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JOHN Q. HAMM
COMMISSIONER

March 6, 2025

ADMINISTRATIVE REGULATION

**OPR: LEGAL-OFFICE OF GENERAL
COUNSEL**

NUMBER

003

ADMINISTRATIVE REGULATIONS EXEMPTION

I. GENERAL

This Alabama Department of Corrections (ADOC) Administrative Regulation (AR) establishes responsibilities, policies, and procedures for providing a monitored mechanism whereby Wardens/designee, Associate/Deputy Commissioner, Director, or office can request AR exemptions.

II. POLICY

The ADOC shall maintain a monitored mechanism allowing for exemptions to departmental ARs only as specified through the following procedures.

III. DEFINITIONS AND ACRONYMS

A. **Office of Primary Responsibility (OPR)**: The Office of Primary Responsibility is that Warden/designee, Associate/Deputy Commissioner, Director, office, or activity having functional responsibility for the program, procedure, law, rule, or regulation matter.

B. **Exemption**: Waiver of criteria.

IV. RESPONSIBILITIES

A. The Commissioner shall be the only approving authority for exemption approvals.

B. The Office of General Counsel shall be responsible for coordinating ADOC Form 003-A, *Administrative Regulation Exemption Requests*, between the requesting party, and the Commissioner.

C. The OPR is responsible for submitting ADOC Form 003-A, *Administrative Regulation Exemption Requests*.

V. PROCEDURES

- A. The OPR shall submit in writing, on ADOC Form 003-A, *Administrative Regulation Exemption Request*, to the Office of General Counsel who will review the request and ensure necessary details are clearly explained. If any necessary information is missing, the Office of General Counsel will contact the OPR who submitted ADOC Form 003-A, *Administrative Regulation Exemption Request*, for more details.
- B. These requests must contain at least the following:
 - 1. The AR section cite(s) for which the exemption is being requested.
 - 2. Reason for non-compliance with the AR or any of its parts.
 - 3. Staffing, funding, or other changes needed in order to comply.
 - 4. Timetable needed to comply.
- C. The Office of General Counsel will review and evaluate the request and upon completion will make the recommendation for approval or denial. The request will then be returned to the Office of General Counsel who will forward it to the Commissioner for consideration.
- D. The Commissioner shall make the final determination and return the original request and decision to the Office of General Counsel.
- E. The Office of General Counsel shall notify the OPR, of the final decision through provision of the completed ADOC Form 003-A, *Administrative Regulation Exemption Request*.
- F. The AR exemptions will be reviewed on an annual basis by the respective AR author.
- G. All previously granted AR exemptions are automatically terminated upon issuance of a new AR for which the exemption was granted or when the approved timetable needed to comply has been reached.
- H. The OPR shall notify the Office of General Counsel when approved exemption requests are no longer needed.
- I. The Office of General Counsel will notify the Commissioner when the exemption request is no longer needed.

VI. DISPOSITION

Any forms used will be disposed of and retained according to the Departmental Records Disposition Authority (RDA).

VII. FORMS

ADOC Form 003-A, *Administrative Regulation Exemption Request*.

VIII. SUPERSEDES

This Administrative Regulation supersedes AR 003, *Administrative Regulations Exemption*, dated December 15, 2022.

IX. PERFORMANCE

Code of Alabama 1975 § 14-1-1.1 *et seq.*



John Q. Hamm
Commissioner

ALABAMA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION EXEMPTION REQUEST



TO: Legal – Office of General Counsel

FROM: Office of Primary Responsibility (OPR) _____ DATE: _____

AR #: _____

Reasons for current non-compliance or lack of applicability: _____

Staffing, money, and such required in order to comply: _____

Timetable needed in order to comply: _____

Comments by OPR: _____

Comments by Legal – Office of General Counsel: _____

Comments by Commissioner: _____

_____ Exemption Granted _____ Exemption Denied

Commissioner's Signature

Date