

1 SB592
2 115819-4
3 By Senator Sanders (N & P)
4 RFD: Local Legislation No. 1
5 First Read: 06-APR-10

1 SB592

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4 With Notice and Proof

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6 ENROLLED, An Act,

7 Relating to Autauga County; to provide for the
8 Autauga County Work Release Board to supervise and administer
9 the provisions of this act; to establish the Autauga County
10 Work Release Program; to provide for the carrying out of the
11 provisions of this act; and to repeal all laws or parts of
12 laws which conflict with this act, including Act 419 of the
13 1975 Regular Session (Acts 1975, p. 1014).

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. This act shall apply only to Autauga
16 County.

17 Section 2. For purposes of this act, the following
18 terms shall have the following meanings:

19 (1) BOARD. The Autauga County Work Release Board,
20 which shall be composed of the following members: The circuit
21 clerk of the county, the chief jailer of the county, and the
22 sheriff of the county.

23 (2) FUND. The Autauga County Work Release Fund.

24 (3) INMATE. Anyone housed in the Autauga County
25 Metro Jail, regardless of reason for the housing.

1 (4) PROGRAM. The Autauga County Work Release
2 Program.

3 Section 3. The Autauga County Work Release Board is
4 established to develop, promulgate, and adopt rules for the
5 operation and maintenance of the Autauga County Work Release
6 Program established by this act. The rules shall include, but
7 are not limited to, the eligibility requirements of inmates
8 who may be considered for the program.

9 Section 4. Any inmate qualified and eligible to
10 participate in the program may be released from housing at the
11 Autauga County Metro Jail during the hours of his or her
12 employment, including sufficient time to travel to and from
13 the employment.

14 Section 5. (a) The sheriff may establish the Autauga
15 County Work Release Fund at a bank selected by the sheriff
16 located in Autauga County, Alabama. The employer of an inmate
17 involved in work release shall pay the wages of the inmate
18 directly to the board. All wages received by the board under
19 this act shall be deposited by the board into the fund. The
20 fund shall be administered by the board, or by the sheriff as
21 designee of the board, in accordance with the rules
22 established by the board.

23 (b) The board shall adopt rules concerning the
24 disbursement of any wages of the inmate involved in the
25 program.

1 (c) The board may apply from the wages of the inmate
2 received by the board up to 40 percent of the gross wages of
3 the inmate for the payment of costs incident to the
4 confinement of the inmate, as well as for any law enforcement
5 purposes deemed appropriate by the board.

6 (d) The board may adopt policies to allow the monies
7 to be spent exclusively for the betterment of law enforcement
8 in the interest of the public as the sheriff sees fit in
9 addition to operation of the jail.

10 (e) After application of the wages of the inmate as
11 provided by this act, the remainder shall be applied by the
12 board to the payment of court-ordered child support.

13 (f) After deduction from the gross pay of the inmate
14 as provided by this act, the remainder of the wages of the
15 inmate shall be credited to the account of the inmate in the
16 Autauga County Work Release Fund and upon his or her release
17 from confinement shall be turned over to the inmate.

18 (g) The board is authorized to turn over the
19 remainder of the wages of the inmate to the family of the
20 inmate for its support while the inmate is confined, provided
21 the inmate gives written consent prior to his or her release
22 into the program.

23 Section 6. The willful failure of an inmate to
24 remain within the extended limits of his or her confinement or
25 to return within the time prescribed by the sheriff to the

1 county jail shall be deemed as an escape from the custody of
2 the sheriff and shall be punishable as provided by law for
3 escaped prisoners.

4 Section 7. Employees of the board, or its designees,
5 may make investigations and recommendations pertaining to the
6 validity of requests for job opportunities for inmates and to
7 otherwise assist the sheriff in the implementation of the
8 program.

9 Section 8. The board, or its designee, shall
10 endeavor to secure employment for eligible inmates under this
11 act, subject to all of the following:

12 (1) Employment must be at a wage at least as high as
13 the prevailing wage for similar work in the area or community
14 where the work is performed in accordance with the prevailing
15 working conditions in the area.

16 (2) Employment shall not result in displacement of
17 employed workers.

18 (3) Inmates eligible for work release shall not be
19 employed as strike-breakers or in impairing any existing
20 contracts.

21 (4) Exploitation of eligible inmates in any form is
22 prohibited.

23 Section 9. No inmate granted privileges under this
24 act shall be deemed to be an agent, employee, or involuntary
25 servant of the board, state, county, or municipality while

1 involved in the free community or while going to and from
2 employment, or other specified areas, or while on furlough.

3 Section 10. Autauga County, its commission, sheriff,
4 and board members or their designated agents shall be immune
5 from any claims of negligence that may be made against them by
6 any inmate or employer participating in the program and shall
7 additionally be immune from any claims of negligence made by
8 any third party.

9 Section 11. The sheriff shall keep an account of all
10 fund transactions for audit by the Department of Examiners of
11 Public Accounts. The fund shall be audited at the same time
12 other accounts of the sheriff are audited. The Department of
13 Examiners of Public Accounts shall submit a copy of the audit
14 to the sheriff within 30 days of its completion.

15 Section 12. Any actions relating to the operation of
16 the program prior to the effective date of this act are
17 ratified and confirmed. Any existing proceeds derived from the
18 operation of the program prior to the effective date of this
19 act shall be deposited into the fund created by this act.

20 Section 13. The provisions of this act are
21 severable. If any part of this act is declared invalid or
22 unconstitutional, that declaration shall not affect the part
23 which remains.

1 Section 14. All laws or parts of laws which conflict
2 with this act are repealed, and Act 419 of the 1975 Regular
3 Session (Acts 1975, p. 1014), is specifically repealed.

4 Section 15. This act shall become effective
5 immediately following its passage and approval by the
6 Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB592

Senate 13-APR-10

I hereby certify that the within Act originated in and passed the Senate.

McDowell Lee
Secretary

House of Representatives
Passed: 21-APR-10

By: Senator Sanders