

**CERTIFICATION OF ADMINISTRATIVE RULES
FILED WITH THE LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, DIRECTOR**

(Pursuant to Code of Alabama 1975, §41-22-6, as amended).

I certify that the attached is/are correct copy/copies of rule/s as promulgated and adopted on the 21st day of January, 2020, and filed with the agency secretary on the 21st day of January, 2020.

AGENCY NAME: Alabama Bureau of Pardons and Paroles

Amendment New Repeal (Mark appropriate space)

Rule No. Appendix
(If amended rule, give specific paragraph, subparagraphs, etc., being amended)

Rule Title: Table of Content

ACTION TAKEN: State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

Adopted with written or oral comments

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XXXVIII,
ISSUE NO. 2, AAM, DATED November 29, 2019.

Statutory Rulemaking Authority: Code of Ala. 1975 §§ 15-22-21, 37, 41-22-3

(Date Filed)
(For LRS Use Only)



Certifying Officer or his or her
Deputy

(NOTE: In accordance with §41-22-6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.

JAN 21 2020

**ALABAMA BUREAU OF PARDONS AND PAROLES
ADMINISTRATIVE CODE**

APPENDIX

TABLE OF CONTENTS

Form ABPP-1	Application for Early Parole Consideration Hearing
Form ABPP-2	Parole Guidelines
Form ABPP-3	Pardon Application
Form ABPP-4	Certificate of Eligibility to Register to Vote (“CERV”) Application
Form ABPP-5	Remission of Fine and/or Forfeiture Application
Form ABPP-6	Request to View Public Records

Application for Early Parole Consideration Hearing

Inmate Name: _____

AIS#: _____

Current Hearing Date: _____

Alabama Code Section 15-22-28(f) allows the Bureau to deviate from parole consideration hearing dates in certain circumstances. To be considered for an earlier parole consideration hearing, all of the following questions must be fully answered with supporting documentation attached where required. Inmates who meet the criteria included in this form will be referred to the agency's Review Committee who may recommend an earlier parole consideration hearing date. **Meeting all requirements of this application does not guarantee any inmate an earlier parole consideration hearing.**

1. Has the inmate served a minimum of five (5) years of his or her sentence? Yes No
2. Has the inmate completed any available evidence-based risk reducing programming, as recommended by the Department of Corrections after performing a risk and needs assessment? Yes No
*If yes, documentation showing completion of programming must be attached.
3. Has inmate received an official positive report from the Department of Corrections? Yes No
*If yes, the positive report must be attached.
4. Inmate must attach letters of support from at least one of the following:
 - Office that prosecuted inmate's case
 - Victim or victim's representative
 - Alabama Attorney General's Office
 - Sentencing judge or his/her successor
 - Law enforcement official from the county of conviction
5. Has inmate received any violent disciplinarys during his or her present incarceration? Yes No
6. Has inmate received any disciplinary of any kind during the three (3) years immediately preceding this application for an earlier parole consideration date? Yes No
7. Has inmate been assessed as LOW or MEDIUM risk of potential re-offense? Yes No Unknown
8. Inmate must attach supporting documentation to show that he or she would have been considered for parole on an earlier date under generally applicable rules or policies in effect on or before January 1, 2019.

Name of Inmate (or other individual
submitting application on inmate's behalf)

Date

Signature of Inmate (or other individual
submitting application on inmate's behalf)

For Bureau use only. Inmate should not complete this section.

Referred to Review Committee? Yes No

Employee

Date

Applications may be submitted to **the Alabama Bureau of Pardons and Paroles, Attention: Board Operations, P.O. Box 302405, Montgomery, Alabama 36130-2405** or emailed to **paroles@paroles.alabama.gov**.
Upon completion, this document will become part of the inmate's internal parole file and will be subject to statutory privilege.



PAROLE GUIDELINES

INMATE NAME: _____

AIS#: _____

The Alabama Board of Pardons and Paroles considers relevant offender information when making parole decisions, including static and dynamic risk factors, individual factors, and stakeholder input, while applying professional judgment in each case. The Parole Guidelines ensure the consistent review of certain common decisional factors for all offenders. The Baseline Score is used in conjunction with the individual case review and parole hearing as the Board considers the offender's parole readiness.

BASELINE PAROLE WEIGHTED FACTORS

I. SEVERITY OF OFFENSE OF CONVICTION:

- | | | |
|----------|------|--------------------------|
| LOW | = +0 | <input type="checkbox"/> |
| MODERATE | = +1 | <input type="checkbox"/> |
| HIGH | = +2 | <input type="checkbox"/> |

[Note: If serving sentences for multiple convictions, score controlling case only.]

SCORE

II. ACTUARIAL ASSESSMENTS:

OHIO RISK ASSESSMENT SYSTEM (ORAS)

- | | | | | |
|--------------------------|--|----------------|------|--------------------------|
| ORAS SCORE: _____ | | VERY HIGH RISK | = +5 | <input type="checkbox"/> |
| DATE ADMINISTERED: _____ | | HIGH RISK | = +3 | <input type="checkbox"/> |
| VERSION USED: _____ | | MODERATE RISK | = +2 | <input type="checkbox"/> |
| | | LOW RISK | = +0 | <input type="checkbox"/> |

OR

SEX OFFENDER RISK ASSESSMENT (STATIC 99): _____ (Indicate if N/A)

- | | | | | |
|--------------------------|--|----------------|------|--------------------------|
| STATIC 99 SCORE: _____ | | VERY HIGH RISK | = +5 | <input type="checkbox"/> |
| DATE ADMINISTERED: _____ | | HIGH RISK | = +3 | <input type="checkbox"/> |
| VERSION USED: _____ | | MODERATE RISK | = +2 | <input type="checkbox"/> |
| | | LOW RISK | = +0 | <input type="checkbox"/> |

SCORE

[Note: The Static 99 is required for sex offenders. The ORAS score is also to be reported. The highest risk score is to be used. Do not double score. Select the single highest assessment score only.]

III. INSTITUTIONAL BEHAVIOR:

- 0 DISCIPLINARIES WITHIN LAST 12 MONTHS = +0
- 1 DISCIPLINARY INVOLVING VIOLENCE W/IN LAST 12 MONTHS = +2
- 2 OR MORE DISCIPLINARIES INVOLVING VIOLENCE W/IN LAST 12 MONTHS = +5
- 1 OR MORE NON-VIOLENT DISCIPLINARIES W/IN 12 MONTHS = +1

[Note: Do not add scores. Grade highest severity disciplinary only.]

SCORE

IV. PARTICIPATION IN RISK-REDUCING PROGRAMMING/TREATMENT:

[Note: Score only defined core risk-reducing, cognitive behavior programs such as: Thinking for a Change (T4C), Residential Substance Abuse TC (RTC), Alabama Therapeutic Education Facility (ATEF), and Intensive Outpatient Treatment for Substance Abuse. Score only programs required by ADOC for the inmate following assessment of the inmate using a validated risk and needs instrument. Reasonable efforts made to complete programming include being currently enrolled, being on the waiting list for a program, being in an institution with no available required programming, and/or having no time to complete programming due to length of sentence. Unacceptable program compliance includes declining or refusing required programming or being terminated from required programming. **Inmates paroled with deficient programs should be required to complete Moral Reconation Therapy (MRT) as a condition of parole.**]

- COMPLETION OF REQUIRED PROGRAMS = +0
- DEFICIENT PROGRAMS, REASONABLE EFFORTS MADE = +0
- DEFICIENT PROGRAMS, UNACCEPTABLE COMPLIANCE = +3

SCORE

V. REENTRY PROGRESS:

- NO REENTRY PLANNING EFFORT = +2
- REENTRY PLAN IN DEVELOPMENT = +1
- COMPLETE RELEASE PLAN = +0

SCORE

[Note: No Reentry Effort – inmate has not tried to develop plan. Reentry Plan Development – inmate has begun to develop plan, plan is incomplete. Fully Complete Plan – inmate has finalized all aspects of reentry plan: housing, work, and treatment.]

BASELINE PAROLE GUIDELINE TOTAL SCORE

0 – 7 Suggests Parole Grant
8+ Suggests Parole Denial

[Note: The Baseline Parole Guideline Score establishes a “baseline” aggregate evaluation of decisional factors associated or actuarially related to risk reduction. The Board is guided by the score in its comprehensive parole hearing and evaluative decisional process.]

PARDON APPLICATION

(Read and follow the attached **INSTRUCTIONS FOR APPLYING FOR A PARDON** before submitting this Application.)

NAME OF APPLICANT: _____
(At Time of Conviction)

CURRENT NAME (if different from above): _____

MAILING ADDRESS: _____
Street or P.O. Box

City State Zip Code
Telephone# _____ Cellular# _____

E-mail Address _____

RACE: _____ **SEX:** _____ **DOB:** _____

SS#: _____ **AIS# (if applicable):** _____

CONVICTION: STATE **FEDERAL** **COUNTY OF CONVICTION(S):** _____

YEAR(S) OF CONVICTION(S): _____

(Attach a complete list of convictions for which this pardon is requested.)

IS PARDON BASED ON CLAIM OF INNOCENCE: YES NO

IS THIS APPLICATION YOUR FIRST: YES NO

IF NO, DATE OF LAST APPLICATION: _____

I have read the **INSTRUCTIONS FOR APPLYING FOR A PARDON** and agree to the terms and conditions stated in that document, including the requirement for submitting a “**WAIVER OF LIABILITY AND AUTHORITY FOR RELEASE OF INFORMATION**” form. I also acknowledge that the Alabama Board of Pardons and Paroles has complete discretion to grant or deny pardon and that there is no right to a pardon.

Signature _____ Date _____

Print Name _____

<p>ALABAMA BUREAU OF PARDONS AND PAROLES USE ONLY</p> <p>Application received on ___ day of _____, 20__.</p> <p>Tracking Number: _____.</p> <p>Waiver Form Received: Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>_____</p> <p>Print Name</p> <p>_____</p> <p>Signature</p>

ALABAMA BUREAU OF PARDONS AND PAROLES

INSTRUCTIONS FOR APPLYING FOR A PARDON

Alabama law allows convicted persons to apply for a pardon, subject to the procedures specified by law. These procedures give the Alabama Board of Pardons and Paroles the discretionary authority to grant or deny pardon applications. The Board may also consider pardons for convictions in the courts of the United States or of other states if the petitioner is, at the time of application and consideration, an Alabama resident.

Under Alabama law, the following persons may not apply for a pardon: persons convicted of treason and impeachment and persons sentenced to death and such a sentence is not commuted. For a person whose sentence to death has been commuted, such a person shall not be eligible for a pardon unless (1) sufficient evidence is presented to the Board to satisfy it that the person was innocent of the crime for which he or she was convicted, (2) the Board votes unanimously to grant the person a pardon, and (3) the Governor concurs in and approves the granting of the pardon.

PLEASE READ THESE INSTRUCTIONS BEFORE PROCEEDING WITH YOUR REQUEST.

All applications for a pardon are considered requests for a Full Pardon. **HOWEVER**, the Board retains the discretion to grant, as an alternative to a Full Pardon, a Limited Pardon, including a Pardon for Licensing/Bonding, a Pardon with Gun Rights (for Alabama convictions only), or a Pardon Excluding Gun Rights.

1) Complete the "PARDON APPLICATION" form and complete a "WAIVER OF LIABILITY AND AUTHORITY FOR RELEASE OF INFORMATION" form. These forms must be submitted to the Alabama Bureau of Pardons and Paroles at the following address:

Alabama Bureau of Pardons and Paroles
P.O. Box 302405
Montgomery, AL 36130-2405
Email: pardons@paroles.alabama.gov

2) No pardon investigation will be completed except at the request of the person whose conviction is at issue.

3) To be considered for a pardon, an applicant must have either completed his or her sentence or have successfully served at least three (3) years on parole for the sentence for which the applicant seeks a pardon.

4) Notwithstanding the foregoing, a pardon based on innocence may be granted upon the unanimous affirmative 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 approval of a circuit judge in the circuit where he or she was convicted if the judge who tried his or her case is no longer serving.

5) Upon receiving the application and waiver, the Bureau's Pardon Unit will begin investigating the applicant's case. The investigation includes current information on the applicant's home situation, job status, an updated criminal arrest record, written references, and other information as warranted. Additionally, pardon applicants must fully cooperate with the investigation of his or her criminal history, personal and social history, and the circumstances of his or her crime.

6) When the investigation is complete, the case will be docketed for consideration by the Board, and once the case is docketed, required notification will be sent to the victim, certain officials in the jurisdiction of the conviction, and the applicant.

7) The time needed to complete the investigation depends on numerous factors, and no estimate will be provided.

8) If the Board grants a pardon, the Board will also decide whether to restore any or all civil and political rights last as a result of the conviction. As required by law, Board Members shall provide the reasons supporting their decision to grant a pardon in its file. The Board's order granting a pardon will be made a matter of public record. All other portions of the file shall remain subject to statutory privilege.

9) If the Board declines to grant a pardon and/or to restore any or all civil and political rights, the applicant may not re-apply until at least two (2) years have passed from the date of the Board's action, unless expressly ordered by the Board. **Any application submitted within two (2) years of the applicant's last application will be subject to rejection.**

CERTIFICATE OF ELIGIBILITY TO REGISTER TO VOTE (“CERV”) APPLICATION

(Read and follow the attached **INSTRUCTIONS FOR APPLYING FOR A CERV** before submitting this Application.)

NAME OF APPLICANT: _____
(At Time of Conviction)

CURRENT NAME (if different from above): _____

MAILING ADDRESS: _____
Street or P.O. Box

_____ **City** **State** **Zip Code**

Telephone#: _____ **Cellular#:** _____

E-mail Address: _____

RACE: _____ **SEX:** _____ **DOB:** _____

SS#: _____ **AIS#** (if applicable): _____

CONVICTION: STATE **FEDERAL** **COUNTY OF CONVICTION(S):** _____

YEAR(S) OF CONVICTION(S): _____

(Attach a complete list of convictions for which this CERV is requested.)

I have read the **INSTRUCTIONS FOR APPLYING FOR A CERV** and agree to the terms and conditions stated in that document.

Signature **Date**

Print Name

<p>ALABAMA BUREAU OF PARDONS AND PAROLES USE ONLY</p> <p>Application received on ___ day of _____, 20__.</p> <p>Tracking Number: _____.</p> <p>Waiver Form Received: Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>_____ Print Name</p> <p>_____ Signature</p>

ALABAMA BUREAU OF PARDONS AND PAROLES

INSTRUCTIONS FOR APPLYING FOR A CERV

Alabama law allows convicted persons to apply for a certificate of eligibility to register to vote, subject to the procedures and requirements specified by law. These procedures require the Alabama Board of Pardons and Paroles to grant CERV applications if the applicant satisfies the statutory requirements put forth by Alabama Code Section 15-22-36.1.

PLEASE READ THESE INSTRUCTIONS BEFORE PROCEEDING WITH YOUR REQUEST.

1) Complete the "CERTIFICATE OF ELIGIBILITY TO REGISTER TO VOTE APPLICATION" form. The form must be submitted to the Alabama Bureau of Pardons and Paroles at the following address:

Alabama Bureau of Pardons and Paroles
P.O. Box 302405
Montgomery, AL 36130-2405
Email: pardons@paroles.alabama.gov

2) No CERV investigation will be started without a signed application from the person whose conviction is at issue.

REMISSION OF FINE AND/OR FORFEITURE APPLICATION

(Read and follow the attached **INSTRUCTIONS FOR APPLYING FOR A REMISSION OF FINE AND/OR FORFEITURE** before submitting this Application.)

FOR: REMISSION OF FINE **REMISSION OF FORFEITURE** **BOTH**

NAME OF APPLICANT: _____
(At Time of Conviction)

CURRENT NAME (if different from above): _____

MAILING ADDRESS: _____
Street or P.O. Box

City State Zip Code
TELEPHONE# _____ **CELLULAR#** _____

E-MAIL ADDRESS: _____

RACE: _____ **SEX:** _____ **DOB:** _____

SS#: _____ **AIS# (if applicable):** _____

COUNTY OF CONVICTION(S): _____ **YEAR(S) OF CONVICTION(S):** _____

(Attach a complete list of convictions for which a remission is requested.)

IS THIS APPLICATION YOUR FIRST: **YES** **NO**

IF NO, DATE OF LAST APPLICATION: _____

(Attach a short and plain statement of the reasons that the Board should remit the imposed fine(s) or forfeiture(s).)

FOR FORFEITURE

NAME OF SURETY: _____

SURETY'S ADDRESS: _____
Street or P.O. Box

City State Zip Code
SURETY'S PHONE#: _____ **SURETY'S CELLULAR#:** _____

SURETY'S E-MAIL ADDRESS: _____

SURETY'S RACE: _____ **SURETY'S SEX:** _____ **SURETY'S DOB:** _____

I have read the INSTRUCTIONS FOR APPLYING FOR A REMISSION OF FINE AND/OR FORFEITURE and agree to the terms and conditions stated in that document, including the requirement for submitting a “WAIVER OF LIABILITY AND AUTHORITY FOR RELEASE OF INFORMATION” form. I also acknowledge that the Alabama Board of Pardons and Paroles has complete discretion to grant or deny remissions for fines and/or forfeitures and that there is no right to a remission of fines and/or forfeitures.

Signature

Date

Print Name

ALABAMA BUREAU OF PARDONS AND PAROLES USE ONLY

Application received on ___ day of _____, 20__.

Tracking Number: _____.

Waiver Form Received: Yes No

Print Name

Signature

ALABAMA BUREAU OF PARDONS AND PAROLES

INSTRUCTIONS FOR APPLYING FOR A REMISSION OF FINE AND/OR FORFEITURE

Alabama law allows convicted persons to apply for a remission of fines and/or forfeitures, subject to the procedures specified by law. These procedures give the Alabama Board of Pardons and Paroles the discretionary authority to grant or deny an application for a remission of fines and/or forfeitures.

Under Alabama law, the following persons may not apply for a remission of fine and/or forfeiture: persons convicted of treason and impeachment and persons sentenced to death and such sentence is not commuted.

PLEASE READ THESE INSTRUCTIONS BEFORE PROCEEDING WITH YOUR REQUEST.

All applications for a remission of fines and/or forfeitures are considered a request for a **full remission of the imposed fines and/or forfeitures**. **HOWEVER**, the Board retains the discretion to grant, as an alternative to a full remission of fines and/or forfeitures, a partial remission of the imposed fines and/or forfeitures.

1) Complete the attached "REMISSION OF FINE AND/OR FORFEITURE APPLICATION" form and complete a "WAIVER OF LIABILITY AND AUTHORITY FOR RELEASE OF INFORMATION" form and submit these forms to the Alabama Bureau of Pardons and Paroles at the following address:

Alabama Bureau of Pardons and Paroles
P.O. Box 302405
Montgomery, AL 36130-2405
Email: pardons@paroles.alabama.gov

2) No remission of fines and/or forfeitures investigation will be started without an signed application from the person whose fine or forfeiture is at issue.

3) Upon receiving the application and waiver, the Bureau's Pardon Unit will begin investigating the applicant's case. The investigation includes current information on the applicant's home situation, job status, an updated criminal arrest record, written references, and other information as warranted. Additionally, applicants must fully cooperate with the investigation of his or her criminal history, personal and social history, and the circumstances of his or her crime.

4) When the investigation is complete, the case will be docketed for consideration by the Board, and once the case is docketed, required notification will be sent to the victim, certain officials in the jurisdiction of the conviction, and the applicant.

5) The time needed to complete an investigation varies from case to case and depends on numerous factors, so no completion date estimate will be provided.

6) The Board will only grant a remission of fines and/or forfeitures in cases to which the State of Alabama is a party.

7) If the Board grants a remission, the Board will also decide whether the remission applies to some or all imposed fines and/or forfeitures. As required by law, the Board shall provide the reasons supporting its decision to grant a remission in its order. The Board's order will be made a public record. However, all other portions of the file shall remain privileged.

8) If the Board declines to grant a remission of fines and/or forfeitures, the applicant may not submit a subsequent petition for remission in the same case.

REQUEST TO VIEW PUBLIC RECORDS

(Read and follow the attached **INSTRUCTIONS FOR REQUESTING VIEW OF PUBLIC RECORDS** before submitting this Request.)

NAME OF REQUESTING PARTY: _____

ORGANIZATION: _____

MAILING ADDRESS: _____

Street or P.O. Box

Telephone # _____ **City** _____ **State** _____ **Zip Code** _____
Cellular # _____

E-mail address _____

DESCRIPTION OF RECORD TO BE VIEWED AND/OR COPIED: _____

PROPOSED USE OF DOCUMENTS: _____

I have read the INSTRUCTIONS FOR REQUESTING VIEW OF PUBLIC RECORDS and agree to the terms and conditions stated in that document, including the requirement for advance payment of charges for research and reproduction of documents.

Signature _____ **Date** _____

Print Name

ALABAMA BUREAU OF PARDONS AND PAROLES USE ONLY			
On __ day of _____, 20__, received: \$ _____			
in payment of the following costs.			
Research:	_____ Hours @ \$23.00 =	\$ _____	
Copies:	_____ Pages @ \$.25 =	\$ _____	
Other charges:	_____	\$ _____	
TOTAL AMOUNT RECEIVED			\$ _____
_____ Print Name			
_____ Signature			

ALABAMA BUREAU OF PARDONS AND PAROLES

INSTRUCTIONS FOR REQUESTING VIEW OF PUBLIC RECORDS

Alabama law makes public writings available for viewing by its citizens, subject to exceptions that are specified by law. These exceptions generally direct that certain information is privileged or confidential.

In the interest of efficiency and good stewardship of the tax dollars that this Bureau receives to carry out its primary duties, responses to records requests are made by employees of the Alabama Bureau of Pardons and Paroles. Therefore, the following procedures have been established to provide an orderly method for requesting and viewing records that are within the jurisdiction of the Bureau.

PLEASE READ THESE INSTRUCTIONS BEFORE PROCEEDING WITH YOUR REQUEST.

The type of record being requested will determine its availability, the cost, and the time to gather the records.

1) Complete the attached "REQUEST TO VIEW PUBLIC RECORDS" form and submit it to the Alabama Bureau of Pardons and Paroles at the following address:

Alabama Bureau of Pardons and Paroles
ATTN: Communications Office
P.O. Box 302405
Montgomery, AL 36130-2405
Email: communications@paroles.alabama.gov

2) Upon receiving a completed REQUEST TO VIEW PUBLIC RECORDS form, the Bureau's Legal Department will analyze whether the requested information is held by the Bureau and subject to disclosure. Once this preliminary determination has been made, the Legal Department will provide you with an estimated research cost. Basic Research is \$23.00 per hour, with a one hour minimum, plus expenses. Research of electronic records or those not normally kept may be higher. Payment of a deposit in the amount of the estimated cost is required prior to viewing.

3) Research results will usually be available ten (10) business days after receipt of the research deposit. Numerous factors may necessitate that this time frame be extended.

4) Once the results are collected, the Legal Department will further analyze whether the documents are subject to disclosure. Once this determination is made, the documents will either be made available for viewing (and later copying/emailing or mailing) or sent to you directly by mail or email. If the documents are made available for viewing, you may request to view the records between 9 AM and 4 PM, Monday through Friday. Viewing of certain types of records not in printed form may not be possible. Copies are generally available within seven (7) days following receipt of a copy deposit. Large orders may require longer. The charge for black and white photocopies will be at least \$.25 per single-side page. For color copies, copies in other media, or certified copies there will be an additional charge.

5) **Summary of Costs:** As mentioned above, you are required to pay any research, copying, and/or shipping fees incurred by the Bureau. However, you will only be charged if the total fees exceed \$25.00.

NOTICE TO NEWS MEDIA - News Media representatives on deadline should contact the Communications Office at (334) 242-0507 for assistance. Accommodation of a deadline schedule will be attempted to the extent that current workload will permit. Fees and costs are not waived.