

1 HB519
2 117978-1
3 By Representatives Boyd, Thomas (J), Warren, Kennedy, Guin,
4 Newton (D), Graham, Beech, Robinson (O), Scott, Payne,
5 Hubbard, McClurkin, Wood, Todd, Canfield, Moore (P), Drake,
6 Irons and White
7 RFD: Boards and Commissions
8 First Read: 09-FEB-10

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8 SYNOPSIS: Under existing law, the Commission on Girls
9 and Women in the Criminal Justice System was
10 created by joint resolution and will dissolve in
11 2010.

12 This bill would provide for a permanent
13 commission and would specify the composition,
14 duties, compensation, and operation of the
15 commission.

16
17 A BILL
18 TO BE ENTITLED
19 AN ACT

20
21 Creating the Commission on Girls and Women in the
22 Criminal Justice System and specifying its composition,
23 duties, compensation, and operation.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. (a) The Commission on Girls and Women in
26 the Criminal Justice System is created.

1 (b) The commission shall be composed of all of the
2 following members:

3 (1) Three members of each house, to be appointed by
4 the presiding officer in each house. One member of each house
5 shall be designated the co-chairperson of the commission.

6 (2) The Director of the Board of Pardons and Paroles
7 or his or her designee.

8 (3) The Commissioner of the Department of
9 Corrections or his or her designee.

10 (4) The Executive Director of the Alabama Department
11 of Youth Services or his or her designee.

12 (5) The Commissioner of the Department of Human
13 Resources or his or her designee.

14 (6) The Commissioner of the Department of Mental
15 Health and Mental Retardation or his or her designee.

16 (7) The Executive Director of the Alabama Sentencing
17 Commission or his or her designee.

18 (8) The State Health Officer of the Alabama
19 Department of Public Health or his or her designee.

20 (9) The Chancellor of Postsecondary Education or his
21 or her designee.

22 (10) The President of the Alabama Association of
23 Community Corrections or his or her designee.

24 (11) The Deputy Commissioner of the Substance Abuse
25 Division of the Department of Mental Health and Mental
26 Retardation or his or her designee.

1 (12) The Executive Director of the Association of
2 County Commissions of Alabama or his or her designee.

3 (13) A circuit court judge appointed by the Chief
4 Justice of the Supreme Court of Alabama.

5 (14) The Chief Justice of the Supreme Court of
6 Alabama.

7 (15) A representative from the Alabama Coalition
8 Against Domestic Violence.

9 (16) A representative from Aid to Inmate Mothers.

10 (17) A re-entry professional appointed by the
11 Governor.

12 (18) Two members of the Alabama State Bar
13 Association with experience relating to women's legal issues,
14 juvenile justice, or criminal justice appointed by the
15 association president.

16 (19) An attorney specializing in criminal defense,
17 appointed by the Alabama Association of Criminal Defense
18 Lawyers.

19 (20) A district attorney, appointed by the District
20 Attorney's Association.

21 (21) A representative of the Alabama's Women's
22 Resource Network.

23 (22) An adult recipient or family member of
24 programs/services of the Criminal or Juvenile Justice System
25 appointed by the chair.

26 (23) The Executive Director of the Alabama Sheriff's
27 Association or his or her designee.

1 (24) The Executive Director of the Fraternal Order
2 of Police or his or her designee.

3 (25) The Chairman of the Alabama Juvenile Court
4 Judges Association or his or her designee.

5 (26) The President of the Chief Juvenile Probation
6 Officers Association or his or her designee.

7 (27) The State Superintendent of Education or his or
8 her designee.

9 (c) The membership of the commission shall be
10 inclusive and reflect the racial, gender, geographic, urban
11 and rural, and economic diversity of the state.

12 (d) Citizen members of the commission shall serve at
13 the pleasure of the appointing authority.

14 (e) Initial legislative members of the commission
15 shall be appointed after the effective date of this act.
16 Thereafter, legislative members of the commission shall be
17 appointed by the incoming President of the Senate and the
18 incoming Speaker of the House of Representatives after the
19 election of such officers for each legislative term.
20 Legislative members shall serve a term concurrent with the
21 legislative term of office.

22 (f) Legislative members of the commission may serve
23 on the commission during the term which appointed, and if
24 reelected to the same house without break in service to that
25 house, during the succeeding legislative term until a
26 successor on the commission is appointed.

1 (g) Legislative vacancies shall be filled by the
2 appointing authority who appointed the vacating member for the
3 remainder of the vacated term.

4 (h) The commission shall meet for the purpose of
5 organizing and electing such officers as it deems advisable,
6 determining a quorum, adopting procedures for operations, and
7 attending to such other matters as it deems appropriate within
8 45 days of the effective date of this act. The date, time, and
9 place of the first meeting shall be determined by the Speaker
10 of the House of Representatives.

11 Section 2. (a) The commission shall study the
12 conditions, needs, issues, and problems of the criminal
13 justice system in Alabama as it affects girls and women by
14 conducting walk through inspections of each of the women's
15 correctional facilities and female youth facilities and have
16 unimpeded access to all documents of public record produced,
17 used, and maintained by entities of the criminal justice
18 system to assess the needs of the beneficiary population and
19 to assess the impact of the commission's recommendations.

20 (b) The commission shall conduct beneficiary panels
21 and focus groups to assess needs of the beneficiary population
22 to ensure the responsiveness and accountability of the
23 criminal justice system.

24 (c) In conducting such study, the commission shall
25 study best practices regarding women victims and offenders in
26 Alabama and other states and shall elicit views from experts

1 in the field of criminal justice, drug treatment, and domestic
2 violence.

3 (d) The commission shall review the range of
4 services or sanctions that are needed by the criminal and
5 juvenile justice, public health, and mental health systems to
6 best serve the needs of the community, family, women victims,
7 women offenders, and adjudicated female youth.

8 (e) Based on such research, investigation, and
9 review, the commission shall develop comprehensive,
10 evidence-based recommendations through all of the following:

11 (1) The generation of savings from the elimination
12 of redundant administrative, management, and programmatic
13 functions, and the reinvestment of those savings into
14 community-based services.

15 (2) The development, establishment, and
16 implementation of gender-specific risk assessments to ensure
17 gender equity in public risk assessment.

18 (3) The establishment of reporting procedures
19 between criminal justice system entities and the commission to
20 ensure incarcerated girls and women are fairly afforded access
21 to and are involved in the planning and evaluation of programs
22 and services, including domestic violence services,
23 educational services, work release, mental health services,
24 rehabilitative programming, and supportive services for
25 re-entry.

26 (4) The establishment and implementation of
27 gender-specific risk assessments.

1 (5) The development of other policies, standards, or
2 licensing procedures that will enhance gender responsiveness
3 and/or gender equity in the criminal justice system.

4 (f) The commission may solicit the input of other
5 government, provider, community, and consumer representatives
6 not otherwise specified in this section, by appointing an
7 advisory council, and by other means as it deems appropriate.

8 (g) The commission shall create such partnerships
9 and tools as necessary to ensure that female offenders and
10 female adjudicated youth in Alabama are provided a continuum
11 of supervision strategies and program services reflecting best
12 practices for female probationers, prisoners, parolees, and
13 detainees in areas including, but not limited to,
14 classification, diagnostic processes, facilities, medical and
15 mental health care, child custody and visitation.

16 (h) The commission may enter into agreements with
17 other state agencies and public or private organizations for
18 such additional staff or support as the commission may
19 determine to be necessary. Any and all private funding shall
20 be accepted only upon clear designation that such funding
21 place no conditions on the findings or recommendations of the
22 commission.

23 (i) The commission shall make recommendations for
24 legislative or administrative rule changes that can safely
25 reduce the women's prison population and/or increase the
26 well-being of Alabama's women prisoners and criminal justice
27 involved female youth.

1 (j) The commission shall submit an annual report to
2 the Legislature and the Governor no later than 20 days before
3 the convening of each regular session. The report shall detail
4 the development of the comprehensive continuum of care to
5 address the gender-responsive needs of Alabama's female
6 offenders and female adjudicated youth. The report shall
7 highlight the existing gaps in the system and include
8 recommendations for resources needed to reach a seamless
9 continuum of care and other relevant information concerning
10 the creation of a gender-responsive environment for female
11 offenders and female adjudicated youth. The report may also
12 include gender impact statements that provide a cost-benefit
13 analysis comparing the costs and effectiveness of high
14 security residential facilities, community corrections
15 programs, community treatment programs, transitional
16 facilities, and other alternatives to incarceration and/or
17 high security correctional facilities.

18 Section 3. Each citizen member of the commission
19 shall receive the same daily expense, mileage, and travel
20 allowance for each day he or she attends a commission meeting
21 as authorized for state employees attending state business.
22 Each legislator serving on the commission shall receive his or
23 her regular legislative compensation, per diem, and travel
24 expenses for each day he or she attends a meeting of the
25 commission. Upon requisitions signed by the chair of the
26 commission, these payments shall be paid out of any funds
27 appropriated to the use of the commission by means of warrants

1 drawn by the state Comptroller on the State Treasury.
2 Notwithstanding the foregoing, no legislative member shall
3 receive additional compensation or per diem for a meeting day
4 on the commission when he or she attends a regular or special
5 legislative session meeting day or legislative committee
6 meeting day, or if a member is being paid any other payments
7 on the same dates for attendance on other state business.
8 Members of the commission who are state officials, other than
9 legislative members, shall receive no compensation for their
10 service on the commission, but may be reimbursed for expenses
11 from funds appropriated to or otherwise available to their
12 respective departments or agencies.

13 Section 4. This act shall become effective on the
14 first day of the third month following its passage and
15 approval by the Governor, or its otherwise becoming law.