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3 CONFERENCE COMMITTEE SUBSTITUTE FOR HB110
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8 SYNOPSIS: Under existing law, a parole or probation
9 officer may impose brief periods of confinement for
10 parole or probation violations, to be served in a
11 county jail.

12 This bill would revise the limitations for
13 confinement for parole and probation violations.

14 This bill would revise the circumstances in
15 which a person's parole or probation may be
16 revoked.

17 This bill would provide that counties are
18 not financially responsible for the health care
19 expenses while housing a parole or probation
20 violator in a county jail in certain circumstances.

21 This bill would provide that the Board of
22 Pardons and Paroles may establish and maintain
23 residential transition centers and would provide
24 for the operation of the facilities.

25 Under existing law, a parolee or probationer
26 who violates the conditions of his or her parole or
27 probation may be required to serve a 45-day period

1 of confinement in a Department of Corrections
2 facility in certain circumstances.

3 This bill would require parolees and
4 probationers to serve the 45-day period of
5 confinement in a county jail or a residential
6 transition center being operated by the Board of
7 Pardons and Paroles.

8 Under existing law, a parolee or probationer
9 would not receive credit for any time spent in
10 custody prior to a hearing on a parole or probation
11 violation.

12 This bill would allow a parolee or
13 probationer to be credited for any time spent in
14 custody prior to a revocation hearing.

15 Under existing law, when a defendant is
16 sentenced to the Department of Corrections, the
17 court is required to notify the department.

18 This bill would require that the court or
19 the court clerk send an electronic notification to
20 the Department of Corrections when the defendant is
21 sentenced to the custody of the department.

22 This bill would require the Department of
23 Corrections, in agreement with a county commission
24 and the sheriff, to establish at least three county
25 jails to be used for the housing and care of
26 parolees and probationers charged with, or

1 sanctioned or revoked for, parole or probation
2 violations.

3 This bill would establish the procedures for
4 selecting the county jails to be used for the
5 housing and care of parole and probation violators.

6 This bill would also make nonsubstantive,
7 technical revisions to update the existing code
8 language to current style.

9
10 A BILL

11 TO BE ENTITLED

12 AN ACT

13
14 Relating to parole and probation; to amend Sections
15 15-22-29, 15-22-32, 15-22-52, and 15-22-54, as last amended by
16 Act 2019-513, 2019 Regular Session, Code of Alabama 1975; to
17 revise the limitations on confinement and location of
18 confinement for parole and probation violators; to revise the
19 circumstances when a parolee or probationer's parole or
20 probation may be revoked; to provide that the Department of
21 Corrections must reimburse the county commission for health
22 care costs of state parolees and probationers in certain
23 circumstances; to require the Department of Corrections to
24 designate county jails for the confinement of parole and
25 probation violators; to provide that the Board of Pardons and
26 Paroles may establish and maintain residential transition
27 centers and to provide for the operation of the facilities; to

1 provide that a parole or probation violator may get credit for
2 any time served in custody in certain circumstances; to amend
3 Section 14-3-30, Code of Alabama 1975, to require the court or
4 the court clerk to provide electronic notification to the
5 Department of Corrections when a defendant is sentenced to the
6 custody of the department; to require the Department of
7 Corrections, in agreement with a county commission and the
8 sheriff, to select county jails to provide for the housing and
9 care of parole and probation violators; to provide for the
10 selection process of the county jails; and to make
11 nonsubstantive, technical revisions to update the existing
12 code language to current style.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. Sections 15-22-29, 15-22-32, 15-22-52,
15 and 15-22-54, as last amended by Act 2019-513, 2019 Regular
16 Session, Code of Alabama 1975, are amended to read as follows:

17 "§15-22-29.

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

24 "(b) The Board of Pardons and Paroles shall adopt
25 general rules ~~with regard to~~ regarding the conditions of
26 parole and their violation and may make special rules to
27 govern particular cases. ~~Such~~ The rules, both general and

1 special, shall include, ~~among other things, a requirement that~~
2 but are not limited to, all of the following:

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

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

8 "(3) ~~He or she~~ The parolee shall make reparation or
9 restitution for his or her crime~~;~~.

10 "(4) ~~He or she~~ The parolee shall ~~abandon evil~~
11 ~~associates and ways;~~ avoid persons or places of disreputable
12 or harmful character.

13 "(5) ~~He or she~~ The parolee shall ~~carry out~~ follow
14 the instructions of his or her parole officer and ~~in general~~
15 ~~so~~ comport himself or herself as ~~such~~ the officer shall
16 determine~~;~~ ~~and.~~

17 "(6) ~~He or she~~ The parolee shall submit to
18 behavioral treatment, substance abuse treatment, GPS
19 monitoring, or any other treatment as deemed necessary by the
20 board or the supervising parole officer, ~~and/or a period or~~
21 ~~periods of confinement in a consenting jail facility. Periods~~
22 ~~of confinement imposed by the supervising parole officer shall~~
23 ~~not exceed six days per month during any three separate months~~
24 ~~during the period of parole. The six days per month~~
25 ~~confinement provided for in this subdivision shall only be~~
26 ~~imposed by the supervising parole officer as two-day or~~
27 ~~three-day consecutive periods at any single time. In no event~~

1 shall the total periods of confinement imposed by the
2 supervising parole officer provided for in this subdivision
3 exceed 18 total days in a consenting jail facility.
4 Confinement provided herein shall be subject to the
5 limitations, provisions, and conditions provided in Section
6 15-22-32, and the board's authority to directly impose
7 sanctions, periods of confinement, or revoke parole shall not
8 otherwise be limited.

9 "(7) The parolee may not buy, own, or possess a
10 firearm in violation of federal law or in violation of Section
11 13A-11-72.

12 "§15-22-32.

13 "(a) Whenever there is reasonable cause to believe
14 that a prisoner who has been paroled has violated his or her
15 parole, the Board of Pardons and Paroles, at its next meeting,
16 may declare the ~~prisoner~~ parolee to be delinquent, and time
17 owed shall date from the delinquency. The Department of
18 Corrections, after receiving notice from the sheriff of the
19 county jail where the ~~state prisoner~~ parolee is being held,
20 shall promptly notify the board of the return of a ~~paroled~~
21 ~~prisoner~~ parolee charged with violation of his or her parole.
22 ~~Thereupon, the~~ The board, a single member of the board, a
23 parole revocation hearing officer, or a designated parole
24 officer shall hold a parole court at the prison or at another
25 place as it may determine within 20 business days and consider
26 the case of the parole violator, ~~who~~. The parolee shall be
27 given an opportunity to appear personally or by counsel before

1 ~~the board or~~ the parole court and to produce witnesses, and
2 explain the charges made against him or her. The ~~board member,~~
3 ~~parole revocation hearing officer, or a designated parole~~
4 ~~officer, acting as a parole court,~~ shall determine whether
5 sufficient evidence supports the violation charges. If a
6 hearing is not held within ~~the specified~~ 20 business days, the
7 parolee shall be released back to parole supervision.

8 "(b) Upon finding sufficient evidence to support a
9 parole violation, the parole court may recommend to the board
10 revocation or reinstatement of parole, and the board may
11 ~~revoke or reinstate parole. Upon revocation of parole, the~~
12 ~~board may require the prisoner to serve in a state prison~~
13 ~~facility the balance of the term for which he or she was~~
14 ~~originally sentenced or any portion thereof, calculated from~~
15 ~~the date of delinquency. The delinquent parolee shall be~~
16 ~~deemed to begin serving the balance of the prison time~~
17 ~~required on the date of his or her rearrest as a delinquent~~
18 ~~parolee. However, in all cases, excluding violent offenses~~
19 ~~defined pursuant to Section 12-25-32 and classified as a Class~~
20 ~~A felony, and sex offenses, defined pursuant to Section~~
21 ~~15-20A-5, the parole court may only recommend revocation and~~
22 ~~the board may only revoke parole as provided below~~ take any of
23 the following actions:

24 "(1) a. ~~Unless~~ If the underlying offense ~~is~~ was a
25 violent offense as defined in Section 12-25-32 and classified
26 as a Class A felony, ~~when a parolee under supervision of the~~
27 ~~Board of Pardons and Paroles has violated a condition of~~

1 ~~parole, other than being~~ a sex offense pursuant to Section
2 15-20A-5, or aggravated theft by deception pursuant to Section
3 13A-8-2.1, the board shall revoke parole and require the
4 parolee to serve the balance of the term for which he or she
5 was originally sentenced, or any portion thereof, in a state
6 prison facility, calculated from the date of his or her
7 rearrest as a delinquent parolee.

8 "b. If the parole violation was for being arrested
9 or convicted of a new offense or absconding, the parole court
10 may recommend and the board may revoke parole and require the
11 parolee to serve the balance of the term for which he or she
12 was originally sentenced, or any portion thereof, in a state
13 prison facility, calculated from the date of his or her
14 rearrest as a delinquent parolee.

15 "c. For all other parolees, the board may impose a
16 period of confinement of no more than 45 consecutive days to
17 be served in the custody population of the Department of
18 Corrections. By April 29, 2016, the Department of Corrections
19 shall develop and implement a streamlined process to transport
20 and receive the parolee into its custody population and shall
21 identify and, if possible, implement policies aimed at
22 reducing the administrative delays, if any, in transferring to
23 the Department of Corrections the physical custody of the
24 parolee and those whose parole has been revoked. Such process
25 shall be developed in cooperation with the Alabama Sheriffs'
26 Association and the Association of County Commissions of
27 Alabama. Such process shall include the most cost-effective

1 ~~method to process sanctioned parole violators for the maximum~~
2 ~~45 day confinement period and shall provide that the a~~
3 residential transition center established pursuant to Section
4 6 of the act adding this amendatory language or a consenting
5 county jail designated for this purpose as provided in Section
6 5 of the act adding this amendatory language. The parolee
7 shall be held in the county jail of the county in which the
8 revocation occurred while awaiting the revocation hearing. The
9 Department of Corrections shall reimburse the state mileage
10 rate to the county, as determined by the Alabama Comptroller's
11 Office, ~~to the county~~ for any state inmate ~~sanctioned as~~
12 charged with, or sanctioned or revoked for, a parole ~~violation~~
13 violation and who is transferred to or from a Department of
14 Corrections facility or to or from a consenting county jail by
15 the county.

16 "(2) Upon completion of the confinement period and
17 release from confinement, the parolee shall automatically
18 continue on parole for the remaining term of the sentence
19 without further action from the board. The parole court ~~shall~~
20 may not recommend and the board ~~shall~~ may not revoke parole
21 unless the parolee has previously received a total of three
22 periods of confinement under this subsection. A parolee shall
23 receive only three total periods of confinement ~~under~~ pursuant
24 to this subsection. The maximum ~~45 day~~ 45-day term of
25 confinement ordered ~~under~~ pursuant to this subsection shall
26 ~~not~~ be reduced by ~~credit for incarceration time already~~ any
27 time served ~~in the case. Confinement under this subsection in~~

1 custody prior to the imposition of the period of confinement
2 and shall be credited to the balance of the incarceration term
3 for which the parolee was originally sentenced. In the event
4 the time remaining on parole supervision is 45 days or less,
5 the term of confinement ~~shall be for~~ may not exceed the
6 remainder of the parolee's sentence.

7 ~~"(2)~~ (3) The total time spent in confinement under
8 this subsection ~~shall~~ may not exceed the term of the parolee's
9 original sentence.

10 ~~"(3)~~ (4) Confinement shall be immediate. The board
11 shall ~~be responsible for ensuring~~ ensure that the Department
12 of Corrections, a county jail, a residential transition
13 center, or a consenting county jail receives necessary
14 documentation for imposing a period of confinement within five
15 business days of the board's action.

16 ~~"(4)~~ (5) If the parolee is presented to a county
17 jail, excluding a consenting county jail designated for this
18 purpose, as provided in Section 5 of the act adding this
19 amendatory language, for any period of confinement ~~as~~
20 ~~contemplated hereinabove~~ with a serious ~~medical~~ health
21 condition, if the admittance of the parolee would create a
22 security risk to the county jail, or if the county jail is
23 near, at, or over capacity, the sheriff may refuse to admit
24 the parolee. If, while in custody of the county jail, the
25 parolee develops a serious ~~medical~~ health condition, if the
26 presence of the parolee creates a security risk to the county
27 jail, or if the county jail reaches near, at, or over

1 capacity, the sheriff may release the parolee upon
2 notification to the parole officer. A sheriff and ~~his or her~~
3 ~~staff employees in the county jail~~ shall be immune from
4 liability for exercising discretion pursuant to Section
5 36-1-12 in refusing to admit a parolee into the jail or
6 releasing a parolee from jail ~~under the circumstances~~
7 ~~described above~~ pursuant to this subdivision.

8 "(c) The position of Parole Revocation Hearing
9 Officer is created and established, subject to ~~provisions of~~
10 the state Merit System.

11 "(d) The board may appoint or employ, ~~as the board~~
12 ~~deems necessary,~~ hearing officers who shall conduct a parole
13 court. ~~Such~~ The hearing officers shall ~~have authority to~~
14 determine the sufficiency of evidence to support parole
15 violation charges and recommend to the board revocation of
16 parole pursuant to subsection (b) or reinstatement of parole.

17 "(e) In lieu of ~~the provisions of~~ subsections (a)
18 and (b), when a parolee violates his or her parole terms and
19 conditions, his or her parole officer, after an administrative
20 review and approval by the parole officer's supervisor, may
21 ~~require the parolee to submit to behavioral~~ impose any of the
22 following sanctions:

23 "(1) Mandatory behavior treatment,

24 "(2) Mandatory substance abuse treatment,

25 "(3) GPS monitoring, ~~such.~~

26 "(4) Any other treatment as determined by the board
27 or supervising officer, ~~or a.~~

1 "(5)a. A short period of confinement in a consenting
2 the county jail facility as specified in subdivision (6) of
3 subsection (b) of Section 15-22-29. The parole officer may
4 exercise such authority after administrative review and
5 approval by the officer's supervisor. of the county in which
6 the revocation occurred. Periods of confinement under this
7 subdivision may not exceed six days per month during any three
8 separate months during the period of parole. The six days per
9 month confinement periods may only be imposed as two-day or
10 three-day consecutive periods at any single time. The total
11 periods of confinement may not exceed nine total days.

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

15 "(f) (1) Prior to imposing a sanction provided under
16 pursuant to subsection (e) and pursuant to subdivision (6) of
17 subsection (b) of Section 15-22-29, the parolee must first be
18 presented with a violation report, putting setting forth the
19 alleged parole violations and supporting evidence. The parolee
20 may request a hearing before the parole court to be heard in
21 person within 10 days. The parolee shall be given notice of
22 the right to seek such parole court review and advised of the
23 right (i) to a hearing before a neutral and detached shall be
24 advised that he or she has all of the following rights:

25 "a. The right to have a parole court, in person or
26 by electronic means, on the alleged violation or violations,
27 with the. If a parole court is requested, no probationer shall

1 be held beyond 20 business days of the request. Only
2 requesting parolees posing a threat to public safety or a
3 flight risk shall be arrested while awaiting parole court.

4 "b. The right to present relevant witnesses and
5 documentary evidence;~~(ii).~~

6 "c. The right to retain and have counsel at the
7 hearing if he or she so desires;~~and (iii).~~

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

10 "(2) Upon the signing of a waiver of these rights by
11 the parolee and the supervising parole officer, with approval
12 of a supervisor, the parolee may be treated, monitored, or
13 confined for the period recommended in the violation report
14 and designated on the waiver. ~~However, the~~ The parolee shall
15 ~~have no right of~~ may not request a review if he or she has
16 signed a written waiver of rights as provided in this
17 subsection.

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

23 "§15-22-52.

24 "The court shall determine and may at any time
25 modify the conditions of probation ~~and~~. The conditions of
26 probation shall include among them the following or any other

1 ~~conditions. Such conditions shall provide that the probationer~~
2 ~~shall, but are not limited to, all of the following:~~

3 "(1) Avoid injurious or vicious habits~~;~~.

4 "(2) Avoid persons or places of disreputable or
5 harmful character~~;~~.

6 "(3) Report to the probation officer as directed~~;~~.

7 "(4) Permit the probation officer to visit him or
8 her at his or her home or elsewhere~~;~~.

9 "(5) Work faithfully at suitable ~~employments~~
10 employment as far as possible~~;~~.

11 "(6) Remain within a specified place~~;~~.

12 "(7) Pay the fine imposed or costs or ~~such~~ any
13 portions ~~thereof~~ of fines or costs, as the court may
14 determine~~,~~ and in ~~such~~ installments as the court may direct~~;~~.

15 "(8) Make reparation or restitution to the aggrieved
16 party for the damage or loss caused by his or her offense in
17 an amount to be determined by the court~~;~~.

18 "(9) Support his or her dependents to the best of
19 his or her ability~~;~~ and.

20 "(10) Submit to behavioral treatment, substance
21 abuse treatment, GPS monitoring, or any other treatment as
22 deemed necessary by the court or supervising probation
23 officer~~, and/or a period or periods of confinement in a~~
24 ~~consenting jail facility. Periods of confinement imposed by~~
25 ~~the supervising probation officer shall not exceed six days~~
26 ~~per month during any three separate months during the period~~
27 ~~of probation. The six days per month confinement provided for~~

1 ~~in this subsection shall only be imposed by the supervising~~
2 ~~probation officer as two-day or three-day consecutive periods~~
3 ~~at any single time. In no event shall the total periods of~~
4 ~~confinement imposed by the supervising probation officer~~
5 ~~provided for in this subsection exceed 18 total days in a~~
6 ~~consenting jail facility. Confinement provided herein shall be~~
7 ~~subject to the limitations, provisions, and conditions~~
8 ~~provided in Section 15-22-54, and the court's authority to~~
9 ~~directly impose sanctions, periods of confinement, or revoke~~
10 ~~probation shall not otherwise be limited.~~

11 "(11) The probationer may not buy, own, or possess a
12 firearm in violation of federal law or in violation of Section
13 13A-11-72.

14 "§15-22-54.

15 "(a) The period of probation or suspension of
16 execution of sentence shall be determined by the court and
17 ~~shall~~ may not be waived by the defendant, ~~and the~~. The period
18 of probation or suspension may be continued, extended, or
19 terminated. ~~However, except~~ as determined by the court. Except
20 as provided in Section 32-5A-191, relating to ignition
21 interlock requirements, ~~in no case shall~~ the maximum probation
22 period of a defendant guilty of a misdemeanor may not exceed
23 two years, nor shall the maximum probation period of a
24 defendant guilty of a felony exceed five years, except as
25 provided in Section 13A-8-2.1. When the conditions of
26 probation or suspension of sentence are fulfilled, the court

1 ~~shall~~, by an order duly entered on its minutes, shall
2 discharge the defendant.

3 "(b) The court granting probation, upon the
4 recommendation of the officer supervising the probationer, may
5 terminate all authority and supervision over the probationer
6 prior to the declared date of completion of probation upon
7 showing a continued satisfactory compliance with the
8 conditions of probation over a sufficient portion of the
9 period of the probation. At least every two years, and after
10 providing notice to the district attorney, the court shall
11 review the probationer's suitability for discharge from
12 probation supervision if the probationer has satisfied all
13 financial obligations owed to the court, including
14 restitution, and has not had his or her supervision revoked.

15 "(c) At any time during the period of probation or
16 suspension of execution of sentence, the court may issue a
17 warrant and ~~cause~~ have the defendant ~~to be~~ arrested for
18 violating any of the conditions of probation or suspension of
19 sentence, ~~upon which~~ and the court shall hold a violation
20 hearing. No probationer shall be held in jail awaiting ~~such~~
21 the violation hearing for longer than 20 business days, unless
22 new criminal charges are pending. If the hearing is not held
23 within the specified time, the sheriff shall release the
24 probation violator unless there are other pending criminal
25 charges. A judge ~~shall have authority to~~ may issue a bond to a
26 probationer for release from custody.

1 "(d) Except as provided in Chapter 15 of Title 12,
2 any probation officer, police officer, or other officer with
3 power of arrest, when requested by the probation officer, may
4 arrest a probationer without a warrant. ~~In case of~~ When an
5 arrest is made without a warrant, the arresting officer shall
6 have a written statement by the probation officer setting
7 forth that the probationer has, in his or her judgment,
8 violated the conditions of probation, and the statement shall
9 be sufficient warrant for the detention of the probationer in
10 the county jail or other appropriate place of detention until
11 the probationer is brought before the court. The probation
12 officer shall ~~forthwith~~ report the arrest and detention to the
13 court and submit in writing a report showing in what manner
14 the probationer has violated probation.

15 "(e) After conducting a violation hearing and
16 finding sufficient evidence to support a probation violation,
17 the court may ~~revoke probation to impose a sentence of~~
18 ~~imprisonment, and credit shall be given for all time spent in~~
19 ~~custody prior to revocation.~~ take any of the following
20 actions:

21 "(1)a. If the ~~probationer was convicted of~~
22 underlying offense was a Class D felony and his or her
23 probation is revoked, the incarceration portion of any split
24 sentence imposed due to revocation shall be limited to two
25 years or one-third of the original suspended prison sentence,
26 whichever is less. ~~However, in all cases, excluding~~

1 "b. If the underlying offense was a violent offenses
2 offense as defined pursuant to in Section 12-25-32 and
3 classified as a Class A felony, a sex offenses defined offense
4 pursuant to Section 15-20A-5, and or aggravated theft by
5 deception ~~offenses~~ pursuant to Section 13A-8-2.1, the court
6 ~~may only revoke probation as provided below:~~ shall revoke
7 probation and require the probationer to serve the balance of
8 the term for which he or she was originally sentenced, or any
9 portion thereof, in a state prison facility, calculated from
10 the date of his or her rearrest as a delinquent probationer.

11 ~~"(1) Unless the underlying offense is a violent~~
12 ~~offense as defined in Section 12-25-32 and classified as a~~
13 ~~Class A felony or an offense of aggravated theft by deception~~
14 ~~as defined in Section 13A-8-2.1, when a defendant under~~
15 ~~supervision for a felony conviction has violated a condition~~
16 ~~of probation, other than arrest or conviction~~

17 "c. If the probation violation was for being
18 arrested or convicted of a new offense or absconding, the
19 court may revoke probation and require the probationer to
20 serve the balance of the term for which he or she was
21 originally sentenced, or any portion thereof, in a state
22 prison facility, calculated from the date of his or her
23 rearrest as a delinquent probationer.

24 "d. For all other probationers, the court may impose
25 a period of confinement of no more than 45 consecutive days to
26 be served in ~~the custody population of the Department of~~
27 ~~Corrections. By April 29, 2016, the Department of Corrections~~

1 shall ~~develop and implement a streamlined process to transport~~
2 ~~and receive the probationer into its custody population and~~
3 ~~shall identify and, if possible, implement policies aimed at~~
4 ~~reducing the administrative delays, if any, in transferring to~~
5 ~~the Department of Corrections the physical custody of the~~
6 ~~probationer and those whose probation has been revoked. The~~
7 ~~process shall be developed in cooperation with the Alabama~~
8 ~~Sheriffs' Association and the Association of County~~
9 ~~Commissions of Alabama. The process shall include the most~~
10 ~~cost-effective method to process sanctioned probation~~
11 ~~violators for the maximum 45-day confinement period and shall~~
12 ~~provide that the~~ a residential transition center established
13 pursuant to Section 6 of the act adding this amendatory
14 language or a consenting county jail designated for this
15 purpose as provided in Section 5 of the act adding this
16 amendatory language. The probationer shall be held in the
17 county jail of the county in which the revocation occurred
18 while awaiting the revocation hearing. The Department of
19 Corrections shall reimburse the state mileage rate to the
20 county, as determined by the Alabama Comptroller's Office, to
21 the county for any state inmate sanctioned as probationer
22 charged with, or sanctioned or revoked for, a probation
23 violation violation and who is transferred to or from a
24 Department of Corrections facility or to or from a consenting
25 county jail by the county.

26 "(2) Upon completion of the confinement period, the
27 remaining probation period or suspension of sentence shall

1 automatically continue upon the defendant's release from
2 confinement. The court ~~shall~~ may not revoke probation unless
3 the defendant has previously received a total of three periods
4 of confinement ~~under~~ pursuant to this subsection. For purposes
5 of revocation, the court may take judicial notice of the three
6 total periods of confinement under this subsection. A
7 defendant shall only receive three total periods of
8 confinement ~~under~~ pursuant to this subsection. The maximum 45
9 day term of confinement ordered ~~under~~ pursuant to this
10 subsection for a felony shall ~~not~~ be reduced by ~~credit for any~~
11 ~~time already served in the case. Any credit shall instead~~
12 custody prior to the imposition of the period of confinement
13 and shall be applied credited to the suspended sentence. ~~In~~
14 ~~the event~~ If the time remaining on the imposed sentence is 45
15 days or less, the term of confinement ~~shall be for~~ may not
16 exceed the remainder of the defendant's sentence.

17 ~~"(2)~~ (3) The total time spent in confinement under
18 this subsection ~~shall~~ may not exceed the term of the
19 defendant's original sentence.

20 ~~"(3)~~ (4) Confinement shall be immediate. The court
21 shall ~~be responsible for ensuring~~ ensure that the circuit
22 clerk receives the order revoking probation within five
23 business days. The circuit clerk shall ensure that the
24 Department of Corrections, a county jail, a residential
25 transition center, or a consenting county jail receives
26 necessary transcripts for imposing a period of confinement
27 within five business days of its receipt of the court's order.

1 "~~(4)~~ (5) If a probation violator, ~~as described in~~
2 ~~subdivision (1)~~, is presented to ~~the~~ a county jail, excluding
3 a consenting county jail designated for this purpose, as
4 provided in Section 5 of the act adding this amendatory
5 language, for any period of confinement and the probation
6 ~~violation has~~ with a serious ~~medical~~ health condition, if the
7 confinement of the probation violator ~~creates~~ would create a
8 security risk to the county jail facility, or if the county
9 jail is near, at, or over capacity, the sheriff may refuse to
10 admit the probation violator. If, while in custody of the
11 county jail, the probation violator develops a serious ~~medical~~
12 health condition, if the confinement of the probation violator
13 creates a security risk to the ~~facility~~ county jail, or if the
14 county jail reaches near, at, or ~~overcapacity~~ over capacity,
15 the sheriff may release the probation violator upon
16 notification to the probation officer and to the court who has
17 jurisdiction over the probation violator. A sheriff and ~~his or~~
18 ~~her staff~~ employees in the county jail shall be immune from
19 liability for exercising discretion pursuant to Section
20 36-1-12 in refusing to admit a probation violator into the
21 jail or releasing a probation violator from jail ~~under the~~
22 ~~circumstances described above~~ pursuant to this subdivision.

23 "(f) In lieu of ~~the provisions of~~ subsections (c)
24 through (e), when a probationer violates his or her probation
25 terms and conditions imposed by the court, his or her
26 probation officer, after an administrative review and approval
27 by the probation officer's supervisor, may ~~require the~~

1 ~~probationer to submit to~~ impose any of the following
2 sanctions:

3 "(1) Mandatory behavioral treatment,

4 "(2) Mandatory substance abuse treatment,

5 "(3) GPS monitoring, ~~such.~~

6 "(4) Any other treatment as determined by the board
7 court or supervising officer, ~~or a.~~

8 "(5) A short period of confinement in a consenting
9 the county jail facility as specified in subdivision (10) of
10 Section 15-22-52 of the county in which the revocation
11 occurred. Periods of confinement under this subdivision may
12 not exceed six days per month during any three separate months
13 during the period of probation. The six days per month
14 confinement period may only be imposed as two-day or three-day
15 consecutive periods at any single time. The total periods of
16 confinement may not exceed nine total days.

17 "(g) (1) Prior to imposing a sanction provided under
18 pursuant to subsection (f) and pursuant to subdivision (10) of
19 Section 15-22-52, the probationer must first be presented with
20 a violation report, with the alleged probation violations and
21 supporting evidence noted. The probationer may file a motion
22 with the court to conduct a probation violation hearing within
23 10 days. The probationer shall be given notice of the right to
24 the hearing and advised of the right: (i) To shall be advised
25 that he or she has all of the following:

26 "a. The right to have a hearing before the court on
27 the alleged violation or violations in person, ~~with the~~ or by

1 electronic means. If a hearing is requested, no probationer
2 shall be held beyond 20 business days of the request. Only
3 requesting probationers posing a threat to public safety or a
4 flight risk shall be arrested while awaiting a hearing.

5 "b. The right to present relevant witnesses and
6 documentary evidence;~~(ii).~~

7 "c. The right to retain and have counsel at the
8 hearing and that counsel will be appointed if the probationer
9 is indigent;~~and (iii).~~

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

12 "(2) Upon the signing of a waiver of these rights by
13 the probationer and the supervising probation officer, with
14 approval of a supervisor, the probationer may be treated,
15 monitored, or confined for the period recommended in the
16 violation report and designated in the waiver. ~~However, the~~
17 The probationer ~~shall have no right of~~ may not request a
18 review if he or she has signed a written waiver of rights as
19 provided in this subsection.

20 "(h) The board shall adopt guidelines and procedures
21 to implement the requirements of this section, which shall
22 include the requirement of a supervisor's approval prior to a
23 supervising probation officer's exercise of the delegation of
24 authority authorized by subsection (f)."

25 Section 2. Section 14-3-30, Code of Alabama 1975, is
26 amended to read as follows:

27 "§14-3-30.

1 "(a) (1) When any ~~convict~~ defendant is sentenced to
2 the ~~penitentiary~~ custody of the Department of Corrections, the
3 judge of the court in which the sentence is rendered shall
4 order the inmate to be confined in the nearest secure jail.
5 ~~The clerk of the court shall at once notify the Department of~~
6 ~~Corrections as to the jail where the inmate is confined,~~
7 ~~forward to the department a copy of the judgment entry and~~
8 ~~sentence in the case, and inform the department if any special~~
9 ~~care is necessary to guard the inmate. Thereupon, the~~
10 ~~department shall direct where the inmate shall be taken for~~
11 ~~confinement or hard labor.~~ Within five days of the court
12 sentencing a defendant, the court or the court clerk shall
13 enter the sentencing order and the transcript of record into
14 the State Judicial Information System, or its successor
15 system, and E-Transcripts, or its successor system. Except as
16 provided in subdivision (2), upon receipt of the transcript,
17 the Department of Corrections shall accept the transcript,
18 accept the inmate for state confinement, and schedule the
19 transfer of the physical custody of the inmate. The sheriff
20 shall transfer physical custody of the inmate 30 calendar days
21 following the receipt of the original transcript by the
22 department.

23 (2) If a transcript contains substantial errors, the
24 Department of Corrections may reject the transcript. If the
25 department rejects the transcript, the department shall
26 immediately notify the court clerk of the rejection, along
27 with any deficiencies in the transcript. No later than five

1 days after the receipt of the validated transcript, the
2 department shall accept the validated transcript, accept the
3 inmate for state confinement, and schedule the transfer of the
4 physical custody of the inmate. The sheriff shall transfer
5 physical custody of the inmate 35 calendar days following the
6 receipt of the validated transcript.

7 " (b) (1) When the Department of Corrections has
8 received the original transcript of an inmate sentenced to the
9 custody of the department and the department is in receipt of
10 a transcript of such sentence, its custody, and the inmate is
11 being housed in a county jail, and if the inmate has a health
12 condition or develops a ~~medical~~ health condition which that
13 requires immediate treatment at a ~~medical-care~~ health care
14 facility outside the county jail, the department shall be
15 financially responsible for the cost of the treatment of the
16 inmate. The department shall receive any contractual discounts
17 the ~~medical-care~~ facility has agreed to grant for the
18 treatment of inmates housed in state correctional facilities.

19 " (2) When the Department of Corrections has received
20 the original transcript of an inmate sentenced to the custody
21 of the department and the department is in receipt of a
22 transcript of such sentence, its custody, and the inmate is
23 being housed in a county jail, and if the inmate has a health
24 condition, develops a ~~medical~~ health condition, or has been is
25 diagnosed as having a ~~medical~~ health condition which that, in
26 the opinion of a physician licensed in Alabama, would require
27 requires treatment or, a medical procedure, or both, involving

1 a cost of more than two thousand dollars (\$2,000), the
2 department shall transport the inmate ~~shall be transferred~~
3 within three calendar days of the notification of the
4 condition, to a state owned or operated correctional facility
5 or to the physical custody of the department as determined by
6 the Commissioner of the Department of Corrections. The inmate
7 shall receive treatment in the same manner as other state
8 inmates. If the department fails to take custody of the
9 inmate, the county may transport the inmate to receive the
10 recommended treatment, medical procedure, or both. The
11 transportation of the inmate to the treatment or procedure
12 does not relieve the department from the financial
13 responsibilities of the costs of the treatment or procedure.

14 "(3) Nothing in this ~~subsection shall~~ section may be
15 interpreted to relieve the department of its responsibility
16 for the maintenance and upkeep, including the payment of
17 ~~medical~~ health care costs, of an inmate sentenced to the
18 custody of the department, nor shall this ~~subsection~~ section
19 be interpreted as conferring any additional responsibility
20 upon a county for the maintenance and upkeep, or the payment
21 of ~~medical~~ health care costs, of any inmate sentenced to the
22 custody of the department."

23 Section 3. (a) (1) Counties are not financially
24 responsible for the cost of health care provided to a parolee
25 or probationer charged with, or sanctioned or revoked for, a
26 parole or probation violation.

1 (2) The county may submit an invoice to the
2 Department of Corrections for reimbursement of the county's
3 cost of health care administered outside the county jail and
4 actual costs of any care administered in the county jail.
5 Invoices must be paid by the department within 60 days of the
6 receipt of the invoice.

7 (b) (1)a. The Department of Corrections shall pay a
8 county jail housing and caring for parolees and probationers
9 charged with, or sanctioned or revoked for, a parole or
10 probation violation a per diem of twenty-eight dollars (\$28)
11 per day the parolee or probationer is housed in the county
12 jail.

13 b. Every three years the rate shall be adjusted by
14 the Department of Finance using the Consumer Price Index for
15 the previous three years.

16 (2) The county may submit an invoice to the
17 Department of Corrections for payment of the per diem provided
18 in subdivision (1). Invoices must be paid by the department
19 within 60 days of the receipt of the invoice.

20 (c) (1) If, after 60 days of receipt of an invoice,
21 the Department of Corrections has failed to pay for the health
22 care of parolees and probationers as required in subsection
23 (a), or has failed to pay the per diem as required in
24 subsection (b), a county may file a claim with the Board of
25 Adjustments.

26 (2) Notwithstanding any other provision of law, the
27 Board of Adjustments shall hear any claim filed by any county

1 pursuant to subsection (c) within 45 days of the filing of a
2 claim.

3 Section 4. On or before January 1, 2022, the
4 Department of Corrections shall enter into agreements, and
5 operation shall begin pursuant to the agreements, with at
6 least one residential transition center established pursuant
7 to Section 6 of the act adding this amendatory language or at
8 least three consenting county jails designated pursuant to
9 Section 5 of the act adding this amendatory language, and
10 whose facilities will be used for the housing and care of
11 parolees and probationers charged with, or sanctioned or
12 revoked for, a parole or probation violation pursuant to
13 Section 15-22-32 or 15-22-54, Code of Alabama 1975. Where
14 county jails are used for the housing and care of such
15 parolees and probationers, the agreements shall be implemented
16 and the county jails shall be designated as provided by
17 Section 5 of the act adding this amendatory language.

18 Section 5. (a) For the purpose of establishing
19 consenting county jails for the housing and care of parolees
20 and probationers pursuant to Sections 15-22-32 and 15-22-54,
21 Code of Alabama 1975, the Department of Corrections, in
22 consultation with the Alabama Sheriffs' Association and the
23 Association of County Commissions of Alabama, shall develop an
24 application and a standard memorandum of agreement to be used
25 by county commissions and sheriffs who agree to provide
26 housing and care to parolees and probationers who have been

1 charged with, or sanctioned or revoked for, a parole or
2 probation violation.

3 (b) The application shall include, but is not
4 limited to, both of the following:

5 (1) A determination of the number of excess beds
6 available in the county jail, based on the evaluation of the
7 inmate census and the available occupied beds in the jail
8 during the previous 12-month period.

9 (2) A determination of the daily cost of housing and
10 caring for prisoners in the county jail during the previous
11 12-month period. This amount shall be in addition to the cost
12 of providing health care services.

13 (c) (1) A county commission, with the consent of the
14 sheriff, that elects to provide for the housing and care of
15 parole and probation violators, pursuant to Sections 15-22-32
16 and 15-22-54, Code of Alabama 1975, shall submit an
17 application to the Department of Corrections, submit to an
18 inspection of the county jail by the department to determine
19 its ability to house inmates and to provide for their housing
20 and care, and provide any other required documentation and
21 information required by the department.

22 (2) The department shall review all applications
23 annually and shall select the county jails for participation
24 in the program. Any county jail selected for participation
25 shall enter into a memorandum of agreement with the department
26 for the services.

1 (3) The department shall select at least one county
2 jail located in the northern region, one county jail located
3 in the central region, and one county jail located in the
4 southern region of the state.

5 (d) (1) Memoranda of agreement shall be for 12 months
6 and may be renewed for up to two additional 12-month periods
7 following an inspection and application as required in
8 subsections (b) and (c).

9 (2) The memorandum of agreement shall require the
10 Department of Corrections to provide for the cost of health
11 care for parolees and probationers and to provide a per diem
12 for each parolee and probationer as provided in Section 3 of
13 the act adding this amendatory language.

14 (3) The memorandum of agreement shall provide for
15 the reimbursement to the county for any increased costs of
16 liability insurance premiums that are required by its
17 insurance carrier for coverage attributed to the housing of
18 inmates pursuant to this section.

19 (4) The memorandum of agreement shall establish a
20 process for the submittal of monthly payments to the
21 participating counties upon receipt of required documentation.

22 (e) Procedures for the transfer or release of
23 parolees and probationers at the end of confinement for
24 violations and other procedures necessary to efficiently
25 implement this section shall be established by the Department
26 of Corrections, in consultation with the Alabama Sheriffs'

1 Association and the Association of County Commissions of
2 Alabama.

3 (f) Any county that elects to provide for the
4 housing and care of parole and probation violators pursuant to
5 this section, and is participating in the liability
6 self-insurance fund established pursuant to Chapter 30 of
7 Title 11, Code of Alabama 1975, shall be eligible for the
8 liability self-insurance fund's coverage for any claims
9 arising out of the housing and care of parole and probation
10 violators.

11 Section 6. The Board of Pardons and Paroles may
12 establish and maintain one or more residential transition
13 centers for the housing of parolees and probationers ordered
14 to serve a period of confinement pursuant to Section 15-22-32
15 or 15-22-54, Code of Alabama 1975.

16 Section 7. Sections 1, 2, 3, and 4, of this act
17 shall become effective on January 1, 2022; the amendatory
18 language in Section 1 of this act to Sections 15-22-32 and
19 15-22-54, Code of Alabama 1975, that provides a parolee or
20 probationer shall receive credit for any time served in
21 custody prior to a revocation hearings, shall become effective
22 immediately; and Sections 5 and 6 of this act shall become
23 effective immediately following its passage and approval by
24 the Governor, or its otherwise becoming law.