentary evidence.

c. The right to retain and have counsel at the hearing if he or she so desires.

d. The right to confront and cross examine any adverse witnesses.

(2) Upon the signing of a waiver of these rights by the parolee and the supervising parole officer, with approval of a supervisor, the parolee may be treated, monitored, or confined for the period recommended in the violation report and designated on the waiver. The parolee may not request a review if he or she has signed a written waiver of rights as provided in this subsection.

(g) The board shall adopt guidelines and procedures to implement the requirements of this section, which shall include the requirement of a supervisor's approval prior to exercise of the delegation of authority authorized by subsection (e)."

Section 2. This act shall become effective on October 1, 2026.