

**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. Chapter 640-X-6

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

Rule Title: Hearing Procedures

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

Adopted without 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-6
HEARING PROCEDURES**

TABLE OF CONTENTS

640-X-6-.01	Post-hearing Notification and Certification
640-X-6-.02	Reconsideration
640-X-6-.03	Notice of Certification

640-X-6-.01 **Post-hearing Notification and Certification.** After the Board has entered an order granting any pardon, parole, restoration of civil and political rights, and/or remission of fine and forfeiture, the file shall be processed for post-hearing notification of all required parties under law of the Board's decision. At such time and only once the parolee's home plan is verified for all parole grants, the Board's order granting parole shall be transmitted to the Department of Corrections by distributing a copy of the Board's official action sheet with the conditions of parole to the Department so as to effect the parolee's release from custody. Also at such time, for all pardon and/or remission grants, certificates of pardon and/or remission shall additionally be produced, reflecting the order of the Board. Any limitations placed upon the relief granted by the Board shall be reflected in the certificate. Certificates shall be timely issued to the offender to whom relief has been granted.

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

Statutory Authority: Code of Ala. 1975, §§ 15-22-21, 23, 37.

History: Filed April 9, 2002; effective May 14, 2002; **Repealed and New**

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

640-X-6-.02 **Reconsideration.** Prior to the date on which an inmate is released from custody of the Department of Corrections on parole or a pardon and/or remission certificate is issued to the offender, the Board may reconsider the relief at issue. Reconsideration may occur as follows:

(a) If good cause is found by any Board Member or Bureau official that suggests the relief could be held null and void, additional facts come to the attention of any Board Member or Bureau official, or for any other reason, such shall be documented and placed in the inmate's file and the case shall be returned to the Board during its current or next open public meeting.

(b) Any member of the Board may void his/her own vote to order relief. If any member of the Board voids his/her vote to order relief, the case shall be docketed for reconsideration. Notice of any reconsideration hearing shall be provided as required by law. The order previously entered by the Board granting relief shall be stayed pending such reconsideration.

(c) If, after the Board has conducted a reconsideration hearing, the record still contains the requisite number of votes in favor of relief, the stay shall be lifted.

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

Statutory Authority: Code of Ala. 1975, §§ 15-22-21, 23, 37.

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

640-X-6-.03 **Public Notice of Board Decisions.** Notice of the action taken by the Board granting any pardon or parole will be made through the statewide automated notification system and by posting public notice on the Bureau's website in accordance with Alabama law.

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

Statutory Authority: Code of Ala. 1975, §§ 15-22-21, 23, 37.

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