

**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-7

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

Rule Title: Pardons

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.

REC'D & FILED  
JAN 21 2020  
LEGISLATIVE SVC AGENCY

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

**CHAPTER 640-X-7  
PARDONS**

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**640-X-7-.01**      **Pardons.**

(1) An individual applying for a pardon with or without restoration of civil and political rights may appear at any Bureau office to complete and/or submit an application (Form ABPP-3) or may submit an application by mail or electronically to the Bureau. Except as authorized by the Rosa Parks Act (Alabama Code Sections 15-22-90 through 92) and the Scottsboro Boys Act (Alabama Code Sections 15-22-110 through 115), no pardon investigation will be completed except at the request of the person whose conviction is at issue. Applications submitted under the Rosa Parks Act or the Scottsboro Boys Act shall comply with the requirements put forth for such applications by Alabama law. The Board will consider pardons for convictions in the courts of the State of Alabama for violations of state law. The Board will 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.

(2) 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.

(3) 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 no longer serving.

(4) Pardon applicants must fully cooperate with investigation of his or her criminal history, personal and social history, and the circumstances of the crime.

(5) When the pardon application and investigation is complete, the case will be docketed for consideration by the Board subject to notification as required by law.

(6) If the Board votes to grant a pardon, the Board will also decide whether to restore any or all civil and political rights lost as a result of the conviction. As required by law, Board Members shall provide the reasons supporting their decision to grant a pardon in the 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.

(7) 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 Board action, unless otherwise expressly ordered by the Board.

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

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

**History:** Filed April 9, 2002; effective May 14, 2002; **Repealed and New**

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

#### **640-X-7-.02**

#### **Certificate of Eligibility to Register to Vote.**

(1) An individual seeking a Certificate of Eligibility to Register to Vote ("CERV") shall file an application on a form approved by the Agency (Form ABPP-4). All pardon procedures established by Rule 640-X-7-.01 shall generally apply to CERV except that a CERV shall be granted within forty-four (44) days to an applicant who meets all of the following requirements as verified by the Alabama Code Section 15-22-36.1 investigation and reporting process:

(2) The person has lost his or her right to vote by reason of conviction in a state or federal court in any case except for any of the following offenses: impeachment, murder, rape in any degree, sodomy in any degree, sexual abuse in any degree, incest, sexual torture, enticing a child to enter a vehicle for immoral purposes, soliciting a child by computer, production of obscene matter involving a minor, production of obscene matter, parents or guardians permitting children to engage in obscene matter, possession of obscene matter, possession with intent to distribute child pornography, or treason.

(a) The person has no criminal felony charges pending against him or her in any state or federal court.

(b) The person has paid all fines, court costs, fees, and victim restitution ordered by the sentencing court at the time of sentencing on disqualifying cases.

(c) Any of the following are true:

1. The person has been released upon completion of sentence.

2. The person has been pardoned.

3. The person has successfully completed probation or parole and has been released from compliance by the ordering entity.

(3) Application for CERV shall not affect the right of any person to apply for a pardon with or without restoration of civil or political rights or remission of fine or forfeiture pursuant to Alabama Code Section 15-22-36 or Rule 640-X-7-.01 of this Chapter.

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

**Statutory Authority:** Code of Ala. 1975, §§ 15-22-21, 36.1, 37.

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