

**SB254 INTRODUCED**



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



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4     SYNOPSIS:

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

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

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

28                 This bill would also provide that if the

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

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40

41 A BILL

42 TO BE ENTITLED

43 AN ACT

44

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

56 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

60           "§15-22-32

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

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



85 any of the following actions:

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

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

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



113 or her rearrest as a delinquent parolee.

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

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

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

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



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

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

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



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

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

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

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



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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

275 Section 2. This act shall become effective on October  
276 1, 2026.