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SB67

By Senator Ward

RFD Judiciary

Rd 1 03-MAR-15

SYNOPSIS:

Under current law, felony offenses are classified as Class A, Class B, or Class C felonies. This bill creates a Class D felony for certain offenses, alters crime levels for related offenses accordingly, and creates new offenses based on such classifications. This bill additionally provides for the crime of unlawful possession with intent to distribute marihuana, the crime of criminal organized activity, and revises driver license suspension provisions related to certain drug offenses.

Under current law, there is a provision for a split sentence for felony offenses. This bill provides that for a Class C or D felony offense a defendant shall be sentenced to a split sentence of no more than two years of confinement and no more than three years of probation.

This bill requires the Department of Corrections to identify alternatives to community corrections programs, places additional responsibilities on the Department of Corrections in supervising community corrections programs, and provides for a performance-based reimbursement process for community corrections programs. This bill requires community corrections programs to implement specified treatment and supervision practices and procedures and removes the limit on community corrections offenders only participating in a program within his or her judicial circuit. Additionally, this bill provides for oversight of certain community corrections, parole, and probation supervision and treatment through the Office of the Governor.

This bill requires the Board of Pardons and Paroles to implement specified treatment and supervision practices and procedures and requires training of supervising officers in such practices and procedures. This bill specifies criteria that should be considered when making parole release decisions and provides that the Board of Pardons and Paroles shall articulate its reasons for parole approval or denial. Additionally, this bill provides for swift and certain sanctions for parolees and probationers who violate their terms of parole or probation, with exceptions. This bill also provides for guidelines to release a parolee or probationer from supervision requirements prior to the full term of parole or probation under certain conditions.

Under current law, a statewide automated victim notification system has been created and implemented through the Implementation Task Force under the authority of the Board of Pardons and Paroles. This bill expands the current automated victim notification system.

Under current law, there is a permanent legislative committee to study all aspects of the Department of Corrections. This bill will require this committee to study additional issues.

Under current law, a person has the right to refuse to give a DNA sample. This bill

removes the right to refuse to give such sample.

Under current law, there is no mandatory supervision period for inmates released at the end of a straight sentence. This bill creates mandatory supervision times based on sentence length.

This bill provides that the court will retain jurisdiction over an offender to enforce the collection of court-ordered fines, fees, costs, or restitution.

Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

The purpose or effect of this bill would be to require a new or increased expenditure of local funds within the meaning of the amendment. However, the bill does not require approval of a local governmental entity or enactment by a 2/3 vote to become effective because it comes within one of the specified exceptions contained in the amendment.

A BILL
TO BE ENTITLED
AN ACT

Relating to crimes and offenses and supervision; to amend Sections 12-25-32 and 12-25-33, Code of Alabama 1975, relating to the Alabama Sentencing Commission; to amend Sections 13A-5-3, 13A-5-6, 13A-5-9, 13A-5-11, 13A-5-13, 13A-7-7, 13A-8-3, 13A-8-4, 13A-8-5, 13A-8-8, 13A-8-9, 13A-8-10.2, 13A-8-10.3, 13A-8-18, 13A-8-19, 13A-9-3, 13A-9-4, 13A-9-6, 13A-9-7, 13A-9-14, 13A-12-211, 13A-12-212, 13A-12-213, and 13A-12-291 relating to crimes and offenses to create a Class D felony offense classification and to reclassify certain crimes and offenses based on such Class D classification, to create the crime of unlawful possession with intent to distribute marihuana, and to revise certain driver license suspension provisions for drug related offenses; to amend Sections 14-14-5, 15-8-8, 15-18-171, 15-18-172, 15-18-174, 15-18-176, 15-18-180, 15-18-182, 15-22-24, 15-22-26, 15-22-28, 15-22-29, 15-22-31, 15-22-32, 15-22-33, 15-22-36, 15-22-36.2, 15-22-51, 15-22-52, 15-22-53, and 15-22-54, Code of Alabama 1975, relating to sentences and punishment to provide for split sentencing provisions for Class C and D felonies, to provide for supervision and treatment requirements and guidelines for community corrections programs, to provide for supervision and treatment requirements and guidelines for parolees and probationers, to provide for parole release guidelines, to provide for sanctions for parole and probation violations, to provide guidelines for early release from supervision for parolees and probationers, and to expand the automated victim notification system; to amend Section 29-2-20, Code of Alabama 1975, relating to the Joint Prison Oversight Committee; to amend Section 36-18-25, Code of Alabama 1975, relating to DNA samples; to add Sections 13A-8-3.1, 13A-8-4.1, 13A-8-8.1, 13A-8-18.1, 13A-8-24, 13A-9-3.1, and 13A-9-6.1 to the Code of Alabama 1975 to add certain crimes and offenses based on new crime classifications established; to provide for the crime of theft of services third degree; to add Sections 15-22-26.1, 15-22-36.3, and 15-22-57 to the Code of Alabama 1975 relating to the Board of Pardons and Paroles; to provide for a mandatory supervision period on a straight sentence; to provide that the court shall retain jurisdiction of a person for purposes of collecting court-ordered fines, fees, costs, or restitution; to provide duties and responsibilities for the Office of the Governor related to community corrections, parole, and probation supervision and treatment; and in connection therewith

would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 12-25-32 and 12-25-33, Code of Alabama 1975, are hereby amended to read as follows:

§12-25-32.

"For the purposes of this article, the following terms have the following meanings:

"(1) COMMISSION. The Alabama Sentencing Commission, established as a state agency under the Supreme Court by this chapter.

"(2) CONTINUUM OF PUNISHMENTS. An array of punishment options, from probation to incarceration, graduated in restrictiveness according to the degree of supervision of the offender including, but not limited to, all of the following:

"a. Active incarceration. A sentence, other than an intermediate punishment or unsupervised probation, that requires an offender to serve a sentence of imprisonment. The term includes time served in a work release program operated as a custody option by the Alabama Department of Corrections or in the Supervised Intensive Restitution program of the Department of Corrections pursuant to Article 7, commencing with Section 15-18-110, of Chapter 18 of Title 15.

"b. Intermediate punishment. A sentence that may include assignment to any community based punishment program or may include probation with conditions or probation in conjunction with a period of confinement. Intermediate punishments include, but are not limited to, all of the following options:

"1. A split sentence pursuant to Section 15-18-8.

"2. Assignment to a community punishment and corrections program pursuant to the Alabama Community Punishment and Corrections Act or local acts.

"3. Assignment to a community based manual labor work program pursuant to Sections 14-5-30 to 14-5-37, inclusive.

"4. Intensive probation supervision pursuant to Section 15-22-56.

"5. Cognitive and behavioral training.

"6. Community service work.

"7. County probation.

"8. Day fines or means-based fines.

"9. Day reporting.

"10. Drug or alcohol testing.

"11. Drug court programs.

"12. Educational programs.

"13. Electronic monitoring.

"14. Home confinement or house arrest.

"15. Ignition interlock.

"16. Intermittent confinement.

"17. Jail and prison diversion programs.

"18. Job readiness and work.

"19. Literacy and basic learning.

"20. Pretrial diversion programs.

"21. Residential drug treatment.

"22. Residential community based punishment programs in which the offender is required to spend at least eight hours per day, or overnight, within a facility and is required to participate in activities such as counseling, treatment, social skills training, or employment training, conducted at the residential facility or at another specified location.

"23. Restorative justice as established in Section 12-17-226.6.

"(i) Victim impact panels.

"(ii) Voluntary victim offender conferencing.

"(iii) Voluntary victim offender mediation.

"24. Self-help groups.

"25. Sobriety or breath alcohol remote monitoring.

"26. Substance abuse education and treatment.

"27. Treatment alternatives to street crime (TASC).

"28. Voice recognition, curfew restriction, or employment monitoring.

"29. Work release, other than those work release programs operated by the Alabama Department of Corrections, as a custody option.

"c. Unsupervised probation. A sentence in a criminal case that includes a period of probation but does not include supervision, active incarceration, or an intermediate punishment.

"d. Post-release supervision. A mandatory period of supervision following sentences of active incarceration as defined in paragraph a. that may include one or more intermediate punishment options.

"(3) COURT. Unless otherwise stated, a district or circuit court exercising jurisdiction to sentence felony

offenders.

"(4) EVIDENCE-BASED PRACTICES. Policies, procedures, programs, and practices proven by widely accepted and published research to reliably produce reductions in recidivism."

~~"(4)~~ (5) FELONY OFFENSE. A noncapital felony offense.

~~"(5)~~ (6) INITIAL VOLUNTARY STANDARDS. The voluntary sentencing standards effective on October 1, 2006. These standards were based on statewide historic sentences imposed with normative adjustments designed to reflect current sentencing policies.

~~"(6)~~ (7) NONVIOLENT OFFENSE. All offenses which are not violent offenses.

~~"(7)~~ (8) NONVIOLENT OFFENDER. Any offender who does not qualify as a violent offender pursuant to subdivision ~~(13)~~ (14).

~~"(8)~~ (9) OFFENDER. A person convicted of a noncapital felony offense.

~~"(9)~~ (10) RELEASE AUTHORITY. Any public official, agency, or other entity authorized by law to release a sentenced offender from incarceration or other conditions of a sentence.

~~"(10)~~ (11) VALIDATED RISK AND NEEDS ASSESSMENT. An ~~instrument designed to assess an offender's relative risk for reoffending~~ actuarial tool that has been validated in Alabama to determine the likelihood of an offender engaging in future criminal behavior. The Board of Pardons and Paroles, the Department of Corrections, and the Sentencing Commission shall adopt compatible tools to conduct a validated risk and needs assessment upon offenders within the jurisdiction of the state.

~~"(11)~~ (12) TRUTH-IN-SENTENCING STANDARDS. The sentencing standards that are scheduled to become effective October 1, 2020. These standards shall be based on statewide historic time served for offenses with adjustments designed by the commission to reflect current sentencing policies.

~~"(12)~~ (13) UNDER SUPERVISION. All offenders under the supervision of any criminal justice agency or program including, but not limited to, any of the following entities:

"a. The Alabama Department of Corrections.

"b. State or county probation offices.

"c. Community corrections programs pursuant to Alabama Community Corrections Act.

"d. Jails.

"e. State or local law enforcement agencies.

"f. Any court.

~~"(13)~~ (14) VIOLENT OFFENDER. A violent offender is an offender who has been convicted of a violent offense, or who is determined by the trial court judge or a release authority to have demonstrated a propensity for violence, aggression, or weapons related behavior based on the criminal history or behavior of the offender while under supervision of any criminal justice system agency or entity.

~~"(14)~~ (15) VIOLENT OFFENSE.

"a. For the purposes of this article, a violent offense includes each of the following offenses, or any substantially similar offense to those listed in this subdivision created after June 20, 2003:

- "1. Capital murder pursuant to Sections 13A-6-2 and 13A-5-40.
- "2. Murder pursuant to Section 13A-6-2.
- "3. Manslaughter pursuant to Section 13A-6-3.
- "4. Criminally negligent homicide pursuant to Section 13A-6-4.
- "5. Assault I pursuant to Section 13A-6-20.
- "6. Assault II pursuant to Section 13A-6-21.
- "7. Compelling street gang membership pursuant to Section 13A-6-26.
- "8. Kidnapping I pursuant to Section 13A-6-43.
- "9. Kidnapping II pursuant to Section 13A-6-44.
- "10. Rape I pursuant to Section 13A-6-61.
- "11. Rape II pursuant to Section 13A-6-62.
- "12. Sodomy I pursuant to Section 13A-6-63.
- "13. Sodomy II pursuant to Section 13A-6-64.
- "14. Sexual torture pursuant to Section 13A-6-65.1.
- "15. Sexual abuse I pursuant to Section 13A-6-66.
- "16. Enticing a child to enter a vehicle for immoral purposes pursuant to Section 13A-6-69.
- "17. Stalking pursuant to Section 13A-6-90.
- "18. Aggravated stalking pursuant to Section 13A-6-91.
- "19. Soliciting a child by computer pursuant to Section 13A-6-110.
- "20. Domestic violence I pursuant to Section 13A-6-130.
- "21. Domestic violence II pursuant to Section 13A-6-131.
- "22. Burglary I pursuant to Section 13A-7-5.
- "23. Burglary II pursuant to Section 13A-7-6.
- "24. Burglary III pursuant to subdivisions (1) or (2) of subsection (a) of Section 13A-7-7.
- "25. Arson I pursuant to Section 13A-7-41.

- "26. Criminal possession of explosives pursuant to Section 13A-7-44.
- "27. Extortion I pursuant to Section 13A-8-14.
- "28. Robbery I pursuant to Section 13A-8-41.
- "29. Robbery II pursuant to Section 13A-8-42.
- "30. Robbery III pursuant to Section 13A-8-43.
- "31. Pharmacy robbery pursuant to Section 13A-8-51.
- "32. Terrorist threats pursuant to Section 13A-10-15.
- "33. Escape I pursuant to Section 13A-10-31.
- "34. Promoting prison contraband I pursuant to Section 13A-10-36, involving a deadly weapon or dangerous instrument.
- "35. Intimidating a witness pursuant to Section 13A-10-123.
- "36. Intimidating a juror pursuant to Section 13A-10-127.
- "37. Treason pursuant to Section 13A-11-2.
- "38. Discharging a weapon into an occupied building, dwelling, automobile, etc., pursuant to Section 13A-11-61.
- "39. Promoting prostitution I pursuant to Section 13A-12-111.
- "40. Production of obscene matter involving a minor pursuant to Section 13A-12-197.
- "41. Trafficking pursuant to Section 13A-12-231.
- "42. Child abuse pursuant to Section 26-15-3.
- "43. Elder abuse pursuant to Section 38-9-7.
- "44. Terrorism pursuant to Section 13A-10-152.
- "45. Hindering prosecution for terrorism pursuant to Section 13A-10-154.
- "46. Hindering prosecution in the first degree pursuant to Section 13A-10-43.

~~"46.~~ 47. Any substantially similar offense for which an Alabama offender has been convicted under prior Alabama law or the law of any other state, the District of Columbia, the United States, or any of the territories of the United States.

"b. The basis for defining these offenses as violent is that each offense meets at least one of the following criteria:

"1. Has as an element, the use, attempted use, or threatened use of a deadly weapon or dangerous instrument or physical force against the person of another.

"2. Involves a substantial risk of physical injury against the person of another.

"3. Is a nonconsensual sex offense.

"4. Is particularly reprehensible.

"c. Any attempt, conspiracy, or solicitation to commit a violent offense shall be considered a violent offense for the purposes of this article.

"d. Any criminal offense which meets the criteria provided in paragraph b. enacted after 2003.

§12-25-33.

"To achieve the goals recognized by the Legislature in Chapter 25 and Section 12-25-31, the commission shall:

"(1) Develop, maintain, and modify as necessary a system of statewide voluntary sentencing standards for use in felony cases which shall take into account historical sentencing data, concerning time actually served for various felony offenses, sentences imposed for various felony offenses, and such other factors as appear historically relevant to determining both the duration and disposition of sentences in felony cases. The standards shall recognize a continuum of punishments in recommending the disposition of sentences.

"(2) Educate judges, prosecutors, defense attorneys, victim's service officers, community corrections officials, probation officers, and other personnel, where appropriate, in the use of the voluntary sentencing standards and worksheets.

"(3) Develop, distribute, and periodically update sentencing worksheets for the use of courts in determining both the duration and disposition of sentences in felony cases.

"(4) Prepare, distribute, and periodically update a form for sentencing courts to record the sentence of the offender and the reason or reasons for any departure from the voluntary sentencing standards.

"(5) Develop and distribute voluntary standards for sentencing courts that include recommended intermediate punishment options.

"(6) Evaluate validated risk and needs assessment instruments used by the Board of Pardons and Paroles, the Department of Corrections, and other agencies and entities and assist in developing an offender risk and needs assessment instrument for use in felony cases, based on a study of Alabama felons, that is intended to be predictive of the relative risk that a felon will become a threat to public safety.

"(7) Collect, analyze, and maintain data regarding sentencing practices in felony cases, including the use of the voluntary sentencing standards, and recommend changes or modifications of the standards and worksheets as the commission deems appropriate.

"(8) Collect and analyze information including sentencing data, crime trends, and existing correctional resources to enable the commission to make recommendations regarding projected correctional resource needs and to make recommendations to the Governor, the Legislature, the Chief Justice, and the Attorney General in the annual report of the commission. This annual report should also include data showing the impact of the initial voluntary standards and the truth-in-sentencing standards by race, gender, and location of the offender.

"(9) Study felony statutes in the context of sentencing patterns as they evolve and make recommendations for the revision of criminal offense statutes to provide more specific offense definitions and more narrowly prescribed ranges of punishment.

"(10) Study bills introduced in the Legislature affecting criminal laws and procedure and prepare impact statements of proposed legislation on Alabama's criminal justice system, including the prison population.

"(11) Report upon its work and recommendations annually to the Governor, the Legislature, the Chief Justice, and the Attorney General, to include the number of incarcerated inmates that are currently only serving a sentence for a nonviolent offense and who also have a violent offense in their criminal history.

"(12) Conduct the research necessary to determine the appropriate point values for offenses classified as Class D felonies for purposes of the sentencing guidelines and establish such point values within the sentencing range set forth in Section 13A-5-6.

~~"(12)~~ (13) Perform such other functions as may be required by law or necessary to carry out the duties of the commission prescribed in this chapter and this article.

Section 2. Sections 13A-5-3, 13A-5-6, 13A-5-9, 13A-5-11, 13A-5-13, 13A-7-7, 13A-8-3, 13A-8-4, 13A-8-5, 13A-8-8, 13A-8-9, 13A-8-10.2, 13A-8-10.3, 13A-8-18, 13A-8-19, 13A-9-3, 13A-9-4, 13A-9-6, 13A-9-7, 13A-9-14, 13A-12-211, 13A-12-212, 13A-12-213, and 13A-12-291 Code of Alabama 1975, are hereby amended to read as follows:

§13A-5-3.

"(a) Offenses are designated as felonies, misdemeanors or violations.

"(b) Felonies are classified according to the relative seriousness of the offense into ~~three~~ four categories:

"(1) Class A felonies;

"(2) Class B felonies; ~~and~~

"(3) Class C felonies: and

"(4) Class D felonies.

"(c) Misdemeanors are classified according to the relative seriousness of the offense into three categories:

"(1) Class A misdemeanors;

"(2) Class B misdemeanors; and

"(3) Class C misdemeanors.

"(d) Violations are not classified.

§13A-5-6.

"(a) Sentences for felonies shall be for a definite term of imprisonment, which imprisonment includes hard labor, within the following limitations:

"(1) For a Class A felony, for life or not more than 99 years or less than 10 years.

"(2) For a Class B felony, not more than 20 years or less than 2 years.

"(3) For a Class C felony, not more than 10 years or less than 1 year and 1 day.

"(4) For a Class D felony, not more than 5 years or less than 1 year and 1 day.

~~"(4) (5)~~ For a Class A felony in which a firearm or deadly weapon was used or attempted to be used in the commission of the felony, or a Class A felony ~~criminal~~ sex offense involving a child as defined in Section ~~15-20-21(5)~~ 15-20A-4, not less than 20 years.

~~"(5) (6)~~ For a Class B or C felony in which a firearm or deadly weapon was used or attempted to be used in the commission of the felony, or a Class B felony ~~criminal~~ sex offense involving a child as defined in Section ~~15-20-21(5)~~ 15-20A-4, not less than 10 years.

"(b) The actual time of release within the limitations established by subsection (a) of this section shall be determined under procedures established elsewhere by law.

"(c) In addition to any penalties heretofore or hereafter provided by law, in all cases where an offender is designated as a sexually violent predator pursuant to Section ~~15-20-25.3~~ 15-20A-19, or where an offender is convicted of a Class A felony ~~criminal~~ sex offense involving a child as defined in Section ~~15-20-21(5)~~ 15-20A-4, and is sentenced to a county jail or the Alabama Department of Corrections, the sentencing judge shall impose an additional penalty of not less than 10 years of post-release supervision to be served upon the defendant's release from incarceration.

"(d) In addition to any penalties heretofore or hereafter provided by law, in all cases where an offender is convicted of a sex offense pursuant to Section 13A-6-61, 13A-6-63, or 13A-6-65.1, when the defendant was 21 years of age or older and the victim was six years of age or less at the time the offense was committed, the defendant shall be sentenced to life imprisonment without the possibility of parole.

§13A-5-9.

"(a) In all cases when it is shown that a criminal defendant has been previously convicted of a Class A, Class B, or Class C felony and after the conviction has committed another Class A, Class B, or Class C felony, he or she must be punished as follows:

"(1) On conviction of a Class C felony, he or she must be punished for a Class B felony.

"(2) On conviction of a Class B felony, he or she must be punished for a Class A felony.

"(3) On conviction of a Class A felony, he or she must be punished by imprisonment for life or for any term of not more than 99 years but not less than 15 years.

"(b) In all cases when it is shown that a criminal defendant has been previously convicted of any two felonies that are Class A, Class B, or Class C felonies and after such convictions has committed another Class A, Class B, or Class C felony, he or she must be punished as follows:

"(1) On conviction of a Class C felony, he or she must be punished for a Class A felony.

"(2) On conviction of a Class B felony, he or she must be punished by imprisonment for life or for any term of not more than 99 years but not less than 15 years.

"(3) On conviction of a Class A felony, he or she must be punished by imprisonment for life or for any

term of not less than 99 years.

"(c) In all cases when it is shown that a criminal defendant has been previously convicted of any three felonies that are Class A, Class B, or Class C felonies and after such convictions has committed another Class A, Class B, or Class C felony, he or she must be punished as follows:

"(1) On conviction of a Class C felony, he or she must be punished by imprisonment for life or for any term of not more than 99 years but not less than 15 years.

"(2) On conviction of a Class B felony, he or she must be punished by imprisonment for life or any term of not less than 20 years.

"(3) On conviction of a Class A felony, where the defendant has no prior convictions for any Class A felony, he or she must be punished by imprisonment for life or life without the possibility of parole, in the discretion of the trial court.

"(4) On conviction of a Class A felony, where the defendant has one or more prior convictions for any Class A felony, he or she must be punished by imprisonment for life without the possibility of parole.

"(d) In all cases when it is shown that a criminal defendant has been previously convicted of any two or more felonies that are Class A or Class B felonies and after such convictions has committed a Class D felony, upon conviction, he or she must be punished for a Class C felony.

"(e) In all cases when it is shown that a criminal defendant has been previously convicted of any four or more felonies and after such convictions has committed a Class D felony, upon conviction, he or she must be punished for a Class C felony.

§13A-5-11.

"(a) A sentence to pay a fine for a felony shall be for a definite amount, fixed by the court, within the following limitations:

"(1) For a Class A felony, not more than \$60,000;

"(2) For a Class B felony, not more than \$30,000;

"(3) For a Class C felony, not more than \$15,000; ~~or~~

"(4) For a Class D felony, not more than \$7,500; or

~~"(4)~~ (5) Any amount not exceeding double the pecuniary gain to the defendant or loss to the victim caused by the commission of the offense.

"(b) As used in this section, "gain" means the amount of money or the value of property derived from the commission of the crime, less the amount of money or the value of property returned to the victim of the crime or seized or surrendered to lawful authority prior to the time sentence is imposed. "Value" shall be determined by the standards established in subdivision (14) of Section 13A-8-1.

"(c) The court may conduct a hearing upon the issue of defendant's gain or the victim's loss from the crime according to procedures established by rule of court.

"(d) This section shall not apply if a higher fine is otherwise authorized by law for a specific crime.

§13A-5-13.

"(a) The Legislature finds and declares the following:

"(1) It is the right of every person, regardless of race, color, religion, national origin, ethnicity, or physical or mental disability, to be secure and protected from threats of reasonable fear, intimidation, harassment, and physical harm caused by activities of groups and individuals.

"(2) It is not the intent, by enactment of this section, to interfere with the exercise of rights protected by the Constitution of the State of Alabama or the United States.

"(3) The intentional advocacy of unlawful acts by groups or individuals against other persons or groups and bodily injury or death to persons is not constitutionally protected when violence or civil disorder is imminent, and poses a threat to public order and safety, and such conduct should be subjected to criminal sanctions.

"(b) The purpose of this section is to impose additional penalties where it is shown that a perpetrator committing the underlying offense was motivated by the victim's actual or perceived race, color, religion, national origin, ethnicity, or physical or mental disability.

"(c) A person who has been found guilty of a crime, the commission of which was shown beyond a reasonable doubt to have been motivated by the victim's actual or perceived race, color, religion, national origin, ethnicity, or physical or mental disability, shall be punished as follows:

"(1) Felonies:

"a. On conviction of a Class A felony that was found to have been motivated by the victim's actual or perceived race, color, religion, national origin, ethnicity, or physical or mental disability, the sentence shall not be less than 15 years.

"b. On conviction of a Class B felony that was found to have been motivated by the victim's actual or perceived race, color, religion, national origin, ethnicity, or physical or mental disability, the sentence shall not be less than 10 years.

"c. On conviction of a Class C felony that was found to have been motivated by the victim's actual or perceived race, color, religion, national origin, ethnicity, or physical or mental disability, the sentence shall not be less than two years.

"d. On conviction of a Class D felony that was found to have been motivated by the victim's actual or perceived race, color, religion, national origin, ethnicity, or physical or mental disability, the sentence shall not be less than 18 months.

~~"d. e.~~ For purposes of this subdivision, a criminal defendant who has been previously convicted of any felony and receives an enhanced sentence pursuant to this section is also subject to enhanced punishment under the Alabama Habitual Felony Offender Act, Section 13A-5-9.

"(2) Misdemeanors:

"On conviction of a misdemeanor which was found beyond a reasonable doubt to have been motivated by the victim's actual or perceived race, color, religion, national origin, ethnicity, or physical or mental disability, the defendant shall be sentenced for a Class A misdemeanor, except that the defendant shall be sentenced to a minimum of three months.

§13A-7-7.

"(a) A person commits the crime of burglary in the third degree ~~if he knowingly enters or remains unlawfully in a building with intent to commit a crime therein.~~ if any of the following occur:

"(1) He or she knowingly enters or remains unlawfully in a dwelling with the intent to commit a crime therein;

"(2) He or she knowingly enters or remains unlawfully in an occupied building with the intent to commit a crime therein; or

"(3) He or she enters or remains unlawfully in an unoccupied building with the intent to commit a crime therein.

"(b) Burglary in the third degree is a Class C felony.

§13A-8-3.

"(a) The theft of property which exceeds two thousand five hundred dollars (\$2,500) in value, except as provided in Section 13A-8-3.1, or property of any value taken from the person of another, constitutes theft of property in the first degree.

"(b) The theft of a motor vehicle, regardless of its value, constitutes theft of property in the first degree.

"(c)(1) The theft of property which involves all of the following constitutes theft of property in the first degree:

"a. The theft is a common plan or scheme by one or more persons; and

"b. The object of the common plan or scheme is to sell or transfer the property to another person or business that buys the property with knowledge or reasonable belief that the property is stolen; and

"c. The aggregate value of the property stolen is at least one thousand dollars (\$1,000) within a 180-day period.

"(2) If the offense under this subsection involves two or more counties, prosecution may be commenced in any one of those counties in which the offense occurred or in which the property was disposed.

"(d) Theft of property in the first degree is a Class B felony.

§13A-8-4.

"(a) The theft of property ~~which exceeds five hundred dollars (\$500)~~ between one thousand five hundred dollars (\$1,500) in value but does not exceed and two thousand five hundred dollars (\$2,500) in value, and which is not taken from the person of another, constitutes theft of property in the second degree.

"(b) Theft of property in the second degree is a Class C felony.

~~"(c) The theft of a credit card or a debit card, regardless of its value, constitutes theft of property in the second degree.~~

~~"(d)~~ (c) The theft of a firearm, rifle, or shotgun, regardless of its value, constitutes theft of property in the second degree.

"~~(e)~~ (d) The theft of any substance controlled by Chapter 2 of Title 20 or any amendments thereto, regardless of value, constitutes theft of property in the second degree.

"~~(f)~~ (e) The theft of any livestock which includes cattle, swine, equine or equidae, or sheep, regardless of their value, constitutes theft of property in the second degree.

"~~(g)~~ ~~Notwithstanding subsection (a), the theft of property which exceeds two hundred fifty dollars (\$250) in value but does not exceed two thousand five hundred dollars (\$2,500) in value, and which is not taken from the person of another, where the defendant has previously been convicted of a theft of property in the first or second degree or receiving stolen property in the first or second degree, constitutes theft of property in the second degree.~~

§13A-8-5.

"(a) The theft of property which does not exceed five hundred dollars (\$500) in value and which is not taken from the person of another constitutes theft of property in the ~~third~~ fourth degree.

"(b) Theft of property in the ~~third~~ fourth degree is a Class A misdemeanor.

§13A-8-8.

"(a) The theft of lost property ~~which exceeds five hundred dollars (\$500)~~ between one thousand five hundred dollars (\$1,500) in value ~~but does not exceed~~ and two thousand five hundred dollars (\$2,500) in value constitutes theft of lost property in the second degree.

"(b) Theft of lost property in the second degree is a Class C felony.

§13A-8-9.

"(a) The theft of lost property which does not exceed five hundred dollars (\$500) in value constitutes theft of lost property in the ~~third~~ fourth degree.

"(b) Theft of lost property in the ~~third~~ fourth degree is a Class A misdemeanor.

§13A-8-10.2.

"(a) The theft of services ~~which exceeds five hundred dollars (\$500)~~ between one thousand five hundred dollars (\$1,500) in value ~~but does not exceed~~ and two thousand five hundred dollars (\$2,500) in value constitutes theft of services in the second degree.

"(b) Theft of services in the second degree is a Class C felony.

§13A-8-10.3.

"(a) The theft of services which does not exceed five hundred dollars (\$500) in value constitutes theft of services in the ~~third~~ fourth degree.

"(b) Theft of services in the ~~third~~ fourth degree is a Class A misdemeanor.

§13A-8-18.

"(a) Receiving stolen property:

"(1) Which ~~exceeds five hundred dollars (\$500)~~ is between one thousand five hundred dollars (\$1,500) in value ~~but does not exceed~~ and two thousand five hundred dollars (\$2,500) in value; or

"(2) Of any value under the circumstances described in subdivision (b)(3) of Section 13A-8-16; constitutes receiving stolen property in the second degree; ~~or.~~

~~"(3) Notwithstanding subdivision (1) of subsection (a), receiving stolen property which exceeds two hundred fifty dollars (\$250) in value but does not exceed two thousand five hundred dollars (\$2,500) in value where the defendant has previously been convicted of theft of property in the first or second degree or receiving stolen property in the first or second degree, constitutes receiving stolen property in the second degree.~~

"(b) Receiving stolen property in the second degree is a Class C felony.

§13A-8-19.

"(a) Receiving stolen property which does not exceed five hundred dollars (\$500) in value constitutes receiving stolen property in the ~~third~~ fourth degree.

"(b) Receiving stolen property in the ~~third~~ fourth degree is a Class A misdemeanor.

§13A-9-3.

"(a) A person commits the crime of forgery in the second degree if, with intent to defraud, he or she falsely makes, completes or alters a written instrument which is or purports to be, or which is calculated to become or to represent if completed:

"(1) A deed, will, codicil, or contract, ~~assignment or a check, draft, note or other commercial instrument~~ which does or may evidence, create, transfer, terminate or otherwise affect a legal right, interest, obligation or status; or

"(2) A public record, or an instrument filed or required or authorized by law to be filed in a public office or with a public employee; or

"(3) A written instrument officially issued or created by a public office, public employees or government agency.

"(b) Forgery in the second degree is a Class ~~C~~ B felony.

§13A-9-4.

(a) A person commits the crime of forgery in the ~~third~~ fourth degree if, with intent to defraud, he or she falsely makes, completes or alters a written instrument.

(b) Forgery in the ~~third~~ fourth degree is a Class A misdemeanor.

§13A-9-6.

"(a) A person commits the crime of criminal possession of a forged instrument in the second degree if he or she possesses or utters any forged instrument of a kind specified in Section 13A-9-3 with knowledge that it is forged and with intent to defraud.

"(b) Criminal possession of a forged instrument in the second degree is a Class E B felony.

§13A-9-7.

"(a) A person commits the crime of criminal possession of a forged instrument in the ~~third~~ fourth degree if he or she possesses or utters a forged instrument of a kind covered in Section 13A-9-4 with knowledge that it is forged and with intent to defraud.

"(b) Criminal possession of a forged instrument in the ~~third~~ fourth degree is a Class A misdemeanor.

§13A-9-14.

"(a) A person commits the crime of illegal possession of a credit or debit card if, knowing that he or she does not have the consent of the owner, he or she takes, exercises control over, or otherwise uses the card.

"(b) A person commits the crime of fraudulent use of a credit card or debit card if he or she uses, attempts to use, or allows to be used, a credit card or debit card for the purpose of obtaining property, services, or anything else of value with knowledge that:

"(1) The card is stolen; or

"(2) The card has been revoked or cancelled; or

"(3) For any other reason the use of the card is unauthorized by either the issuer or the person to whom the credit card or debit card is issued. The mere use by the original issuee of a credit card or debit card which has expired is not within the provisions of subdivision (b)(3) of this section.

"(c) "Credit card" means any instrument or device, including a card to obtain telecommunication services, whether known as a credit card, credit plate, bank service card, banking card, check guarantee card, welfare card, a card used to facilitate the transfer of government benefits such as an electronic benefit transfer card (EBT card) or similar card, or a debit card, or by any other name, including an account number, issued with or without fee by an issuer for the use of the cardholder in obtaining money, goods, services, or anything else of value, including telecommunication services, on credit or for use in an automated banking device to obtain any of the services offered through the device.

"(d) "Debit card" means any instrument or writing or other evidence known by any name issued with or without fee by an issuer for the use of a depositor in obtaining money, goods, services, or anything else of value, payment of which is made against funds previously deposited in an account with the issuer.

"(e) Illegal possession of or fraudulent use of a credit card or debit card is a Class E D felony.

§13A-12-211.

"(a) A person commits the crime of unlawful distribution of controlled substances if, except as otherwise authorized, he or she sells, furnishes, gives away, delivers, or distributes a controlled substance enumerated in Schedules I through V.

"(b) Unlawful distribution of controlled substances is a Class B felony.

"(c) A person commits the crime of unlawful possession with intent to distribute a controlled substance if, except as otherwise authorized by law, he or she knowingly possesses any of the following quantities

of a controlled substance:

"(1) More than eight grams, but less than 28 grams, of cocaine or of any mixture containing cocaine.

"(2) More than two grams, but less than four grams, of any morphine, opium, or any salt, isomer, or salt of an isomer thereof, including heroin.

"(3) More than eight grams, but less than 28 grams, of 3,4-methylenedioxy amphetamine, or of any mixture containing 3,4-methylenedioxy amphetamine.

"(4) More than eight grams, but less than 28 grams, of 5-methoxy-3, 4-methylenedioxy amphetamine, or of any mixture containing 5-methoxy-3, 4-methylenedioxy amphetamine.

"(5) More than eight grams, but less than 28 grams, of amphetamine or any mixture containing amphetamine, its salt, optical isomer, or salt of its optical isomer thereof.

"(6) More than eight grams, but less than 28 grams, of methamphetamine or any mixture containing methamphetamine, its salts, optical isomers, or salt of its optical isomers thereof.

"(d) Unlawful possession with intent to distribute a controlled substance is a Class B felony.

"(e) A person commits the crime of unlawful possession with intent to distribute marihuana if, except as otherwise provided by law, he or she knowingly possesses over one pound but no more than 2.2 pounds of marihuana. Intent to distribute may be inferred from the quantity of marihuana in the person's possession, the way in which the marihuana is packaged, and other circumstances surrounding the arrest.

"(f) Unlawful possession with intent to distribute marihuana is a Class B felony.

§13A-12-212.

"(a) A person commits the crime of unlawful possession of controlled substance if:

"(1) Except as otherwise authorized, he or she possesses a controlled substance enumerated in Schedules I through V.

"(2) He or she obtains by fraud, deceit, misrepresentation, or subterfuge or by the alteration of a prescription or written order or by the concealment of a material fact or by the use of a false name or giving a false address, a controlled substance enumerated in Schedules I through V or a precursor chemical enumerated in Section 20-2-181.

"(b) Unlawful possession of a controlled substance is a Class E D felony.

§13A-12-213.

"(a) A person commits the crime of unlawful possession of marihuana in the first degree if, except as otherwise authorized:

"(1) He or she possesses marihuana for other than personal use; or

"(2) He or she possesses marihuana for his or her personal use only after having been previously convicted of unlawful possession of marihuana in the second degree or unlawful possession of marihuana for his or her personal use only.

"(b) Unlawful possession of marihuana in the first degree is a Class ~~C~~ D felony."

§13A-12-291.

"(a) A driver's license shall be suspended pursuant to Section 13A-12-290 for conviction of, adjudication of, or a finding of delinquency based on, the following crimes:

"(1) Criminal solicitation to commit ~~a controlled substance crime under Section 13A-12-202~~ the crime of trafficking in specified substances under Section 13A-12-231 or unlawful possession with intent to distribute a controlled substance under subsections (c) and (d) of Section 13A-12-211.

"(2) Attempt to commit ~~a controlled substance crime under Section 13A-12-203~~ the crime of trafficking in specified substances under Section 13A-12-231 or unlawful possession with intent to distribute a controlled substance under subsections (c) and (d) of Section 13A-12-211.

"(3) Criminal conspiracy to commit ~~a controlled substance crime under Section 13A-12-204~~ the crime of trafficking in specified substances in Section 13A-12-231.

~~"(4) Unlawful distribution of controlled substances under Section 13A-12-211.~~

~~"(5) Unlawful possession or receipt of controlled substances under Section 13A-12-212.~~

~~"(6) Unlawful possession of marihuana in the first degree under Section 13A-12-213.~~

~~"(7) Unlawful possession of marihuana in the second degree under Section 13A-12-214.~~

~~"(8) Sale or furnishing of controlled substances by persons over age 18 to persons under age 18 under Section 13A-12-215.~~

~~"(9)~~ (4) Trafficking in specified substances under Section 13A-12-231.

"(5) Unlawful possession with intent to distribute a controlled substance under subsections (c) and (d) of Section 13A-12-211.

~~"(10) (b) Driving~~ The suspension of a driver's license for driving under the influence of a controlled substance; or under the combined influence of a controlled substance and alcohol under Sections 32-5A-191(a)(3) and 32-5A-191(a)(4) pursuant to Section 32-5A-191 shall be governed by that section.

Section 3. Sections 14-14-5, 15-8-8, 15-18-171, 15-18-172, 15-18-174, 15-18-176, 15-18-180, 15-18-182, 15-22-24, 15-22-26, 15-22-28, 15-22-29, 15-22-31, 15-22-32, 15-22-33, 15-22-36, 15-22-36.2, 15-22-37, 15-22-51, 15-22-52, 15-22-53, and 15-22-54, Code of Alabama 1975, are hereby amended to read as follows:

§14-14-5.

"(a) An inmate, or any concerned person, including, but not limited to, the inmate's attorney, family, physician, or an employee or official of the department may initiate consideration for medical furlough by submitting to the department an initial medical release application form along with supporting documentation.

"(b)(1) The initial application form shall include the report of a physician or physicians employed by the department or its health care provider and a notarized report of at least one other duly licensed physician

who is board certified in the field of medicine for which the inmate is seeking a medical furlough and who is not an employee of the department. These reports shall each be of the opinion that the inmate is either terminally ill, permanently incapacitated, or that the inmate suffers from a chronic infirmity, illness, or disease related to aging.

"(2) The commissioner shall provide the initial application and medical authorization forms to all department medical care providers, and the forms shall be available at every correctional facility for distribution to inmates.

"(c) Consideration for medical furlough shall be initiated by the submission of an application from the department, the inmate, or the inmate's representative, along with the department's supporting documentation to the commissioner.

"(d) If the appropriate medical documentation pursuant to subsection (b) has indicated that the inmate is permanently incapacitated or terminally ill, the commissioner, within 30 days of receipt of an initial application form, shall make a decision. The initial application form and supporting document of inmates, who have been diagnosed by a physician as suffering from a chronic illness or disease related to aging, shall be submitted to the commissioner within 60 days of receipt of the application by the department. Supporting documentation shall include information concerning the inmate's medical history and prognosis, age, and institutional behavior. At the inmate's request, the department shall also provide a copy of all supporting documentation to the inmate.

"(e) In determining eligibility factors for a medical furlough, the commissioner shall take into consideration all of the following factors:

"(1) Risk for violence.

"(2) Criminal history.

"(3) Institutional behavior.

"(4) Age of the inmate, currently and at the time of the offense.

"(5) Severity of the illness, disease, or infirmities.

"(6) All available medical and mental health records.

"(7) Release plans, which include alternatives to caring for terminally ill or permanently incapacitated inmates in traditional prison settings.

"(f) The commissioner shall notify the district attorney of the jurisdiction where the inmate was last sentenced of the consideration of an inmate for a medical furlough and afford the district attorney where the crime was prosecuted a reasonable opportunity to object. The commissioner ~~shall also notify the victim or victims of the crimes listed in paragraphs a. to i., inclusive, of subdivision (1) of subsection (c) of Section 15-22-36, for which the defendant is currently incarcerated, of the review to consider a medical furlough. Notice shall be sent by certified mail, return receipt requested, to the victim or victims named in the indictment.~~ when a furlough is being considered, shall also provide notification to the victim, victim's representative, or other interested individual using the automated victim notification system as provided in Section 15-22-36 and Section 15-22-36.2 and shall give the victim, victim's representative, or other interested party a reasonable opportunity to object.

"(g) The commissioner shall make a determination whether to grant medical furlough for terminally ill

inmates within 30 days of receipt of an initial application and supporting documentation.

"(h) The commissioner shall make a determination whether to grant medical furlough for permanently incapacitated inmates within 30 days of receipt of an initial application and supporting documentation.

"(i) The commissioner shall make a determination on whether to grant medical furlough for geriatric inmates within 30 days of receipt of the application and supporting documentation from the department.

§15-18-8.

"(a) When a defendant is convicted of an offense that constitutes a Class A or B felony offense, other than a ~~criminal~~ sex offense involving a child as defined in Section ~~15-20-21(5)~~ 15-20A-4, ~~which constitutes a Class A or B felony~~ and receives a sentence of 20 years or less in any court having jurisdiction to try offenses against the State of Alabama and the judge presiding over the case is satisfied that the ends of justice and the best interests of the public as well as the defendant will be served thereby, he or she may order:

"(1) That the convicted defendant be confined in a prison, jail-type institution, or treatment institution for a period not exceeding three years in cases where the imposed sentence is not more than 15 years, and that the execution of the remainder of the sentence be suspended notwithstanding any provision of the law to the contrary and that the defendant be placed on probation for such period and upon such terms as the court deems best. In cases involving an imposed sentence of greater than 15 years, but not more than 20 years, the sentencing judge may order that the convicted defendant be confined in a prison, jail-type institution, or treatment institution for a period not exceeding five years, but not less than three years, during which the offender shall not be eligible for parole or release because of deduction from sentence for good behavior under the Alabama Correctional Incentive Time Act, and that the remainder of the sentence be suspended notwithstanding any provision of the law to the contrary and that the defendant be placed on probation for the period upon the terms as the court deems best.

"(2) That the convicted defendant may be confined, upon consultation with the Commissioner of the Alabama Department of Corrections (hereinafter called department) in a disciplinary, rehabilitation, conservation camp program (hereinafter called program) of the department. The convicted defendant shall be received into the department in accordance with applicable department rules and regulations and may be placed in the program after completion of this initial reception. The program shall be not less than 90 days nor more than 180 days in duration and shall be operated in accordance with department rules and regulations and as otherwise provided for by law. The commissioner of the department or his or her designee shall report to the district attorney and the sentencing court of each convicted defendant whether or not the convicted defendant completes or does not complete the program with any additional information that the commissioner or his or her designee shall wish to provide the court. Upon receipt of this report , and with no objection by the district attorney filed within 10 days of receipt of this report, the sentencing court may, upon its own order, suspend the remainder of the sentence and place the convicted defendant on probation as provided herein or order the convicted defendant to be confined to a prison, jail-type institution, or treatment institution for a period not to exceed three years and that the execution of the remainder of the sentence be suspended and the defendant be placed on probation for such period and upon such terms as the court deems best. If the sentencing court imposes additional confinement, as outlined above, credit shall be given for the actual time spent by the convicted defendant in the program. Conviction of an offense or prior offense of murder, manslaughter, rape first degree, kidnapping first degree, sodomy first degree, enticing a child to enter vehicle, house, etc., for immoral purposes, a sex offense involving a child as defined in Section 15-20A-4, arson first degree, robbery first degree, burglary first degree, any other Class A felony, and sentencing of life or life without parole will not be eligible for this program. It shall be the duty of the Joint Prison Committee as established by Sections 29-

2-20 to 29-2-22, inclusive, to annually review the operation of the program and report their findings to the Alabama Legislature.

"(b) Unless a defendant is sentenced to probation, drug court, or a pretrial diversion program, when a defendant is convicted of an offense that constitutes a Class C or D felony offense, the judge presiding over the case shall order:

"(1) That the convicted defendant be confined in a prison, jail-type institution, treatment institution, or community corrections program for a Class C felony offense or in a community corrections program for a Class D felony offense for a period not exceeding two years, and that the execution of the remainder of the sentence be suspended notwithstanding any provision of the law to the contrary and that the defendant be placed on probation for a period not exceeding three years and upon such terms as the court deems best; or

"(2) That the convicted defendant shall be confined, upon consultation with the department, in a program, as defined in subdivision (2) of subsection (a), of the department. The convicted defendant shall be received into the department in accordance with applicable department rules and regulations and shall be placed in the program after completion of this initial reception. The program shall be not less than 90 days nor more than 180 days in duration and shall be operated in accordance with department rules and regulations and as otherwise provided for by law. The commissioner of the department or his or her designee shall report to the district attorney and the sentencing court of each convicted defendant whether or not the convicted defendant completes or does not complete the program with any additional information that the commissioner or his or her designee shall wish to provide the court. Upon receipt of this report, and with no objection by the district attorney filed within 10 days of receipt of this report, the sentencing court may, upon its own order, suspend the remainder of the sentence and place the convicted defendant on probation not exceeding three years or order the convicted defendant to be confined to a prison, jail-type institution, treatment institution or community corrections program for a Class C felony offense or a community corrections program for a Class D felony offense for a period not to exceed two years and the execution of the remainder of the sentence be suspended and the defendant be placed on probation for a period not exceeding three years. If the sentencing court imposes additional confinement, as outlined above, credit shall be given for the actual time spent by the convicted defendant in the program. Conviction of a prior offense of murder, manslaughter, rape first degree, kidnapping first degree, sodomy first degree, enticing a child to enter vehicle, house, etc., for immoral purposes, a sex offense involving a child as defined in Section 15-20A-4, arson first degree, robbery first degree, burglary first degree, any other Class A felony, and sentencing of life or life without parole will not be eligible for this program. It shall be the duty of the Joint Prison Committee as established by Sections 29-2-20 to 29-2-22, inclusive, to annually review the operation of the program and report their findings to the Alabama Legislature.

"(c) In counties or jurisdictions where no community corrections program exists or resources from a community investment are not complete, a county or jurisdiction may enter into a compact or contract with other counties to create a multi-jurisdiction community corrections facility that meets the needs and resources of each county or jurisdiction or enter into a compact or contract with a county or jurisdiction that has a community corrections program to provide services, as provided in and pursuant to Article 9 of Chapter 18 of Title 15.

~~"(b)~~ (d) Probation may not be granted for a ~~criminal~~ sex offense involving a child as defined in ~~Section 15-20-21(5)~~ Section 15-20A-4, which constitutes a Class A or B felony. Otherwise, probation may be granted whether the offense is punishable by fine or imprisonment or both. If an offense is punishable by both fine and imprisonment, the court may impose a fine and place the defendant on probation as to imprisonment. Probation may be limited to one or more counts or indictments, but, in the absence of

express limitation, shall extend to the entire sentence and judgment.

~~"(e)~~ (e) Regardless of whether the defendant has begun serving the minimum period of confinement ordered under the provisions of ~~subsection~~ subsections (a) or (b), the court shall retain jurisdiction and authority throughout that period to suspend that portion of the minimum sentence that remains and place the defendant on probation, notwithstanding any provision of the law to the contrary and the court may revoke or modify any condition of probation or may change the period of probation.

~~"(d)~~ (f) While incarcerated or on probation and among the conditions thereof, the defendant may be required:

"(1) To pay a fine in one or several sums;

"(2) To make restitution or reparation to aggrieved parties for actual damages or loss caused by the offense for which conviction was had; and

"(3) To provide for the support of any persons for whose support he or she is legally responsible.

~~"(e)~~ (g) The defendant's liability for any fine or other punishment imposed as to which probation is granted shall be fully discharged by the fulfillment of the terms and conditions of probation.

~~"(f)~~ (h) During any term of probation, the defendant shall report to the probation authorities at such time and place as directed by the judge imposing sentence.

~~"(g)~~ (i) No defendant serving a minimum period of confinement ordered under the provisions of ~~subsection~~ subsections (a) or (b) shall be entitled to parole or to deductions from his or her sentence under the Alabama Correctional Incentive Time Act, during the minimum period of confinement so ordered; provided, however, that this subsection shall not be construed to prohibit application of the Alabama Correctional Incentive Time Act to any period of confinement which may be required after the defendant has served such minimum period.

§15-18-171.

"As used in this article, the following terms shall have the following meanings, respectively, unless the context otherwise requires:

"(1) APPLICATION PROCESS AND PROCEDURES. The criteria and guidelines developed by the Department of Corrections for the establishment of community punishment and corrections programs, the granting of funds for programs authorized herein, and the monitoring, evaluation, and review of programs funded herein.

"(2) BOARD. The board of directors of the authority or the board of directors of a nonprofit entity.

"(3) COMMISSIONER. The Commissioner of the Department of Corrections.

"(4) COMMUNITY. The county or counties comprising one or more judicial circuits.

"(5) COMMUNITY PUNISHMENT AND CORRECTIONS AUTHORITY. A public corporation organized pursuant to the provisions of this article.

"(6) COMMUNITY PUNISHMENT AND CORRECTIONS PROGRAM. Any program designed as an alternative to incarceration and maintained by a county commission or an authority or nonprofit entity for

the purpose of punishing and for correcting a person convicted of a felony or misdemeanor or adjudicated a youthful offender and which may be imposed as part of a sanction, including, but not limited to confinement, work release, day reporting, home detention, restitution programs, community service, education and intervention programs, and substance abuse programs.

"(7) COMMUNITY PUNISHMENT AND CORRECTIONS PLAN. A document prepared by the county commission or an authority, or nonprofit entity, and submitted to the Department of Corrections in accordance with the requirements set forth in the application process and procedure, which identifies proposed community-based programs to be implemented within the county in accordance with the terms of this article and justifies the funding of such programs with regard to local need and community support.

"(8) COUNTY COMMISSION CHAIRPERSON. The chair of the county commission or his or her representative.

"(9) COUNTY INMATE. A person convicted of a misdemeanor.

"(10) COURT. The trial judge exercising sentencing jurisdiction over an eligible offender under this article and includes any successor of the trial judge.

"(11) DEPARTMENT. The Department of Corrections.

"(12) DIVISION. The Community Corrections Division of the department.

"(13) ELIGIBLE. A person who has committed an offense not excluded by subdivision (14) and who meets the criteria of Section 15-18-175.

"(14) EXCLUDED FELONY OFFENDERS. One who is convicted of any of the following felony offenses: Murder, kidnapping in the first degree, rape in the first degree, sodomy in the first degree, arson in the first degree, trafficking in controlled substances, robbery in the first degree, burglary in the first degree, sexual abuse in the first degree, forcible sex crimes, ~~lewd and lascivious acts~~ sex offenses upon involving a child as defined in Section 15-20A-4, or assault in the first degree if the assault leaves the victim permanently disfigured or disabled.

"(15) GOVERNING BODY. With respect to a county, its county commission or other like governing body exercising the legislative functions of a county.

"(16) INCORPORATORS. The persons forming a public corporation pursuant to this article.

"(17) NONPROFIT ENTITY. Any not-for-profit organization, agency, or other entity other than a community punishment and corrections authority that provides treatment, guidance, training, or other rehabilitation services to individuals, families, or groups in such areas as health, education, vocational training, special education, social services, psychological counseling, and alcohol and drug treatment.

"(18) PLAN. The community punishment and corrections plan defined in subdivision (7).

"(19) RECIPIENT. Any entity receiving directly or indirectly any financial grant or contractual remuneration under this article.

"(20) RENOVATION. The repair, remodeling, alteration, or expansion of existing buildings or structures to make them habitable or suitable for community punishment and corrections program operations, and includes the acquisition and installation of necessary equipment.

"(21) RESTITUTION. Payment to the victim who has suffered financial losses as a result of a crime. Restitution shall include, but not be limited to, payment in cash or in kind for the value of stolen or damaged property; for medical expenses due to physical, emotional, or psychological trauma; wages lost as a result of time absent from work; and value of property lost or transferred through theft or exercise of control by deception or fraud.

"(22) STATE INMATE. A person convicted of a felony.

"(23) USER FEES. Fees assessed against an offender under a community punishment and corrections program to help defray the costs of such programs.

"(24) VICTIM SERVICE OFFICER. A person employed to directly assist crime victims and their families with court attendance, restitution, compensation, property return, victim impact statements, and other needs expressed.

"(25) YOUTHFUL OFFENDER. A person adjudicated as a youthful offender.

§15-18-172.

"(a) A county or group of counties may establish a community punishment and corrections program for state and county inmates or youthful offenders in custody of the county. The program shall be established by a county by resolution adopted by the county commission or by community punishment and corrections authorities or other nonprofit entities as provided herein. The program shall establish the maximum number of offenders who may participate in the program and participation shall be limited to space availability. No offenders may be sentenced or assigned to the program in excess of the maximum number established for the program. No county is obligated to fund any activities of a community corrections program established under this article without an affirmative vote of the affected county commission.

"(b) The department may contract with such counties, authorities, or other nonprofit entities as provided herein concerning start-up costs and the costs of maintenance, including medical expenses, of state inmates participating in any program authorized under this article or under any county program functioning pursuant to any state or local act.

"(c) The department shall promulgate rules and regulations pursuant to the Alabama Administrative Procedure Act establishing conditions for state inmates' participation in the community punishment and corrections program, the observance of which may be a condition to such participation.

"(d) A state inmate incarcerated in a state facility may be approved by the department for participation in a community punishment and corrections program established under this article and be assigned to a program in the county from which the inmate was sentenced if a community punishment and corrections program under this article has been established in that county and if the sentencing judge of the county authorizes the inmate to participate in the program. An inmate may be assigned to a community punishment and corrections program in another county if the presiding judge of the other county and the sentencing judge agree to the assignment and if the county has agreed in the contract to accept inmates originally sentenced in other counties. In the event the sentencing judge is unavailable due to death, retirement, or any other reason, the presiding judge from the sentencing circuit shall act in the sentencing judge's stead. An inmate assigned to a community punishment and corrections program pursuant to this article shall not be eligible for parole consideration.

"(e) The department shall annually identify alternatives to community punishment and corrections programs for those counties which have not established a community punishment and corrections

program under this article. The department shall publish a list of such alternatives on its website and shall provide a list of such alternatives to each district and circuit court annually.

§15-18-174.

"In addition to those otherwise provided by law, the department shall have the following powers, duties, and authority:

"(1) Monitor the community punishment and corrections program within the goals and mandates established herein.

"(2) Conduct statewide public education programs concerning the purposes and goals as established herein and make an annual report to the Prison Oversight Committee of the Legislature and the Alabama Sentencing Commission regarding the effectiveness of diversion of offenders from state and local correctional institutions. This annual report should also include data showing the impact of diversion of offenders by race, gender, and location of the offender.

"(3) Provide technical assistance to local governments, authorities and other nonprofit entities and agencies, and local community punishment and corrections advisory boards regarding development of a community punishment and corrections program.

"(4) Develop minimum standards, policies, and administrative rules for the statewide implementation of this article.

"(5) Develop and implement by rule an application process and procedure.

"(6) Review community punishment and corrections plans and award contracts or grants.

"(7) Conduct an audit and annual program evaluation of programs receiving contracts or grants to ensure program accountability.

"(8) Require community punishment and corrections plans and programs to incorporate uniform statewide evidence-based practices as defined in Section 12-25-32 when supervising and treating offenders.

"(9) Provide training for community punishment and corrections programs and employees relating to offender supervision and the utilization of evidence-based practices as defined in Section 12-25-32 in the supervision and treatment of offenders.

"(10) Require community punishment and corrections programs to individualize treatment and supervision based on the offender's risk of reoffending through use of a validated risk and needs assessment, as defined in Section 12-25-32, conducted by the program and to prioritize treatment and supervision resources, as well as behavioral health assessment and treatment referral services, on those offenders which have the highest risk of reoffending as determined by a validated risk and needs assessment.

§15-18-176.

"(a) A community punishment and corrections plan shall be developed and submitted to the department which sufficiently documents the local need and support for the proposed program. The community punishment and corrections plan shall have the approval of the county commission in the affected counties prior to submission to the department. Any plan shall specifically state the maximum number of

inmates eligible to participate in the program.

"(b) The format for any community punishment and corrections plan shall be specified by the division in its application process and procedures. Funding and grant evaluation criteria shall be outlined in the application process and procedures to be developed by the division in order that each applicant may know the basis upon which funds will be granted. The department shall adopt rules pursuant to the Administrative Procedure Act outlining the application process and procedures.

"(c) The application process and procedures shall include a performance-based reimbursement funding plan, developed by the department, for funding community punishment and corrections plans that utilize evidence-based practices as defined in Section 12-25-32 in the treatment and supervision of community punishment and corrections program participants and that meet specified recidivism reduction targets as outlined in the application. The performance-based reimbursement plan outlined in the application process and procedures shall also include higher reimbursement rates for community punishment and corrections plans that include behavioral health assessment and treatment referral, to include behavioral and substance abuse treatment, for community punishment and corrections program participants, as well as for local probationers and parolees under the supervision of the Board of Pardons and Paroles. Pursuant to Section 11, the Department of Corrections, along with the Board of Pardons and Paroles, the Department of Public Health, and the Department of Mental Health, shall collaborate with the Office of the Governor to implement the provisions of this subsection relating to behavioral health treatment and substance abuse treatment services, which may be certified or faith-based services.

"(d) The application process and procedures shall include a requirement that each community punishment and corrections plan establish guidelines to ensure that the supervision and treatment of offenders participating in a community punishment and corrections program shall be individualized based on the offender's risk of reoffending, as determined through a validated risk and needs assessment as defined in Section 12-25-32, administered by the community punishment and corrections program, and that treatment and supervision resources, as well as behavioral health assessment and treatment referral services, are prioritized based on those offenders which have the highest risk of reoffending.

"(e) (e) Participation in the programs set forth in this article is voluntary. Any participating authority, county commission, or other nonprofit entity may notify the director of the division of its intention to withdraw from participation in the community punishment and corrections program contract. The withdrawal will become effective on the last day of the grant year.

§15-18-180.

"(a) Community punishment and corrections funds may be used to develop or expand the range of community punishments and services at the local level. Community-based programs shall utilize evidence-based practices, as defined in Section 12-25-32, in the treatment and supervision of program participants. The supervision and treatment of each program participant shall be based on the individual participant's risk of reoffending, as determined through a validated risk and needs assessment as defined in Section 12-25-32, administered by the program. Supervision and treatment of program participants shall include the following:

"(1) Use of a validated risk and needs assessment;

"(2) Use of assessment results to guide the appropriate dosage of supervision responses consistent with the level of supervision and evidence-based practices used to reduce recidivism; and

"(3) Use of practical and suitable methods that are consistent with evidence-based practices to aid and

encourage the offender to improve his or her conduct and circumstances so as to reduce the offender's risk of recidivism.

"(b) Community-based programs options may include, but are not limited to, the following:

"(1) Community service supervision; victim restitution, community detention and restitution centers; day reporting centers; victim-offender reconciliation programs; home confinement/curfew; electronic surveillance; intensive supervision probation; alcohol/drug outpatient treatment and psychiatric counseling.

"(2) Short-term community residential treatment options that involve close supervision in a residential setting may include, but are not limited to, the following options: Detoxification centers; community detention centers for special needs offenders and probation and parole violators; and inpatient drug/alcohol treatment.

"(3) Residential in-house drug and alcohol treatment for detoxification and residential and nonresidential drug and alcohol counseling.

"(4) Individualized services which provide evaluation and treatment for special needs of the population served under this article. The services may include the purchase of psychological, medical, educational, vocational, drug and alcohol urine screening, and client specific plan diagnostic evaluations. Other services which may be pursued on an individualized basis may include, but shall not be limited to, job training, alcohol and drug counseling, individual and family counseling, educational programs leading to a GED certificate, or transportation subsidies.

"~~(b)~~ (c) Community punishment and corrections funds may also be used to acquire, renovate, and operate community facilities established to provide the options and services set forth in ~~subsection~~ subsections (a) and (b).

"~~(e)~~ (d) Counties, authorities, and other nonprofit entities receiving funding herein may provide or contract with qualified proprietary, nonprofit, or governmental entities for the provision of services under this article.

"~~(d)~~ (e) Any options or services established under this article may serve offenders from any county ~~in the judicial circuit which has established a program~~.

"~~(e)~~ (f) As a part of a community punishment and corrections plan, user fees may be assessed to help defray the cost of the plan. User fees paid by an offender participating in any option or service established under this article shall not diminish the payment of restitution by the offender to the victim of the crime for which he or she was sentenced and shall not diminish fines, court costs, or other court fees unless expressly reduced or remitted by the court.

"~~(f)~~ (g) In the event a defendant is assigned to a work release or other residential punishment program operated by a community corrections provider authorized under this article, the defendant's employer shall send the inmate's wages directly to the community corrections provider responsible for housing the defendant. Of the inmate's earnings, 25 percent of the gross wages shall be applied to costs incident to the inmate's confinement, upkeep, and a minimum of an additional 20 percent shall be applied, 10 percent to payment of court costs, fines, court-ordered attorney fees, and other court-ordered fees or assessments, and 10 percent to restitution. The remainder of the inmate's wages may be credited to an account established for the defendant with the community corrections provider and may be paid out for dependent care, savings, and spending money. Modes of accounting and disbursement of these funds shall be addressed in the community punishment and corrections plan. Upon release from a residential program,

any balance remaining in the defendant's account shall be returned to the defendant, and the defendant shall remain responsible for paying for any court-ordered monies owed. If the defendant remains under community corrections supervision after his or her release from a residential program, the community corrections provider shall verify that the defendant is paying any remaining court-ordered payments owed.

§15-18-182.

"(a) In order to remain eligible for continued grant funding, a recipient must substantially comply with the requirements of this article and the standards and administrative regulations of the department promulgated pursuant to the Administrative Procedure Act defining program effectiveness. Each recipient will participate in ~~an~~ a substantive evaluation to determine local and state program effectiveness. The form of this evaluation will be determined by the ~~director of the division~~ Office of the Governor. The standards, regulations, and evaluations of the department and the Office of the Governor are public records and shall be made available for inspection and copying upon request.

"(b) Continued grant funding shall be based on demonstrated effectiveness in reducing the number of commitments of eligible offenders to state penal institutions or local jails which would likely have occurred without the programs funded under this article as evaluated and determined by the Office of the Governor.

"(c) Subject to funding availability, each county, participating authority, or other nonprofit entity is eligible to receive additional incentive funding for extending programs if such programs exceed the objectives of this article and the approved community punishment and corrections plan based upon criteria developed by the division and promulgated under its rules pursuant to the Administrative Procedure Act.

"(d) If the director of the division determines that there are reasonable grounds to believe that a participating county, authority, or other nonprofit entity is not complying with its plan, or the minimum standards, the director shall give 30 days' written notice to the participating entity, as well as to the county commission in the affected county. If the director finds that such a participating entity is not complying with its plan or the minimum standards established in this article, the director shall require the entity to provide a letter of intent as to how and when specific deficiencies identified by the director will be corrected. If no letter is submitted to the director within the time limit specified, or if the deficiencies are not corrected within 45 days after a letter has been submitted to the entity, the director, with the approval of the commissioner and the Office of the Governor, may suspend any part or all of the funding until compliance is achieved.

§15-22-24.

"(a) The Board of Pardons and Paroles, hereinafter referred to as "the board," shall be charged with the duty of determining, through use of a validated risk and needs assessment as defined in Section 12-25-32, what prisoners serving sentences in the jails and prisons of the State of Alabama may be released on parole and when and under what conditions. Such board shall also be charged with the duty of supervising all prisoners released on parole from the jails or prisons of the state and of lending its assistance to the courts in the supervision of all prisoners placed on probation by courts exercising criminal jurisdiction and making such investigations as may be necessary in connection therewith, of implementing the use of conducting validated risk and needs assessments as defined in Section 12-25-32 by probation and parole officers, of determining whether violation of parole or probation conditions exist in specific cases, deciding, in the case of parolees, what action should be taken with reference thereto, causing, in the case of probationers, reports of such investigations to be made to the judges of the courts

having jurisdiction of the probationers and of aiding parolees and probationers to secure employment. ~~It shall also be the duty of the board to personally study the prisoners confined in the jails and prisons of the state so as to determine their ultimate fitness to be paroled.~~

"(b) Between October 1 and December 31 of each year, the board shall make a full report of its activities and functions during the preceding year, and such report shall be prepared in quadruplicate, with one copy thereof lodged with the Governor, one filed in the office of the Secretary of State, one filed in the office of the Department of Archives and History, and one copy retained in the permanent records of the board.

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

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

"(e) The board ~~may~~ shall adopt policy and procedural guidelines for establishing parole consideration eligibility dockets based on ~~its evaluation of a prisoner's prior record, nature and severity of the present offense, potential for future violence, and community attitude toward the offender~~ criteria established by the board pursuant to Section 15-22-37.

"(f) Any person who, at the time of his retirement, is employed by the Board of Pardons and Paroles as a probation and parole officer, shall receive as part of his retirement benefits, without cost to him, his badge, and pistol.

"(g) The board is hereby authorized and empowered to promulgate rules and regulations to establish a program that will authorize the board to expend state moneys not to exceed \$250.00 per year for awarding recognition incentive awards for outstanding employees.

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

"(i) The board shall have the power, authority, and jurisdiction to conditionally transfer a prisoner to the authorities of the federal government or any other jurisdiction entitled to his custody to answer pending charges or begin serving a sentence in response to a properly filed detainer from the other jurisdiction. Such conditionally transferred prisoner shall remain in the legal custody of the warden of the institution from which he was transferred. Should any such conditionally transferred prisoner satisfy all detainers against him prior to completion of his Alabama sentence, said prisoner shall not be released from custody without further order of the Board of Pardons and Paroles.

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

"(k) The board shall develop and adopt guidelines and policies to ensure that any treatment programs or providers utilized by the board in the supervision of probationers and parolees implement evidence-based practices, as defined in Section 12-25-32, designed to reduce recidivism among such probationers and parolees and shall cooperate with the Office of the Governor in evaluating such programs and providers pursuant to Section 11.

"(1) The board shall develop and adopt guidelines and policies to ensure that the supervision and treatment of probationers and parolees shall be based on the individual probationer's or parolee's risk of reoffending, as determined through a validated risk and needs assessment as defined in Section 12-25-32, and that supervision and treatment resources of the board are prioritized to focus on those probationers and parolees with the highest risk of reoffending. To this end, it shall be the goal of the board to maximize case supervision practices such that no probation and parole officer is assigned more than 20 active high-risk cases at any one time. Supervision and treatment of probationers and parolees shall include the following:

"(1) Use of a validated risk and needs assessment;

"(2) Use of assessment results to guide the appropriate dosage of supervision responses consistent with the level of supervision and evidence-based practices used to reduce recidivism;

"(3) Collateral and personal contacts with the probationer or parolee and community that may be unscheduled and that shall occur as often as needed based on the probationer's or parolee's supervision level, which, in turn, should be based on risk of reoffense. Such contacts shall serve the purpose of keeping supervising officers informed of the probationer's or parolee's conduct, compliance with conditions, and progress in community-based intervention;

"(4) Case planning for each probationer or parolee based on risk of reoffense and needs identified and prioritized based on associated risk; and

"(5) Use of practical and suitable methods that are consistent with evidence-based practices to aid and encourage the probationer or parolee to improve his or her conduct and circumstances so as to reduce his or her level of risk.

"(m) The board shall require all probation and parole officers employed on the effective date of this act to complete the training requirements set forth in this subsection on or before January 1, 2017. All probation and parole officers hired after the effective date of this act shall complete the training requirements set forth in this subsection within two years of their hire date. The training and professional development services shall include:

"(1) Assessment techniques;

"(2) Case planning;

"(3) Risk reduction strategies;

"(4) Effective communication skills;

"(5) Behavioral health needs;

"(6) Application of core correctional practices, including motivational interviewing, cognitive restructuring, structured skill building, problem solving, reinforcement and use of authority;

"(7) Training for supervising officers to become training capacity in the state; and

"(8) Other topics identified by the board as evidence-based practices as defined in Section 12-25-32.

§15-22-26.

"(a) No prisoner shall be released on parole merely as a reward for good conduct or efficient performance of duties assigned in prison, but only if the Board of Pardons and Paroles is of the opinion that ~~there is reasonable probability that, if such prisoner is released, he will live and remain at liberty without violating the law and that his release is not incompatible with the welfare of society.~~ the prisoner meets criteria and guidelines established by the board to determine a prisoner's fitness for parole. The guidelines shall serve as an aid in the parole decision process and shall promote the use of prison space for the most violent and greatest risk offenders. The guidelines shall be structured, actuarially based, and reviewed every three years by the board and include, but not be limited to, the following:

"(1) The prisoner's risk to reoffend, based upon a validated risk and needs assessment as defined in Section 12-25-32;

"(2) Progress by the prisoner and the Department of Corrections to plan for reentry;

"(3) Participation in risk-reduction programs while incarcerated;

"(4) Institutional behavior of the prisoner while incarcerated; and

"(5) Severity of the underlying offense for which the prisoner was sentenced to incarceration.

" (b) If the board shall so determine, such prisoner shall be allowed to go upon parole outside of prison walls and enclosure upon such terms and conditions as the board shall prescribe, but to remain while thus on parole in the legal custody of the warden of the prison from which he is paroled until the expiration of the maximum term specified in his sentence or until he is fully pardoned.

"(c) The board shall clearly articulate its reasons for approval or denial of parole for each prisoner, based on its established guidelines, and shall provide the reasons for approval or denial to the prisoner, the victim, the Department of Corrections, or any other interested party upon written request submitted to the board. The use of established guidelines for parole consideration shall not create a right or expectation by a prisoner to parole release. Additionally, the articulated reasons for denial of parole release shall not create a right or expectation for parole release. The guidelines shall serve as an aid in the parole decision process, and the decision concerning parole release shall be at the complete discretion of the board.

§15-22-28.

"(a) It shall be the duty of the Board of Pardons and Paroles, upon its own initiative, to make an investigation of any and all prisoners confined in the jails and prisons of the state, through use of a validated risk and needs assessment as defined in Section 12-25-32, with a view of determining the feasibility of releasing the prisoners on parole and effecting their reclamation. Reinvestigations shall be made from time to time as the board may determine or as the ~~Board~~ Department of Corrections may request. The investigations shall include such reports and other information as the board may require from the ~~Board~~ Department of Corrections or any of its officers, agents or employees.

"(b) It shall be the duty of the ~~Board~~ Department of Corrections to cooperate with the Board of Pardons and Paroles for the purpose of carrying out the provisions of this article.

"(c) Temporary leave from prison, including Christmas furloughs, may be granted only by the Commissioner of Corrections to a prisoner for good and sufficient reason and may be granted within or without the state; provided, that Christmas furloughs shall not be granted to any prisoner convicted of drug peddling, child molesting or rape, or to any maximum security prisoner. A permanent, written record of all such temporary leaves, together with the reasons therefor, shall be kept by such commissioner. He shall furnish the Pardon and Parole Board with a record of each such leave granted

and the reasons therefor, and the same shall be placed by the board in the prisoner's file.

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

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

§15-22-29.

"(a) The Board of Pardons and Paroles, in releasing a prisoner on parole, shall specify in writing the conditions of his parole, and a copy of such conditions shall be given to the parolee. A violation of such conditions may render the prisoner liable to arrest and reimprisonment.

"(b) The Board of Pardons and Paroles shall adopt general rules with regard to conditions of parole and their violation and may make special rules to govern particular cases. Such rules, both general and special, may include, among other things, a requirement that:

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

"(2) He or she shall contribute to the support of his or her dependents to the best of his or her ability;

"(3) He or she shall make reparation or restitution for his or her crime;

"(4) He or she shall abandon evil associates and ways; ~~and~~

"(5) He or she shall carry out the instructions of his or her parole officer and in general so comport himself or herself as such officer shall determine; ~~and~~

"(6) He or she shall submit to behavioral treatment, substance abuse treatment, GPS monitoring, other treatment as deemed necessary by the board or the supervising parole officer, and/or a period or periods of confinement in a local confinement facility for a total of no more than six days per month during any three separate months during the period of parole. The six days per month confinement provided for in this subsection shall only be imposed as two-day or three-day consecutive periods at any single time.

§15-22-31.

"(a) If the parole officer having charge of a paroled prisoner or any member of the Board of Pardons and Paroles shall have reasonable cause to believe that such prisoner has lapsed, or is probably about to lapse, into criminal ways or company or has violated the conditions of his parole in an important respect, such officer or board member ~~shall~~ may report such fact to the Department of Corrections, which shall thereupon issue a warrant for the retaking of such prisoner and his return to the prison designated.

"(b) Any parole officer, police officer, sheriff or other officer with power of arrest, upon the request of the parole officer, may arrest a parolee without a warrant; but, in case of an arrest without a warrant, the arresting officer shall have a written statement by said parole officer setting forth that the parolee has, in his judgment, violated the conditions of parole, in which case such statement shall be sufficient warrant for the detention of said parolee in the county jail or other appropriate place of detention until the warrant

issued by the Department of Corrections has been received at the place of his detention; provided, however, that in no case shall a parolee be held longer than 20 days on the order of the parole officer awaiting the arrival of the warrant as provided for in this section.

"(c) Any parole officer, any officer authorized to serve criminal process or any peace officer to whom such warrant shall be delivered is authorized and required to execute such warrant by taking such prisoner and returning him to the prison designated by the Department of Corrections, there to be held to await the action of the Board of Pardons and Paroles.

"(d) Such officer, other than an officer of the prison or parole officer, shall be entitled to receive the same fees therefor as upon the execution of a warrant of arrest at the place where said prisoner shall be retaken and as for transporting a convict from the place of arrest to the prison, in case such officer also transports the prisoner to the prison. Such fees shall be paid out of the funds standing to the credit of the Department of Corrections.

§15-22-32.

"(a) Whenever there is reasonable cause to believe that a prisoner who has been paroled has violated his or her parole, the Board of Pardons and Paroles, at its next meeting, ~~shall~~ may declare the prisoner to be delinquent, and time owed shall date from the delinquency. ~~The warden of each prison Department of Corrections, after receiving notice from the sheriff of the county jail where the state prisoner is being held, shall promptly notify the board of the return of a paroled prisoner charged with violation of his or her parole. Thereupon, the board, a single member of the board, a parole revocation hearing officer, or a designated parole officer shall, as soon as practicable, hold a parole court at the prison or at another place as it may determine within 30 days and consider the case of the parole violator, who shall be given an opportunity to appear personally or by counsel before the board or the parole court and produce witnesses and explain the charges made against him or her. The board member, parole revocation hearing officer, or a designated parole officer, acting as a parole court, shall, within a reasonable time, conduct the parole revocation hearing to determine whether sufficient evidence supports guilt or innocence of the violation charges and may recommend to the board revocation or reinstatement of parole. Upon revocation of parole, the board may require the prisoner to serve out in prison the balance of the term for which he or she was originally sentenced, calculated from the date of delinquency or the part thereof as it may determine. The delinquent parolee shall be deemed to have begun serving the balance of the time required on the date of his or her rearrest as a delinquent parolee.~~

"(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 revoke or reinstate parole. Upon revocation of parole, the board may require the prisoner to serve in prison the balance of the term for which he or she was originally sentenced or any portion thereof, calculated from the date of delinquency. The delinquent parolee shall be deemed to begin serving the balance of the prison time required on the date of his or her rearrest as a delinquent parolee. However, in all cases, excluding violent offenses, defined pursuant to Section 12-25-32, and sex offenses, defined pursuant to Section 15-20A-5, the parole court may only recommend revocation and the board may only revoke parole as provided below:

"(1) When a parolee under supervision of the Board of Pardons and Paroles has violated a condition of parole, other than being arrested or convicted of a new offense or absconding, the parole court may recommend and the board may impose a period of confinement of no more than 30 consecutive days to be served in the custody of the Department of Corrections. 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 shall not recommend and the board shall 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 under this subsection. The maximum 30 day term of confinement ordered under this subsection shall not be reduced by credit for incarceration time already served in the case. Confinement under this subsection 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 30 days or less, the term of confinement shall be for the remainder of the parolee's sentence.

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

"(3) Confinement shall be immediate unless otherwise specified by the board. The board shall be responsible for ensuring that the Department of Corrections receives necessary documentation for imposing a period of confinement within five business days of the board's action.

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

"(e) (d) The board may appoint or employ, as the board deems necessary, three hearing officers who shall conduct a parole court with authority to determine guilt and recommend revocation of parole or reinstatement of parole to the board. Such hearing officers shall have authority to 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. The first three appointments shall be provisional appointments made by the board pending job analysis and compilation of the examination for the state Merit System classification, or a licensed practicing attorney with a minimum of 3 years' experience practicing criminal law.

"(d) (e) A hearing officer shall receive an annual salary to be determined by the board but not exceeding the maximum salary now or hereafter established for Probation Officer V. The salary and expenses of the hearing officers shall be paid from the State Treasury in the same manner that the salary and expenses of the state Merit System employees are paid.

"(f) In lieu of the provisions of subsections (a) and (b), when a parolee violates his or her parole terms and conditions, his or her parole officer may require the parolee to submit to behavioral treatment, substance abuse treatment, GPS monitoring, such other treatment as determined by the board or supervising officer, or a period of confinement in a local confinement facility as specified in subdivision (6) of subsection (b) of Section 15-22-29. The parole officer may exercise such authority after administrative review and approval by the officer's supervisor.

"(g) Prior to imposing a punishment provided under subsection (f) and pursuant to subdivision (6) of subsection (b) of Section 15-22-29, the parolee must first be presented with a violation report, putting forth the alleged parole violations and supporting evidence. The parolee may request a hearing before the parole court to be heard in person. The parolee shall be given notice of the right to seek such parole court review and advised of the right (i) to a hearing before a neutral and detached parole court on the alleged violation or violations, with the right to present relevant witnesses and documentary evidence; (ii) to retain and have counsel at the hearing if he or she so desires; and (iii) to confront and cross examine any adverse witnesses. 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. However, the parolee shall have no right or review if he or she has signed a written waiver of rights as provided in this subsection.

"(h) 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 (f).

§15-22-33.

No person released on parole shall be discharged from parole prior to the expiration of the full maximum term for which he was sentenced unless ~~he is sooner fully pardoned~~ the Board of Pardons and Paroles chooses to discharge the parolee earlier based on review of the parolee under guidelines established pursuant to subdivision (6) of subsection (b) of Section 15-22-37. The Board of Pardons and Paroles, however, may relieve a prisoner on parole from making further reports and may permit such prisoner to leave the state or county if satisfied that this is for the best interests of society.

§15-22-36.

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

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

"(c) No pardon shall relieve one from civil and political disabilities unless specifically expressed in the pardon. No pardon shall be granted unless the prisoner has successfully completed at least three years of permanent parole or until the expiration of his or her sentence if his or her sentence was for less than three years. Notwithstanding the foregoing, a pardon based on innocence may be granted upon the unanimous affirmative vote of the board following receipt and filing of clear proof of his or her innocence of the crime for which he or she was convicted and the written approval of the judge who tried his or her case or district attorney or with the written approval of a circuit judge in the circuit where he or she was convicted if the judge who tried his or her case is dead or no longer serving.

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

"(e)(1) Until and unless at least 30 days' written notice of the board's action to be considered has been given by the board to the victim named in the indictment, the victim's representative, ~~or~~ and any other interested ~~individual~~ individuals, after the board has received a request that includes the preferred mode or modes of notification from the victim, the victim's representative, ~~or~~ and other interested ~~individual~~ individuals and is submitted ~~30~~ 45 days or more in advance of the board action to be considered either through the automated victim notification system or by a direct request to the board or other authorized individual, the Board of Pardons and Paroles shall have no power or authority to in any way approve or order any parole, pardon, remission of fine or forfeiture, restoration of civil and political rights, furlough, leave or early release of a person convicted of the following offenses:

"a. A Class A felony.

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

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

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

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

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

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

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

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

"(2) If, however, the victim, victim's representative, ~~or~~ and other interested individual has not been registered for notice through the automated victim notification system or otherwise made a direct request to the board for notice or to another authorized individual, the victim's information has not been updated, or a particular ~~mode~~ modes of notification ~~has~~ have not been requested at least ~~30~~ 45 days or more in advance of the board's action to be considered, the board shall not be limited in power or authority in any way to approve or order any parole, pardon, remission of fine or forfeiture, restoration of civil and political rights, furlough, leave, or early release of a person convicted of the offenses named in subsection (e)(1)a. to i., inclusive.

"(3) The notice shall be given by U.S. certified mail, return receipt requested, U.S. mail, electronic transmission, or by other commonly accepted method of delivery, upon a request made through the automated victim notification system or otherwise upon direct request made to the board or other authorized individual ~~30~~ 45 days or more in advance of the board's action to be considered and shall include:

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

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

"c. The date of the sentence.

"d. The court in which the conviction occurred.

"e. The sentence imposed.

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

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

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

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

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

"(4) If a victim, victim's representative, ~~or and~~ otherwise interested individual requests not to be notified, the request shall be made to the Board of Pardons and Paroles in writing or by electronic signature. Confirmation of a request to not be notified shall be provided to the victim so requesting. After a request is received, the board shall provide no further notifications, unless and until the victim, victim's representative, ~~or and~~ otherwise interested individual subsequently requests future notifications, at least ~~30~~ 45 days in advance of the board's action to be considered through the automated victim notification system ~~designated by the board~~ or by contacting the board or other authorized individual in writing, in person, or by telephone.

"(5) Should a victim, victim's representative, ~~or and~~ otherwise interested person wish to receive notice of any specific board hearing and action taken by the board, if any, in a specific case, the individual may register to request the notice through the automated victim notification system or otherwise request notice by making a direct request to the board or other authorized individual to receive notice at least ~~30~~ 45 days in advance of the board's action to be considered. The individual shall be required to designate his or her preferred mode or modes of communication.

"(6) Prior to the sentencing of any defendant convicted of the offenses named in subsection (e)(1)a. to i., inclusive, and only after the most recent victim information has been furnished to the Board of Pardons and Paroles pursuant to Section 12-17-184(9), in those cases, the probation and parole officer assigned to prepare a pre-sentence or post-sentence investigation report shall at that time register the most recent information for the victim named in the indictment into the automated victim notification system ~~designated by the board~~. In case of a homicide, the information of immediate family members shall be entered into the automated victim notification system ~~designated by the board~~. If a surviving victim is a minor, information for parents or guardians shall be entered into the automated victim notification system ~~designated by the board~~. The probation and parole officer assigned to prepare a pre-sentence or post-sentence investigation report shall then report to the sentencing court that all most current victim information has been so registered. The sentencing court shall then record into the case record that the victim information has been entered into the automated victim notification system.

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

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

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

"(g) Electronic notices as required by this section, Section 14-14-5, Section 15-22-23, Section 15-22-36.2, Section 15-22-36.3 and Section 9 shall be produced through the automated notification system developed and maintained by the Alabama Law Enforcement Agency. All data and records required to produce said notices shall be provided to the Alabama Law Enforcement Agency to be incorporated into the automated notification system. Board records and information accessible to the public through the automated notification system shall be limited to those notification items specified in subdivision (3) of subsection (e), as well as the offender's age, sex, race, and unique identifiers. Records concerning the status of supervised offenders on probation and parole shall also be made available to the public, including information on when supervision began, the date the supervision term will end, and information on whether or how supervision was terminated. Otherwise, access to board records and information through the automated notification system shall be limited in use to the legitimate law enforcement purpose of entering and updating contact information on behalf of crime victims, assisting victims with registration, and ensuring victims receive notice. Information and records of the board accessible for law enforcement purposes through the automated notification system, in addition to that available to the public as specified above, shall be limited to the offender's date of birth, the supervising officer's name, the county of residence for those offenders currently supervised in Alabama, and the supervising officer's phone number. Misuse of the automated notification system or records or information contained in the automated notification system shall be subject to criminal prosecution under Article 5A of Chapter 8 of Title 13A, as well as Section 41-9-601, Section 41-9-602, and any other law of this state.

§15-22-36.2.

"(a) There is hereby created the Victim Notification Implementation Task Force to guide and support the implementation of a statewide automated victim notification system in Alabama. The task force shall be composed of two ~~representatives of crime victims' rights organizations~~ advocates designated by the Attorney General and ~~at least~~ one designee from each of the following: The Board of Pardons and Paroles, the Department of Corrections, ~~the Alabama Criminal Justice Information Center~~ the Alabama Law Enforcement Agency, the Alabama Crime Victims Compensation Commission, the District Attorneys Association or a district attorney representative, the Attorney General, the Administrative Office of Courts, and any other entity or organization as deemed appropriate by a majority vote of the current representatives composing the task force. The task force shall elect a chair to function as the administrative head. The task force shall meet initially by March 1, 2012, at the call of the Attorney General. The task force shall meet not less than quarterly after January 1, 2012, ~~until December 31, 2015,~~ and otherwise at the call of the chair or a majority vote of the current task force representatives. Pursuant to this section and ~~Sections~~ Section 14-14-5, Section 15-22-23, and Section 15-22-36, Section 15-22-36.3, and Section 9, the task force shall be responsible for overseeing the development of the automated victim notification system by the Alabama Law Enforcement Agency and integration of a process to automatically update victim information into the automated victim notification system on a continual basis. The task force shall also oversee a statewide public education and awareness campaign for the implementation of the automated victim notification system and shall be charged with confirming, by majority vote, that the automated victim notification system complies with the requirements of this

section and ~~Sections~~ Section 14-14-5, Section 15-22-23, and Section 15-22-36, Section 15-22-36.3, and Section 9. Approval from the task force shall not be required for the validity of any action taken by any entity represented on the task force in the exercise of any of the power or authority granted to it by the Legislature. ~~The task force shall be dissolved effective December 31, 2015.~~

"(b) Immediately upon approval from the task force by majority vote that the automated notification system complies with the requirements of this section and Section 14-14-5, Section 15-22-23, Section 15-22-36, Section 15-22-36.3, and Section 9, the task force shall automatically convert to the Victim Notification Oversight Council for the purpose of continuing to provide direction to the State Bureau of Investigations within the Alabama Law Enforcement Agency on development, support, expansion, and maintenance of the automated notification system. The Oversight Council shall consist of those task force representatives serving on the task force, including appointees, at the time of conversion. Upon conversion, no additional representatives may be added, except upon the resignation or inability to serve of an appointee, at which point the Attorney General shall designate the replacement.

~~"(b) (c)~~ The Board of Pardons and Paroles shall have authority to carry out the enforcement of this section and Sections 15-22-23 and 15-22-36, and the Department of Corrections shall have authority to carry out the enforcement of Section 14-14-5, Section 15-22-36.3, and Section 9.

"(d) The Alabama Law Enforcement Agency shall be required to develop, support, house, and maintain the automated notification system referenced in this section and Section 14-14-5, Section 15-22-23, Section 15-22-36, Section 15-22-36.3, and Section 9 for the use of the Board of Pardons and Paroles and the Department of Corrections to make automated notices as required. The system shall additionally be used to make notices of an offender's change in status or custody, or notices regarding criminal justice proceedings deemed to be in the best interest of Alabama crime victims and public safety, by a majority vote of the task force or, after its conversion, the oversight council. The automatic notification system created by the Alabama Law Enforcement Agency shall be the automated notification system used by the state in making notifications to the Alabama crime victims.

"(e) There is hereby created a Victim Notification System Fund in the State Treasury. The fund shall consist of all monies appropriated for the development, expansion, support, and maintenance of the automated victim notification system by the Alabama Law Enforcement Agency. Any monies in the fund may be expended solely for the use of the victim notification system. The Secretary of the Alabama Law Enforcement Agency may expend monies in the Victim Notification System Fund solely at the request and direction of the Victim Notification Implementation Task Force or, after its conversion, the Victim Notification Oversight Council, created by this section.

§15-22-37.

"(a) The Board of Pardons and Paroles may adopt and promulgate rules and regulations, not inconsistent with the provisions of this article, touching upon all matters dealt with in this article, including, among others, practice and procedure in matters pertaining to paroles, pardons and remission of fines and forfeitures; provided, however, that no rule or regulation adopted and promulgated by such board shall have the effect of denying to any person whose application for parole or the revocation of whose parole is being considered by said board from having the benefit of counsel or witnesses upon said hearing.

"(b) The Board of Pardons and Paroles shall adopt and promulgate rules and regulations to:

"(1) Establish a program of limited supervision for parolees who qualify addressing eligibility using validated risk and needs assessments, as defined in Section 12-25-32, transfers among levels of supervision, to include guidelines for the transfer of lower-risk individuals to an administrative form of

parole, and reporting requirements;

"(2) Develop policies and procedures for screening, assessment, and referral for parolees to connect with recidivism reduction services including, but not limited to, cognitive behavioral intervention and substance abuse treatment;

"(3) Establish a matrix of rewards for compliance and pro-social behaviors and swift, certain and graduated sanctions to be imposed by the board, as provided under subsections (f) and (g) of Section 15-22-32, in response to corresponding violations of parole terms or conditions imposed;

"(4) Establish clear guidelines and procedures that retain the board's discretion in individual parole release cases. Such guidelines shall provide that, if a prisoner convicted of a nonviolent offense, as defined in Section 12-25-32, with a sentence of 20 years or less is denied parole, the board shall reconsider releasing the prisoner on parole no more than one year after such parole release denial. Such rules shall allow a current validated risk and needs assessment as defined in Section 12-25-32, past criminal history, program completion, institutional misconduct, and other individual characteristics related to the likelihood of offending in the future to be factored into the release decision while working to allocate prison space for the most violent and greatest risk prisoners;

"(5) Ensure that the provisions of subsections (k) and (l) of Section 15-22-24 are implemented relating to the supervision and treatment of parolees; and

"(6) Establish criteria, guidelines, and procedures to discharge parolees from parole supervision requirements prior to the expiration of the full maximum term for which the parolee was sentenced, which shall include review of a parolee for discharge from parole supervision at least every two years if the parolee has satisfied all financial obligations owed to the court, including restitution, and has not had his or her supervision revoked.

§15-22-51.

"(a) When directed by the court, a probation officer shall fully investigate and report to the court in writing the circumstances of the offense, criminal record, social history and present condition of a defendant through use of a validated risk and needs assessment, as defined in Section 15-25-32. No defendant, unless the court shall otherwise direct, shall be placed on probation or released under suspension of sentence until the report of such investigation shall have been presented to and considered by the court; provided, however, that after conviction the court may continue the case for such time as may be reasonably necessary to enable the probation officer to make his investigation and report.

"(b) Whenever practicable, such investigation shall include physical and mental examinations of the defendant; and, if such defendant is committed to an institution, a copy of the report of such investigation shall be sent to the ~~Board~~ Department of Corrections at the time of commitment; provided, that in all cases where the defendant was on bond prior to the time of the trial and an application for probation is made to the court, then the judge of such court, in his discretion, may suspend the execution of the sentence pending the disposition of the application for probation and continue the defendant under the same bond that he was under or, in his discretion, may raise the bond or lower the same pending the disposition of the application for probation, and such bond shall remain in full force and effect until the application for probation is finally disposed of.

§15-22-52.

"(a) The court shall determine and may at any time modify the conditions of probation and may include among them the following or any other conditions. Such conditions may provide that the probationer

shall:

"(1) Avoid injurious or vicious habits;

"(2) Avoid persons or places of disreputable or harmful character;

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

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

"(5) Work faithfully at suitable employments as far as possible;

"(6) Remain within a specified place;

"(7) Pay the fine imposed or costs or such portions thereof as the court may determine and in such installments as the court may direct;

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

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

"(10) Submit to behavioral treatment, substance abuse treatment, GPS monitoring, other treatment as deemed necessary by the board or supervising probation officer, and/or a period or periods of confinement in a local confinement facility for a total of no more than six days per month during any three separate months during the period of probation. The six days per month confinement provided for in this subsection shall only be imposed as two-day or three-day consecutive periods at any single time.

"(b) Unless the court specifically finds that delegation of authority is not appropriate, the board or supervising probation officer may require an offender to submit to treatment, monitoring, or confinement as provided in subdivision (10) of subsection (a) of this section.

§15-22-53.

"(a) A probation officer shall investigate all cases referred to him for investigation by any court or by the Board of Pardons and Paroles and shall report in writing thereon. He shall furnish to ~~each person~~ persons released on probation under his supervision a written statement of the conditions of probation and shall instruct ~~him~~ them regarding the same. Such officer shall keep informed concerning the conduct and condition of each person on probation under his supervision by visiting, requiring reports and in other ways, based on the offender's measured risk of offending, and he shall report thereon in writing as often as the court or the board may require. Such officer shall use all practicable and suitable ~~methods~~ evidence-based practices as defined in Section 12-25-32, not inconsistent with the provisions imposed by the court, to aid and encourage persons on probation and to bring about improvements in their conduct and condition. Such officer shall keep detailed records of his work and shall make such reports in writing to the court and the board as they may require. A probation officer shall have, in the execution of his duties, the powers of arrest and the same right to execute process as is now given or may hereafter be given by law to the sheriffs of this state. Supervision and treatment of probationers shall be conducted pursuant to and consistent with the provisions of subsections (k) and (l) of Section 15-22-24 and Section 15-22-57.

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

same was referred.

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

§15-22-54.

"(a) The period of probation or suspension of execution of sentence shall be determined by the court, and the period of probation or suspension may be continued, extended, or terminated. However, in no case shall the maximum probation period of a defendant guilty of a misdemeanor exceed two years, nor shall the maximum probation period of a defendant guilty of a felony exceed five years. When the conditions of probation or suspension of sentence are fulfilled, the court shall, by order duly entered on its minutes, discharge the defendant.

"(b) The court granting probation may, upon the recommendation of the officer supervising the probationer, terminate all authority and supervision over the probationer prior to the declared date of completion of probation upon showing a continued satisfactory compliance with the conditions of probation over a sufficient portion of the period of the probation. At least every two years, the court shall review the probationer's suitability for discharge from probation supervision if the probationer has satisfied all financial obligations owed to the court, including restitution, and has not had his or her supervision revoked.

"(c) At any time during the period of probation or suspension of execution of sentence, the court may issue a warrant and cause the defendant to be arrested for violating any of the conditions of probation or suspension of sentence, upon which the court shall hold a violation hearing. No probationer shall be held in jail awaiting such violation hearing for longer than 30 days, unless new criminal charges are pending.

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

~~"(1) If the defendant violates any condition of probation or suspension of execution of sentence, the court, after a hearing, may implement one or more of the following options:~~

~~"a. Continue the existing probation and suspension of execution of sentence.~~

~~"b. Issue a formal or informal warning to the probationer that further violations may, subject to paragraph f., result in revocation of probation or suspension of execution of sentence.~~

~~"c. Conduct a formal or informal conference with the probationer to reemphasize the necessity of compliance with the conditions of probation.~~

~~"d. Modify the conditions of probation or suspension of execution of sentence, which conditions may include the addition of short periods of confinement, not to exceed 90 days incarceration in a county jail, a facility of the Department of Corrections, or work release type facility, if available.~~

~~"e. Revoke the probation or suspension of execution of sentence for a defendant who is not an eligible~~

~~offender as defined herein. If the court revokes probation, it may, after a hearing, impose the sentence that was suspended at the original hearing or any lesser sentence.~~

~~"f. In addition to the provisions of paragraphs a. to d., inclusive, of this subdivision, the probation of an eligible offender may be revoked and the defendant required to serve a term of not more than 90 days imprisonment in a Department of Corrections facility, which may include participation in the restart program, LIFEtech program, or a technical violator program or, if no space is available in a Department of Corrections facility, not more than 90 days in the county jail.~~

~~"g. Notwithstanding any law to the contrary, following release of an eligible offender from incarceration, the sentencing court shall have jurisdiction to sentence the defendant to a period of probation, not to exceed five years or the remainder of his or her suspended sentence, whichever is less.~~

~~"(2) The court may also continue the existing probation and suspension of execution of sentence of any defendant with the additional condition that the probationer does any of the following:~~

~~"a. Participates in a community corrections program.~~

~~"b. Participates in a county work release program.~~

~~"c. Performs community service.~~

~~"d. Undergoes intensive probation supervision.~~

~~"e. Participates in a residential or outpatient drug or alcohol treatment program.~~

~~"f. Participates and completes a Life Skills Influenced by Freedom and Education Tech (LIFEtech) residential program.~~

~~"(3) If revocation results in a sentence of confinement, credit shall be given for all time spent in custody prior to revocation. Full credit shall be awarded for full-time confinement in facilities such as county jail, state prison, state technical violator programs, and boot camp. Credit for other penalties, such as work release programs, intermittent confinement, and home detention, shall be left to the discretion of the court, with the presumption that time spent subject to these penalties will receive half credit. The court shall also give significant weight to the time spent on probation in substantial compliance with the conditions thereof. The total time spent in confinement may not exceed the term of confinement of the original sentence.~~

~~"(4) The court shall not revoke probation and order the confinement of the probationer for violations of the conditions of probation unless the court finds on the basis of the original offense and the probationer's intervening conduct, either of the following:~~

~~"a. No measure short of confinement will adequately protect the community from further criminal activity by the probationer.~~

~~"b. No measure short of confinement will avoid depreciating the seriousness of the violation.~~

~~"(5) A defendant determined by the court to be indigent shall not be excluded from a determination as an eligible offender solely because of nonpayment of court-ordered monies. Only the willful nonpayment of court-ordered monies shall exclude an otherwise eligible defendant from being considered an eligible offender.~~

~~"(c) For purposes of this section and Section 15-22-54.1, the following words have the following meanings:~~

~~"(1) ADMINISTRATIVE VIOLATION. Any violation of the rules and conditions of probation other than one of the following:~~

~~"a. A violation of law.~~

~~"b. Possession, receipt, or transportation of any firearm.~~

~~"c. Any violation of any condition prohibiting contact with any victim.~~

~~"d. A violation of any condition which presented a danger to the health, safety, or welfare of any person.~~

~~"(2) ELIGIBLE OFFENDER. A nonviolent offender meeting all of the following criteria:~~

~~"a. Serving a probationary sentence who has committed an administrative violation only.~~

~~"b. Who has no pending criminal charges.~~

~~"c. Has no convictions for a new offense since the time the offender was placed on probation.~~

~~"d. Has not on two or more previous occasions been found by a court to be in violation of any condition of the current probation.~~

~~"(3) NEW OFFENSE. Any misdemeanor or felony, whether in violation of state or federal law except for minor misdemeanor traffic offenses.~~

~~"(4) NONVIOLENT OFFENDER. A person who has not been convicted at any time of any crime defined in subdivision (13) of Section 12-25-32 and who is not currently on probation for a crime the court finds involved actual or attempted physical harm or injury to any person.~~

"(e) After conducting a violation hearing and finding sufficient evidence to support a probation violation, the court may revoke probation to impose a sentence of imprisonment, and credit shall be given for all time spent in custody prior to revocation. If the probationer was convicted of a Class D felony and his or her probation is revoked, the incarceration portion of any split sentence imposed due to revocation shall be limited to two years or one-third of the original suspended prison sentence, whichever is less. However, in all cases, excluding violent offenses, defined pursuant to Section 12-25-32, and sex offenses, defined pursuant to Section 15-20A-5, the court may only revoke probation as provided below:

"(1) When a defendant under supervision for a felony conviction has violated a condition of probation, other than arrest or conviction of a new offense or absconding, the court may impose a period of confinement of no more than 30 consecutive days to be served in the custody of the Department of Corrections. Upon completion of the confinement period, the remaining probation period or suspension of sentence shall automatically continue upon the defendant's release from confinement. The court shall not revoke probation unless the defendant has previously received a total of three periods of confinement under this subsection. A defendant shall only receive three total periods of confinement under this subsection. The maximum 30 day term of confinement ordered under this subsection for a felony shall not be reduced by credit for time already served in the case. Any such credit shall instead be applied to the suspended sentence. In the event the time remaining on the imposed sentence is 30 days or less, the term of confinement shall be for the remainder of the defendant's sentence.

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

"(3) Confinement shall be immediate unless otherwise specified by the court. The court shall be responsible for ensuring that the Department of Corrections receives necessary transcripts for imposing a period of confinement within five business days of the defendant's violation hearing.

"(f) In lieu of the provisions of subsections (c) through (e), when a probationer violates his or her probation terms and conditions imposed by the court, the probation officer may exercise authority delegated to him or her, pursuant to subsection (b) of Section 15-22-52, after administrative review and approval by the officer's supervisor, and require the probationer to submit to behavioral treatment, substance abuse treatment, GPS monitoring, such other treatment as determined by the board or supervising officer, or a period of confinement in a local confinement facility as specified in subdivision (10) of subsection (a) of Section 15-22-52.

"(g) Prior to imposing a punishment provided under subsection (f) and pursuant to subdivision (10) of subsection (a) of Section 15-22-52, the probationer must first be presented with a violation report, with the alleged probation violations and supporting evidence noted. The probationer may file a motion with the court to conduct a probation violation hearing. The probationer shall be given notice of the right to such hearing and advised of the right (i) to a hearing before the court on the alleged violation in person, with the right to present relevant witnesses and documentary evidence; (ii) to retain and have counsel at the hearing and that counsel will be appointed if the probationer is indigent; and (iii) to confront and cross examine any adverse witnesses. Upon the signing of a waiver of these rights by the probationer and the supervising probation officer, with approval of a supervisor, the probationer may be treated, monitored, or confined for the period recommended in the violation report and designated in the waiver. However, the probationer shall have no right of review if he or she has signed a written waiver of rights as provided in this subsection.

"(h) 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 a supervising probation officer's exercise of the delegation of authority authorized by subsection (f).

Section 4. Section 29-2-20, Code of Alabama 1975, is hereby amended to read as follows:

§29-2-20.

"(a) A permanent legislative committee which shall be composed of eight members, two of whom shall be ex officio members and six of whom shall be appointed members, three each to be appointed by the President of the Senate and Speaker of the House, who shall both serve as the ex officio members, shall be formed to assist in realizing the recommendations of the legislative prison task force and examine all aspects of the operations of the Department of Corrections. The chairman of the committee shall be selected by and from among the membership. The committee shall make diligent inquiry and a full examination of Alabama's present and long term prison needs and they shall file reports of their findings and recommendations to the Alabama Legislature not later than the fifteenth legislative day of each regular session that the committee continues to exist.

"(b) The committee shall study and address mental health issues for prisoners reentering the community after a term of imprisonment in order to streamline the sharing of critical mental health information and in order to address barriers to accessing mental health treatment for such prisoners. The committee shall report such findings to the legislature no later than January 1, 2016 and shall work in conjunction with the following in studying and addressing such issues:

- "(1) Department of Corrections;
- "(2) Board of Pardons and Paroles;
- "(3) Department of Mental Health;
- "(4) Administrative Office of Courts;
- "(5) Office of Prosecution Services;
- "(6) Office of the Attorney General;
- "(7) Alabama Law Enforcement Agency;
- "(8) Association of County Commissions of Alabama;
- "(9) Alabama Sheriffs' Association;
- "(10) Alabama Criminal Defense Lawyers Association;
- "(11) Department of Public Health;
- "(12) Office of the Governor;
- "(13) Alabama District Attorneys Association;
- "(14) Alabama Drug Abuse Task Force; and
- "(15) Any other advocacy groups as determined by the committee.

"(c) The committee shall study and address issues related to felony restitution collection and victim notification in order to improve rates of collection for restitution obligations in felony cases, improve victim notification to account for victims who may not have access to the electronic victim notification system, and establish best practices relating to a defendant's ability to pay obligations owed. The committee shall report such findings to the legislature no later than January 1, 2016 and shall work in conjunction with the following in studying and addressing such issues:

- "(1) Department of Corrections;
- "(2) Board of Pardons and Paroles;
- "(3) Administrative Office of Courts;
- "(4) Office of Prosecution Services;
- "(5) Office of the Attorney General;
- "(6) Alabama Law Enforcement Agency;
- "(7) Alabama Criminal Defense Lawyers Association;
- "(8) Alabama Sheriffs Association;

"(9) Alabama Crime Victims Compensation Commission;

"(10) Victims of Crime and Leniency (VOCAL) and any other victim advocacy groups;

"(11) Two members from the Alabama District Attorneys Association, of which one shall be from a largely populated metropolitan judicial circuit and the other shall be from a small, rurally populated judicial circuit; and

"(12) Any other advocacy groups as determined by the committee."

"(d) The committee shall study and address capacity issues within the Department of Corrections to include, but not limited to, the issue of design capacity and operational or functional capacity, as well as the construction of new prison facilities and the renovation of current correctional facilities as they relate to prison overcrowding and public safety. The committee shall report such findings to the legislature no later than January 1, 2016 and shall work in conjunction with the following in studying and addressing such issues:

"(1) Department of Corrections;

"(2) Board of Pardons and Paroles;

"(3) Department of Mental Health;

"(4) Department of Public Health;

"(5) Administrative Office of Courts;

"(6) Office of Prosecution Services;

"(7) Office of the Attorney General;

"(8) Alabama Law Enforcement Agency;

"(9) Alabama Drug Abuse Task Force;

"(10) Alabama Criminal Defense Lawyers Association;

"(11) Association of County Commissions of Alabama;

"(12) Two members from the Alabama Sheriffs' Association, of which one shall be from a largely populated metropolitan judicial circuit and the other shall be from a small, rurally populated judicial circuit; and

"(13) Two members from the Alabama District Attorneys Association, of which one shall be from a largely populated metropolitan judicial circuit and the other shall be from a small, rurally populated judicial circuit.

Section 5. Section 36-18-25, Code of Alabama 1975, is hereby amended to read as follows:

§36-18-25.

"(a) All persons convicted of a criminal offense as set out in Section 36-18-24 shall, when requested by the director submit to the taking of a DNA sample or samples as may be specified by the director,

provided, however, the director shall promulgate such rules and regulations as may be necessary for the purposes of ensuring that DNA samples are collected in a medically approved manner.

"(b) As of May 6, 1994, all persons serving any sentence of probation for any of the offenses set out in Section 36-18-24 shall, when requested by the director, submit to the taking of a DNA sample or samples as specified by the director. Upon the refusal of any such person to so submit the sentencing court shall order such submission as a mandatory condition of probation.

"(c)(1) All persons arrested for any felony offense on or after October 1, 2010, or for any sexual offense including, but not limited to, those that would require registration pursuant to the Community Notification Act, Article 2, commencing with Section 15-20-20, of Chapter 20, Title 15, on or after October 1, 2010, shall have a DNA sample drawn or taken, as specified by the director, at the same time he or she is fingerprinted pursuant to the booking procedure or at the time of arrest.

"(2) For purposes of this chapter, a juvenile who is arrested for an offense covered by this chapter or adjudicated delinquent for the commission of a felony-grade delinquent act shall be considered a person who is arrested for a felony or other specified offense.

~~"(3) Notwithstanding the other provisions of this section, any person arrested for a felony offense or a sexual offense, including a juvenile pursuant to subdivision (2), shall consent in writing freely and voluntarily to provide a DNA sample and shall be informed that they are providing written permission without any threats or promises. The person shall have the right to refuse to provide a sample pursuant to subdivision (1) or (2) without penalty. The refusal may not be used as evidence against the person in any proceeding.~~

"(4) (3) If it is determined that the person's DNA sample has been included in the DNA database, and has not been subject to a court's order expunging the record from the DNA database, no additional sample is required.

"(d) As of May 6, 1994, all persons convicted of any of the offenses set out in Section 36-18-24 shall be ordered to submit to the taking of a DNA sample or samples as specified by the director as a mandatory condition of any term of probation or suspended sentence which may be imposed by the sentencing court.

"(e) As of May 6, 1994, all persons convicted for any offense set out in Section 36-18-24 and under any sentence of confinement to any incarceration facility, shall, when requested by the director, submit to the taking of a DNA sample or samples as specified by the director. Upon the refusal of any such person to so submit, the custodian of the incarceration facility shall require such submission as a mandatory condition of any temporary, partial, or limited release, including, but not limited to, work release, furlough, or other incentive release.

"(f) As of May 6, 1994, all persons convicted of any of the offenses set out in Section 36-18-24, shall be ordered by the sentencing court to submit to the taking of a DNA sample or samples as may be specified by the director as part of the sentence to be imposed.

"(g) As of May 6, 1994, all persons convicted for any offense set out in Section 36-18-24 who may be eligible for consideration by the Alabama Board of Pardons and Paroles for either a pardon or parole shall be ordered by the Alabama Board of Pardons and Paroles to submit to the taking of a DNA sample or samples as may be specified by the director, as a mandatory condition of the pardon or parole.

"(h) Nothing in this article shall be construed as creating a cause of action against the state or any of its agencies, officials, employees, or political subdivisions based on the performance of any duty imposed by this article or the failure to perform any duty imposed by this article.

"(i) A DNA sample obtained in good faith shall be deemed to have been obtained in accordance with the requirements of this chapter and its use in accordance with this chapter is authorized until the circuit court in which an individual was convicted or, in a case where the DNA sample was collected pursuant to a felony or sexual offense arrest, the circuit court where the individual was arrested, orders that the DNA sample should be expunged.

"(j) DNA records and DNA samples submitted to the Department of Forensic Sciences may only be released for one of the following authorized purposes:

"(1) For law enforcement identification purposes, including the identification of human remains, to federal, state, or local criminal justice agencies.

"(2) For criminal defense and appeal purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which the defendant is charged or was convicted.

"(3) If personally identifiable information is removed for forensic validation studies, forensic protocol development, or quality control purposes."

Section 6. Sections 13A-8-3.1, 13A-8-4.1, 13A-8-8.1, 13A-8-18.1, 13A-8-24, 13A-9-3.1, and 13A-9-6.1 are added to the Code of Alabama 1975, to read as follows:

"§13A-8-3.1

"(a) The theft of property that exceeds one hundred thousand dollars (\$100,000) in value or the theft of property that exceeds fifty thousands dollars (\$50,000) of public money or revenue of any state, county, or municipal government agency or department, or any governmental subdivision thereof, constitutes aggravated theft or property.

"(b) Aggravated theft of property is a Class A felony.

"§13A-8-4.1

"(a) The theft of property that exceeds five hundred dollars (\$500) in value but does not exceed one thousand four hundred and ninety-nine dollars (\$1,499) in value, and which is not taken from the person of another, constitutes theft of property in the third degree.

"(b) Theft of property in the third degree is a Class D felony.

"(c) The theft of a credit card or a debit card, regardless of its value, constitutes theft of property in the third degree.

"§13A-8-8.1

"(a) The theft of lost property which exceeds five hundred dollars (\$500) in value but does not exceed one thousand four hundred and ninety-nine dollars (\$1,499) in value constitutes theft of lost property in the third degree.

"(b) Theft of lost property in the third degree is a Class D felony.

"§13A-8-18.1

"(a) Receiving stolen property which exceeds five hundred dollars (\$500) in value but does not exceed

one thousand four hundred and ninety-nine dollars (\$1,499) in value constitutes receiving stolen property in the third degree.

"(b) Receiving stolen property in the third degree is a Class D felony.

"§13A-8-24

"(a) As used in this section, the term "criminal organized activity" shall mean the following:

"(1) The commission, attempted commission, or the conspiracy to commit or the solicitation, coercion, or intimidating of another person to commit the offenses of promotion of prostitution, stalking, human trafficking, theft of property in the first or second degree, or receiving stolen property;

"(2) Any offense defined in Alabama law relating to the security of state, county, or juvenile correctional facilities; or

"(3) Any criminal offense committed in violation of the laws of the United States or its territories, dominions, or possessions, any of the several states or any foreign nation which, if committed in this state, would be considered criminal organized activity under the provisions of this section.

"(b) Any two or more crimes enumerated in subsection (a) or any pattern consisting of four or more theft of property offenses within two years for which a criminal enterprise is established shall be considered a Racketeer Influenced and Corrupt Organization. A "criminal enterprise" is any pattern of criminal organized activity committed by an association in fact which is motivated by or the effect of which is pecuniary gain, economic or physical threat or injury, exploitation, or human trafficking. It is not a defense to prosecution that one or more of the parties associated in fact is otherwise unknown or unidentified. The provisions of this subsection may be charged in addition to any or all felonies that comprise the criminal enterprise.

"(c) A violation of the provisions of this section is a Class A felony.

"(d) The commission of any criminal organized activity offense by any member or associate of a criminal enterprise shall be admissible in any trial or proceeding for the purpose of proving the existence of the criminal organized activity and Racketeer Influenced and Corrupt Organization.

"(e) A person who is subject to prosecution under this section and any other law of this state may be prosecuted under either or both laws.

"(f) Any prosecution for a violation of this section may be charged or indicted in any judicial circuit in which any felony occurred that comprised part of the criminal enterprise.

"(g) There is hereby established the Criminal Organized Activity/Racketeer Influenced and Corrupt Organization Reward Fund within the Office of Prosecution Services. Contributions to the fund may be from grants, public officials, law enforcement agencies, advocacy groups, individuals, government entities, private entities, or charitable entities. If funds are available, the district attorney, chief of police, sheriff, or Secretary of the Alabama Law Enforcement Agency may request funds and the posting of a reward of up to \$5,000 for information leading to the arrest and conviction of any person involved in criminal organized activity that leads to the death or maiming of another person, terrorism, funding of terrorism, or human trafficking.

"§13A-9-3.1

"(a) A person commits the crime of forgery in the third degree if, with intent to defraud, he or she falsely makes, completes, or alters a written instrument which is or purports to be, or which is calculated to become or to represent if completed, an assignment or a check, draft, note, or other commercial instrument which does or may evidence, create, transfer, terminate or otherwise affect a legal right, interest, obligation or status.

"(b) Forgery in the third degree is a Class D felony.

"§13A-9-6.1

"(a) A person commits the crime of criminal possession of a forged instrument in the third degree if he or she possesses or utters a forged instrument of a kind covered in Section 13A-9-3.1 with knowledge that it is forged and with intent to defraud.

"(b) Criminal possession of a forged instrument in the third degree is a Class D felony.

Section 7. (a) The theft of services which exceeds five hundred dollars (\$500) in value but does not exceed one thousand four hundred and ninety-nine dollars (\$1,499) in value constitutes theft of services in the third degree.

(b) Theft of services in the third degree is a Class D felony.

Section 8. Sections 15-22-26.1, 15-22-36.3, and 15-22-57 are added to the Code of Alabama 1975, to read as follows:

"§15-22-26.1

"(a) The position of Board of Pardons and Paroles Administrative Hearing Officer is created and established, subject to provisions of the state Merit System.

"(b) The board may appoint or employ, as the board deems necessary, three administrative hearing officers who shall possess the powers and duties prescribed below in subsection (c). The first three appointments shall be provisional appointments made by the board pending job analysis and compilation of the examination for the state Merit System classification.

"(c) Administrative hearing officers shall have the following powers and duties, subject to guidelines established by the board:

"(1) No later than 12 months prior to the date an inmate is eligible for parole, as determined by the board, he or she shall investigate and review the inmate's preparedness for release to parole supervision by the board. Such investigation and review shall consider all factors deemed relevant to determine preparedness for release to parole as determined by the board's guidelines.

"(2) No later than 30 days prior to the date an inmate is eligible for parole, as determined by the board, he or she shall interview the inmate to provide the opportunity for the inmate to present his or her case for parole consideration to the board. Such interview may be conducted via video-conference, subject to guidelines and rules established by the board.

"(d) An administrative hearing officer shall receive an annual salary to be determined by the board but not exceeding the maximum salary now or hereafter established for Probation and Parole Officer V. The salary and expenses of the administrative hearing officers shall be paid from the State Treasury in the same manner that the salary and expenses of the Merit System employees are paid.

"(e) The board may adopt guidelines, policies, and procedures necessary for the implementation of this section.

"§15-22-36.3

"(a) Prior to an inmate's participation in a work release program or supervised reentry program established under Chapter 8 of Title 14, participation in a community punishment and corrections program established under Article 9 of Chapter 18 of Title 15, or participation in the SIR program established under Article 7 of Chapter 18 of Title 15, notification of the inmate's participation in such program shall be provided to the victim through the victim notification system established pursuant to Section 15-22-36.2 and under the provisions of Section 15-22-36.

"§15-22-57

"The Board of Pardons and Paroles shall adopt and promulgate regulations and guidelines to:

"(1) Establish a program of limited supervision for probationers who qualify addressing eligibility using validated risk and needs assessments, transfers among levels of supervision, to include the transfer of lower-risk individuals to an administrative form of probation, and reporting requirements;

"(2) Develop policies and procedures for screening, assessment, and referral for probationers to connect with recidivism reduction services including, but not limited to, cognitive behavioral intervention and substance abuse treatment;

"(3) Establish a matrix of rewards for compliance and pro-social behaviors and swift, certain and graduated sanctions to be imposed by the board, pursuant to the authority delegated to the board in subsection (b) of Section 15-22-52 and under the provisions of subsections (f) and (g) of Section 15-22-54, in response to corresponding violations of probation terms or conditions imposed; and

"(4) Ensure that the provisions of subsections (k) and (l) of Section 15-22-24 are implemented relating to the supervision and treatment of probationers.

Section 9. (a) A convicted defendant sentenced to a period of confinement under the supervision of the Department of Corrections in a prison, jail-type institution, or treatment institution shall be subject to the following provisions, unless the defendant is released to a term of probation or released on parole under the provisions of Chapter 22 of Title 15:

(1) If the defendant is sentenced to a period of five years or less, he or she shall be released to supervision by the Board of Pardons and Paroles no less than three months prior to the defendant's release date; or

(2) If the defendant is sentenced to a period of more than five years but less than ten years, he or she shall be released to supervision by the Board of Pardons and Paroles no less than six months prior to the defendant's release date; or

(3) If the defendant is sentenced to a period of more than ten years, he or she shall be released to supervision by the Board of Pardons and Paroles no less than 12 months prior to the defendant's release date.

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

(c) Prior to the defendant's release to supervision pursuant to this section, notice of such release shall be provided to the victim through the victim notification system established pursuant to Section 15-22-36.2 and under the provisions of Section 15-22-36.

Section 10. (a) In every instance, the court shall retain jurisdiction of any person who reaches the end of his or her sentence, received a termination of supervised or unsupervised parole or supervised or unsupervised probation, or in any way has completed all terms of his or her sentence or incarceration pursuant to this act or any other provision of law for the purposes of the enforcement of a court order related to uncollected court-ordered fines, fees, costs or restitution, pursuant to Division 4 of Article 6 of Chapter 17 of Title 12 and Article 4A of Chapter 18 of Title 15.

(b) All interest, fees, or penalties prescribed by law must be attached to any unpaid sums pursuant to Division 4 of Article 6 of Chapter 17 of Title 12 and Article 4A of Chapter 18 of Title 15.

(c) A judge of the court shall not remit any court costs, fines, fees, restitution or other court-ordered monies unless he or she firsts holds a hearing on the matter and enters into the court record a written finding of fact and law for the reason for such remittance.

Section 11. (a) The Office of the Governor shall have the following duties and responsibilities relating to the supervision and treatment of probationers, parolees, and community corrections offenders:

(1) Collaborate with the Department of Corrections, the Board of Pardons and Paroles, the Department of Public Health, and the Department of Mental Health to develop and establish a model guide for community corrections programs to establish such programs as referral providers for behavioral treatment and substance abuse treatment services, as provided in Section 15-18-176.

(2) Conduct annual evaluations of local treatment programs that receive funding from the state or through court-ordered monies to which probationers, parolees, or community corrections offenders are referred, to include the recidivism rates of such programs, to ensure that any state monies appropriated to such programs and court-ordered monies received by such programs are utilized to reduce recidivism among probationers, parolees, and community corrections offenders.

(3) Collaborate with the Department of Corrections to implement the provisions of Section 15-18-182 and the Board of Pardons and Paroles to implement the provisions of subsection (k) of Section 15-22-24.

Section 12. This act shall apply to criminal offenses committed after the effective date of this act.

Section 13. All laws or parts of laws which conflict with this act are repealed.

Section 14. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 15. Although this bill would have as its purpose or effect the requirement of a new or increased expenditure of local funds, the bill is excluded from further requirements and application under Amendment 621, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, because the bill defines a new crime or amends the definition of an existing crime.

Section 16. The amendments to Section 15-22-29, Section 15-22-32, Section 15-22-37, Section 15-22-52, and Section 15-22-54 of Section 3 and Section 15-22-57 of Section 8 of this act shall become immediately following its passage and approval by the Governor, or its otherwise becoming law. The remainder of this act shall become effective on October 1, 2015, following its passage and approval by

the Governor, or its otherwise becoming law.