

HB481

By Representative Ward

RFD Government Finance and Appropriations

Rd 1 17-FEB-05

SYNOPSIS: Under existing law, the State Board of Pardons and Paroles may deduct for room and board an amount not to exceed 25 percent from the adjusted gross monthly income of each person residing at a community residential facility operated by the board. There is no authorization for the deduction from the wages of the persons for the payment of restitution, court costs, fines, or other court ordered fees and assessments.

This bill would require the Board of Pardons and Parole to deduct 45 percent from the gross wage of each person residing at a community residential facility operated by the board consistent with the amounts authorized by existing law from defendants assigned to a work release or other residential program operated by a community corrections provider. This bill would also provide for the distribution of the proceeds, for supervision and upkeep, restitution, and court costs, and in hardship cases, would authorize the supervision and upkeep fees to be waived, in whole or in part, by the Board of Pardons and Paroles.

This bill would provide for an appropriation for fiscal years 2006 and 2007.

A BILL
TO BE ENTITLED
AN ACT

To amend Section 15-22-30 of the Code of Alabama 1975, providing for a deduction from the adjusted gross income of persons residing in community residential facilities for room and board; to provide for the deduction from the gross wage of each person residing at a community residential facility operated by the State Board of Pardons and Paroles; to provide for the distribution of the proceeds; and to provide for an appropriation for fiscal years 2006 and 2007.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 15-22-30 of the Code of Alabama 1975, is amended to read as follows:

§15-22-30.

"(a)(1) The Unless waived in whole or in part based on hardship as provided in subdivision (4), the State Board of Pardons and Paroles ~~is authorized to charge~~ shall deduct 45 percent from the gross wages of each parolee resident of person residing in a community residential facility a

~~monthly amount for room and board which shall not exceed 25 percent of the adjusted gross monthly income of the parolee; provided, that under~~ operated by the board.

"(2) The proceeds from the 45 percent deduction shall be applied as follows:

"a. Twenty-five percent shall be applied to the costs incident to the supervision and upkeep of the person.

"b. Ten percent shall be applied to payment of court costs, fines, court ordered fees, and other assessments ordered resulting from the conviction until all of the forgoing owed by the person have been paid.

"c. Ten percent shall be applied to the payment of any restitution until all of the restitution owed by the person has been paid.

"d. Notwithstanding the foregoing, in the event either court ordered assessments under subsection (a)(2)(b) or restitution under subsection (a)(2)(c) have been fully paid, 10 percent shall be applied to any remaining balance of court ordered assessments or restitution due, until paid in full.

"(3) The remainder of the wages may be deposited in an account established for the person by the board and used to pay for the care of dependents, savings, and spending money of the person.

"(4) Under hardship circumstances such charge, all or any part of the costs incident to supervision and upkeep in a community residential facility may be waived for a parolee resident by the board for a person residing in a facility upon the written recommendation by the director of the facility.

"(b) The proceeds from any charges collected under the provisions of this section shall be paid into the State Treasury to the credit of the General Fund Probationer's Upkeep Fund operated by the Board of Pardons and Paroles and shall be used exclusively for funding the community residential facilities program of the State Board of Pardons and Paroles and for payment of court ordered monies to be distributed by the board to the appropriate circuit clerk for payment.

"(c) Fees collected pursuant to this act in the fiscal years ending on September 30, 2006, and ending on September 30, 2007, are hereby appropriated to the Board of Pardons and Paroles and shall be in addition to all other appropriations to the board.

"~~(e)~~ (d) The State Board of Pardons and Paroles is hereby authorized to may promulgate and effect all rules and regulations necessary to implement the provisions of this section."

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Pardons and Paroles Board

Crimes and Offenses

Criminal Law and Procedure

Court Costs

Restitution

Room and Board

Code Amended