

**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-8

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

Rule Title: Remission of Fines and Forfeitures

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-8  
REMISSION OF FINES AND FORFEITURES**

**TABLE OF CONTENTS**

<b>640-X-8-.01</b>	<b>Remission of Fines</b>
<b>640-X-8-.02</b>	<b>Remission of Forfeitures</b>

**640-X-8-.01**      **Remission of Fines.** Remissions of fines may be granted in conjunction with a pardon at a properly noticed Board hearing. All pardon procedures established by Rule 640-X-7-.01 shall generally apply to remissions of fines except as follows:

(1) The Board will exercise its authority to remit fines only in cases to which the State of Alabama is a party.

(2) An individual seeking remission of a fine shall file an application on a form approved by the Agency. (Form ABPP-5). The application shall contain a short and plain statement of the reasons that the applicant believes it would be just for the Board to remit some or all of the fine imposed.

(3) The applicant shall cooperate in the Agency's investigation of the matter and shall provide information about his or her personal, social, and criminal history, and the details of the offense at issue.

(4) The investigating officer shall contact the sentencing judge and the appropriate district attorney, or their successors, to seek their input.

(5) When the Board considers an application for remission of fine, it shall consider whether to deny the remission entirely, remit a portion of the fine (and if so, what portion), or remit the entire fine. Unless a majority of the Board agrees to a specific grant of relief, all relief is denied. No applicant shall be permitted to file a subsequent petition for remission in the same case after a Board decision has been rendered.

(6) If the Board votes to grant a remission, each member of the Board favoring the grant shall enter into the file a detailed statement of

his or her reasons for favoring such remission. The remission order shall specify what portion of the fine is remitted. This entry and order shall become public record. All other portions of the file shall remain subject to statutory privilege.

**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-8-.02**            **Remission of Forfeitures.** Remissions of forfeitures may be granted in conjunction with a pardon at a properly noticed Board hearing. All pardon procedures established by Rule 640-X-7-.01 shall generally apply to remissions of forfeitures except as follows:

(1)    The Board will exercise its authority to remit forfeitures only in cases to which the State of Alabama is a party.

(2)    An individual seeking remission of a forfeiture shall file an application on a form approved by the Agency. (Form ABPP-5). The application shall contain a short and plain statement of the reasons that the applicant believes it would be just for the Board to remit some or all of the forfeiture imposed.

(3)    No application for remission of forfeiture will be considered unless the principal has been convicted of the underlying offense.

(4)    The Board will consider applications for remission of forfeiture from the principal and the surety, with notice of the Board's forfeiture remission hearing and action taken provided to both the principal and the surety. In making their application, applicants applying individually as the principal or the surety must provide up-to-date contact information for both the principal and surety.

(5)    All parties shall cooperate in the agency's investigation of the matter, which will include information about the applicant's personal, social, and criminal history and the details of the offense at issue. The investigation shall provide a clear picture of the applicant's economic status.

(6)    The investigating officer shall contact the sentencing judge and the appropriate district attorney or their successors to seek their input.

(7)    When the Board considers an application for remission of forfeiture, it shall consider whether to deny the remission entirely, remit a

portion of the forfeiture (and if so, what portion), or remit the entire forfeiture. Unless a majority of the Board agrees to a specific grant of relief, all relief is denied. No applicant shall be permitted to file a subsequent petition for remission on the same case after the Board has decided his or her case.

(8) If the Board votes to grant a remission, each member of the Board favoring the grant shall enter into the file a detailed statement of his or her reasons for favoring such remission. The remission order shall specify what portion of the forfeiture is remitted. This entry and order shall become public record. All other portions of the file shall remain subject to statutory privilege.

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

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

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