

ALEC EXPOSED

"ALEC" has long been a secretive collaboration between Big Business and "conservative" politicians. Behind closed doors, they ghostwrite "model" bills to be introduced in state capitols across the country. This agenda—underwritten by global corporations—includes major tax loopholes for big industries and the super rich, proposals to offshore U.S. jobs and gut minimum wage, and efforts to weaken public health, safety, and environmental protections. Although many of these bills have become law, until now, their origin has been largely unknown. With **ALEC EXPOSED**, the Center for Media and Democracy hopes more Americans will study the bills to understand the depth and breadth of how big corporations are changing the legal rules and undermining democracy across the nation.

ALEC's Corporate Board —in recent past or present

- AT&T Services, Inc.
- centerpoint360
- UPS
- Bayer Corporation
- GlaxoSmithKline
- Energy Future Holdings
- Johnson & Johnson
- Coca-Cola Company
- PhRMA
- Kraft Foods, Inc.
- Coca-Cola Co.
- Pfizer Inc.
- Reed Elsevier, Inc.
- DIAGEO
- Peabody Energy
- Intuit, Inc.
- Koch Industries, Inc.
- ExxonMobil
- Verizon
- Reynolds American Inc.
- Wal-Mart Stores, Inc.
- Salt River Project
- Altria Client Services, Inc.
- American Bail Coalition
- State Farm Insurance

For more on these corporations, search at www.SourceWatch.org.

& MEETING

DID YOU KNOW? Corporations VOTED to adopt this. Through ALEC, global companies work as "equals" in "unison" with politicians to write laws to govern your life. Big Business has "a VOICE and a VOTE," according to newly exposed documents. **DO YOU?**

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Open Parole Hearings Act

Did you know the NRA--the National Rifle Association--was the corporate co-chair in 2011?

Summary

This Act would require the department of corrections to notify victims of crime of upcoming parole hearings at least 30 days in advance of such hearings. The Act would also require the parole board to promulgate rules governing attendance and participation at parole hearings and would substantially restrict the circumstances that could lead to a parole hearing being closed to the public. The parole board would be required to accept victim impact statements at parole hearings.

Model Legislation

{Title, enacting clause, etc.}

Section 1. {Title.} This Act may be cited as the Open Parole Hearings Act.

Section 2. {Definitions.} As used in this Act:

- (A) "Applicant" means an inmate whose parole application is before the parole board.
- (B) "Board" means the parole board as established in [insert appropriate state law].
- (C) "Parolee" means the subject of parole revocation proceedings.
- (D) "Parole hearing" means the formal examination of an inmate application for early release from incarceration.
- (E) "Parole revocation hearing" means the formal examination of allegations that a parolee's parole should be revoked.
- (F) "Victim" means an individual who has suffered direct or threatened physical, emotional, or financial harm as the result of the commission of a crime or an immediate family member of a minor or a homicide victim.
- (G) "Victim impact statement" means a statement providing information about the financial, emotional, and physical effects of a crime on the victim and the victim's family, and specific information about the victim, the circumstances surrounding the crime, and the manner in which it was perpetrated.
- (H) "Victim representative" means a spouse, parent, child, sibling, or other relative of a deceased or incapacitated victim or of a victim who is under [cite state law] years of age, or a person who has had a close relationship with the victim and is designated by the court to be a victim representative.

Section 3. {Open hearings.}

- (A) The board may restrict the number of individuals allowed to attend parole or parole revocation hearings in accordance with physical limitations or security requirements of the hearing facilities.
- (B) The board may deny admission or continued attendance at parole or parole revocation hearings to individuals who:
 - (1) threaten or present danger to the security of the institution in which the hearing is being held;
 - (2) threaten or present a danger to other attendees or participants; or
 - (3) disrupt the hearing.
- (C) Upon formal action of a majority of the board members present, the board may close parole and parole revocation hearings in order to:
 - (1) deliberate upon the oral testimony and any other relevant information received from applicants, parolees, victims, or others; or
 - (2) provide applicants and parolees the opportunity to challenge confidential information which they believe detrimental to their applications or revocation proceedings.
- (D) Upon written request of the [attorney general/chief law enforcement official responsible for an ongoing criminal investigation] and formal action of a majority of the parole board members present, the board may hold closed parole or parole revocation

hearings to protect ongoing investigations.

Section 4. {Finality of board decisions.} A board decision to grant parole or not to revoke parole shall become final 30 days after it has been noted in the public record unless within that time the board schedules a new hearing, pursuant to Subsection (G) of Section 5. A board decision to revoke parole shall become final immediately.

Section 5. {Notification of future parole eligibility.}

(A) Within 90 days of an inmate's incarceration for a felony offense the Department of Corrections shall notify the victim or the victim's representative of the earliest possible date the inmate will be eligible for parole consideration. A copy of the rules developed under Section 6 shall be included with the notice.

(B) If the board has received a request for notice of scheduled parole and parole revocation hearings from a victim or victim representative, at least 30 days prior to a scheduled parole hearing for an inmate convicted of a felony offense and at least 5 days prior to a scheduled parole revocation hearing for a parolee the board shall notify the victim or the victim's representative who has requested notification of the date, time, and place of the scheduled hearing. A copy of the rules developed pursuant to Section 6 shall be included with the notice. However, at any time the victim or victim's representative may withdraw the request for notice by sending the court a written certified statement that the request for notice is withdrawn.

(C) At least 30 days prior to a scheduled parole hearing for an inmate convicted of a felony offense and at least 5 days prior to a scheduled parole revocation hearing of a parolee, the board shall send a notice of the date, time, and place of the hearing to the office of the prosecuting attorney in the county in which the crime was prosecuted and to the branch of the court in which the applicant or parolee was sentenced.

(D) At least 30 days prior to a scheduled parole hearing for an inmate convicted of a felony offense, the board shall send a notice of the date, time, and place of the hearing to a newspaper of general circulation in the city or county where the crime was committed.

(E) No later than [determined by legislature] days after a parole hearing or parole revocation hearing, the board shall send notice of its decision to those required to receive notice under Subsections (B) and (C) of this Section, together with notice that any victim whom the board failed to notify as required in Subsection (B) of this Section has the opportunity to have a written victim impact statement considered by the board, pursuant to Subsection (G) of this Section.

(F) No later than [determined by legislature] days after a parole hearing resulting in parole of an applicant or a parole revocation hearing resulting in continued parole of a parolee, the board shall cause to have its decision published in a newspaper of general circulation in the city or county where the crime was committed, together with a notice that any victim whom the board failed to notify as required in Subsection (B) of this Section has the opportunity to have a written victim impact statement considered by the board, pursuant to Subsection (G) of this Section.

(G) Prior to a parole hearing or parole revocation hearing, a party to whom the board failed to provide the notice required in Subsections (B) and (C) may request the board to postpone the scheduled hearing. Upon that request, the board shall postpone the scheduled parole or parole revocation hearing in order to provide a reasonable opportunity for the party to attend the hearing and, if that party is a victim, to submit a victim impact statement. However, in no event shall the hearing be postponed more than [determined by legislature] days nor less than [determined by legislature].

(H) Any notice required to be provided to the victim or victim representative by this section shall be mailed to the last known address of the victim or the victim representative. It is the responsibility of the victim or victim representative to provide the Department of Corrections and the board with a current mailing address.

Section 6. {Parole board rules.} Within 90 days of the effective date of this Act, the board shall develop rules governing attendance at board hearings and submission and use of victim impact statements. The rules shall govern:

(A) the requirement that those requesting notification of parole and parole revocation hearings keep the board advised of their current addresses and telephone numbers;

(B) instructions for attending and participating in parole and parole revocation hearings;

(C) the limitation on attendance as set forth in Subsection (B) of Section 3;

(D) reasonable limitations on oral presentations; and

(E) the board's discretion to investigate victim impact statements and applicant and parolee challenge of victim impact statements.

Section 7. {Victim impact statements.}

(A) The board shall receive and consider victim impact statements.

(B) Written victim impact statements shall not be made available to the public without written consent of victims or their representatives.

(C) The board shall make written victim impact statements available to applicants or parolees no later than [determined by legislature] days before the hearing. However, in no event shall applicants, parolees, or their attorneys be provided with the residential or business address of victims or victim representatives or any information which, if disclosed, might result in harm, physical or otherwise, to any person.

(D) Assertions made in a victim impact statement may be investigated and verified by the board.

(E) In parole hearings an applicant, parolee, counsel for an applicant or parolee, or any other person on behalf of an applicant or parolee may provide the board with information challenging assertions made in a victim impact statement and present witnesses at the hearing to give testimony challenging the assertions in a victim impact statement. Only members of the board may question the victim concerning assertions made in the statement.

(F) In parole revocation hearings, the parolee shall have the opportunity to respond to the victim impact statement either orally or in writing.

(G) All (written) victim impact statements shall be part of the applicant's or parolee's parole file.

Section 8. {Severability clause.}

Section 9. {Repealer clause.}

Section 10. {Effective date.}

ALEC's Sourcebook of American State Legislation 1995

About Us and ALEC EXPOSED. The Center for Media and Democracy reports on corporate spin and government propaganda. We are located in Madison, Wisconsin, and publish www.PRWatch.org, www.SourceWatch.org, and now www.ALECexposed.org. For more information contact: editor@prwatch.org or 608-260-9713.

Center for Media
and Democracy's
quick summary:

This is part of a bundle of 1995 bills that aim to include victims in the criminal justice process.