

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 640
Department or Agency: Alabama Board of Pardons and Paroles
Rule No.: 640-X-9-.07
Rule Title: Revocation Reconsideration Procedures
Intended Action: New

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? NA

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer

Cam Ward
Cam Ward

REC'D & FILED

Date

Tuesday, May 19, 2026

MAY 20, 2026

LEGISLATIVE SVC AGENCY

ALABAMA BOARD OF PARDONS AND PAROLES

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Pardons and Paroles

RULE NO. & TITLE: 640-X-9-.07 Revocation Reconsideration Procedures

INTENDED ACTION: New

SUBSTANCE OF PROPOSED ACTION:

To establish and formalize the procedures for reconsidering decisions to revoke parole or to revoke release to mandatory supervision.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Written comments may be directed to Alatia R. Midkiff, Alabama Bureau of Pardons and Paroles, 301 South Ripley Street, Montgomery, AL 36104.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Monday, July 6, 2026

CONTACT PERSON AT AGENCY:

Alatia R. Midkiff  
Attn: Legal Department  
301 South Ripley Street  
Montgomery, AL 36104

*Cam Ward*

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Cam Ward

(Signature of officer authorized  
to promulgate and adopt  
rules or his or her deputy)

Revocation Reconsideration Procedures.

- (1) Following revocation of parole or mandatory supervision, the person supervised may request reconsideration by the board.
- (2) Persons seeking revocation reconsideration may only do so by submitting an ABPP-7 within either two months of:
  - (a) the board's order revoking supervision; or
  - (b) an acquittal, dismissal (with prejudice), or nolle prosequi (with prejudice and without conditions) of all criminal charges relied upon by the Board to revoke parole.
- (3) Reconsideration requests submitted pursuant to section (2)(b) must include a copy of the relevant court order.
- (4) Bureau staff will screen submitted applications for completeness before forwarding to the Legal Division for legal review. Staff may summarily reject incomplete or procedurally improper requests without obtaining legal review.
- (5) At minimum, legal review will consist of determining:
  - (a) the lawfulness of the sanction imposed by the board,
  - (b) the revocation proceeding's compliance with due process requirements,
  - (c) whether clear and convincing evidence of innocence exists,
  - (d) whether the parole court record contains non-hearsay evidence supporting the hearing officer's findings, and
  - (e) whether the terms of the court order and circumstances of its issuance justify reconsideration for requests submitted pursuant to (2)(b) above.
- (6) The Legal Division will forward appropriate requests passing legal review together with any recommendations to the board.
- (7) The board may deny or grant reconsideration requests and, when granted, order any relief it deems appropriate.
- (8) Appropriate bureau staff will inform the requestor by mail of any procedural rejection or final merits decision made on the request.

(9) Nothing in this rule shall create a right, expectation, or liberty interest in having the revocation of supervision reconsidered by the board.

**Author:** Eric Anderson, Gary Willford, Jr., James Walters.

**Statutory Authority:** Code of Alabama 1975, §§ 15-22-21, 15-22-32, 15-22-37.

**History: New Rule:** Published \_\_\_\_\_; effective \_\_\_\_\_.