

ALABAMA BOARD OF PARDONS AND PAROLES

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Pardons and Paroles

RULE NO. & TITLE: 640-X-9-.07 Revocation Reconsideration Procedures

INTENDED ACTION: New

SUBSTANCE OF PROPOSED ACTION:

To establish and formalize the procedures for reconsidering decisions to revoke parole or to revoke release to mandatory supervision.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Written comments may be directed to Alatia R. Midkiff, Alabama Bureau of Pardons and Paroles, 301 South Ripley Street, Montgomery, AL 36104.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Monday, July 6, 2026

CONTACT PERSON AT AGENCY:

Alatia R. Midkiff
Attn: Legal Department
301 South Ripley Street
Montgomery, AL 36104

Cam Ward

Cam Ward

(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

Revocation Reconsideration Procedures.

- (1) Following revocation of parole or mandatory supervision, the person supervised may request reconsideration by the board.
- (2) Persons seeking revocation reconsideration may only do so by submitting an ABPP-7 within either two months of:
 - (a) the board's order revoking supervision; or
 - (b) an acquittal, dismissal (with prejudice), or nolle prosequi (with prejudice and without conditions) of all criminal charges relied upon by the Board to revoke parole.
- (3) Reconsideration requests submitted pursuant to section (2)(b) must include a copy of the relevant court order.
- (4) Bureau staff will screen submitted applications for completeness before forwarding to the Legal Division for legal review. Staff may summarily reject incomplete or procedurally improper requests without obtaining legal review.
- (5) At minimum, legal review will consist of determining:
 - (a) the lawfulness of the sanction imposed by the board,
 - (b) the revocation proceeding's compliance with due process requirements,
 - (c) whether clear and convincing evidence of innocence exists,
 - (d) whether the parole court record contains non-hearsay evidence supporting the hearing officer's findings, and
 - (e) whether the terms of the court order and circumstances of its issuance justify reconsideration for requests submitted pursuant to (2)(b) above.
- (6) The Legal Division will forward appropriate requests passing legal review together with any recommendations to the board.
- (7) The board may deny or grant reconsideration requests and, when granted, order any relief it deems appropriate.
- (8) Appropriate bureau staff will inform the requestor by mail of any procedural rejection or final merits decision made on the request.

(9) Nothing in this rule shall create a right, expectation, or liberty interest in having the revocation of supervision reconsidered by the board.

Author: Eric Anderson, Gary Willford, Jr., James Walters.

Statutory Authority: Code of Alabama 1975, §§ 15-22-21, 15-22-32, 15-22-37.

History: New Rule: Published _____; effective _____.