

APA-3

**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 21<sup>st</sup> day of January, 2020, and filed with the agency secretary on the 21<sup>st</sup> day of January, 2020.

AGENCY NAME: Alabama Bureau of Pardons and Paroles

Amendment  New  Repeal (Mark appropriate space)

Rule No. Chapter 640-X-10

(If amended rule, give specific paragraph, subparagraphs, etc., being amended)

Rule Title: Agency Records

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.

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

**CHAPTER 640-X-10  
AGENCY RECORDS**

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**640-X-10-.01**      **Statutorily Privileged Records.** The files and records of the Agency pertaining to all paroles, pardons, restoration of civil and political rights, and remission of fines and forfeitures are confidential and subject to an absolute statutory governmental privilege. All probation files and records maintained by the Agency are also statutorily privileged and may only be produced upon order of the appropriate sentencing court. However, in no case shall the right to inspect a probation report be denied the defendant or his/her legal counsel after the report has been completed or filed. Privileged records are not public records.

**Authors:** Meridith H. Barnes, Laura B. Mest, Greg Locklier.

**Statutory Authority:** Code of Ala. 1975, §§ 15-22-21, 36, 37, 53.

**History: New Rule:** Filed January 21, 2020; **Effective:** March 16, 2020.

**640-X-10-.02**      **Public Records.** Copies of any Agency record classified as a public record by these rules may be requested by submitting a public records request on an approved Agency form (Form ABPP-6), along with requisite payment to cover the cost of production as provided by Alabama law.

**Authors:** Meridith H. Barnes, Laura B. Mest, Greg Locklier.

**Statutory Authority:** Code of Ala. 1975, §§ 15-22-21, 36, 37, 36-12-40, 41.

**History: New Rule:** Filed January 21, 2020; **Effective:** March 16, 2020.

**640-X-10-.03**      **Rules Not Subject to Administrative Procedure Act.**

The Bureau is statutorily excluded from adhering to the requirements of the Administrative Procedures Act concerning its adoption of rules, procedures, guidelines, or other policies concerning the supervision of parolees or probationers. Those rules, procedures, and guidelines are maintained internally and shall not be considered public record.

**Authors:** Meridith H. Barnes, Laura B. Mest, Greg Locklier.

**Statutory Authority:** Code of Ala. 1975, §§ 15-22-36, 37, 41-22-3.

**History: New Rule:** Filed January 21, 2020; **Effective:** March 16, 2020.