

1 HB554
2 198738-3
3 By Representatives England and Robertson
4 RFD: Judiciary
5 First Read: 02-MAY-19

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8 SYNOPSIS: Under current law there is a permanent
9 legislative committee with eight members, known as
10 the Joint Legislative Prison Oversight Committee.

11 This bill would add two members to the
12 permanent legislative committee.

13 This bill would require the committee to
14 make annual reports to the Legislature.

15 This bill would require the department to
16 adopt certain screening measures for those entering
17 a correctional facility.

18 This bill would also require the department
19 to establish a centralized electronic system
20 regarding inmate deaths.

21 This bill would also require the Department
22 of Corrections to file quarterly reports to the
23 committee.

24
25 A BILL
26 TO BE ENTITLED
27 AN ACT

1
2 Relating to the Joint Legislative Prison Oversight
3 Committee; to amend Section 29-2-20, Code of Alabama 1975, to
4 add members to the committee; to require the committee to make
5 annual reports to the Legislature; to require the committee to
6 meet quarterly and review reports submitted by the Department
7 of Corrections; to require the department to adopt certain
8 screening measures; and to require the department to establish
9 a centralized electronic system on inmate deaths.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. Section 29-2-20, Code of Alabama 1975, is
12 amended to read as follows:

13 "§29-2-20.

14 "(a) (1) A permanent legislative committee, known as
15 the Joint Legislative Prison Oversight Committee, ~~which shall~~
16 ~~be composed of eight members, two of whom shall be ex officio~~
17 ~~members and six of whom shall be appointed members, three each~~
18 ~~to be appointed by the President of the Senate and Speaker of~~
19 ~~the House, who shall both serve as the ex officio members,~~
20 shall be formed to assist in ~~realizing~~ implementing the
21 recommendations of the Legislative Prison Task Force and
22 examine all aspects of the operations of the Department of
23 Corrections. The committee shall be composed of 10 members.
24 The ~~chairman~~ chair of the committee shall be selected by and
25 from among the membership. The committee shall make diligent
26 inquiry and a full examination of Alabama's present and long
27 term prison needs and ~~they~~ shall file reports of ~~their~~

1 findings and recommendations to the Alabama Legislature not
2 later than the fifteenth legislative day of each regular
3 session that the committee continues to exist. The members
4 shall be as follows:

5 "a. The President of the Senate as an ex officio
6 member.

7 "b. The Speaker of the House of Representatives as
8 an ex officio member.

9 "c. The chair of the Finance Taxation General Fund
10 Committee as an ex officio member.

11 "d. The chair of the Ways and Means General Fund
12 Committee as an ex officio member.

13 "e. Three members of the Senate to be appointed by
14 the President of the Senate, one of whom shall be from the
15 minority party.

16 "f. Three members of the House of Representatives to
17 be appointed by the Speaker of the House, one of whom shall be
18 from the minority party.

19 "(2) The appointing authorities of the committee
20 shall coordinate their appointments to assure the committee
21 membership is inclusive and reflects the racial, gender,
22 geographic, urban/rural, and economic diversity of the state.

23 "(b) The committee shall study and address mental
24 health issues for prisoners reentering the community after a
25 term of imprisonment in order to streamline the sharing of
26 critical mental health information and in order to address
27 barriers to accessing mental health treatment for such

1 prisoners. The committee shall report ~~such~~ the findings to the
2 Legislature ~~no~~ not later than ~~April 20, 2016~~ the fifteenth
3 legislative day of each regular session, and shall work in
4 conjunction with all of the following in studying and
5 addressing ~~such~~ the issues:

6 "(1) Department of Corrections;

7 "(2) Board of Pardons and Paroles;

8 "(3) Department of Mental Health;

9 "(4) Administrative Office of Courts;

10 "(5) Office of Prosecution Services;

11 "(6) Office of the Attorney General;

12 "(7) Alabama State Law Enforcement Agency;

13 "(8) Association of County Commissions of Alabama;

14 "(9) Alabama Probate Judges Association;

15 "(10) Alabama Sheriffs' Association;

16 "(11) Alabama Criminal Defense Lawyers Association;

17 "(12) Alabama Circuit Judges' Association;

18 "(13) Department of Public Health;

19 "(14) Office of the Governor;

20 "(15) Alabama District Attorneys Association;

21 "(16) Alabama Drug Abuse Task Force;~~and~~;

22 "(17) Any other advocacy groups as determined by the
23 committee.

24 "(c) The committee shall study and address issues
25 related to felony restitution collection in order to improve
26 rates of collection for restitution obligations in felony
27 cases and establish best practices relating to a defendant's

1 ability to pay obligations owed. The committee shall report
2 ~~such the~~ findings to the Legislature ~~no not~~ later than April
3 ~~20, 2016~~ the fifteenth legislative day of each regular
4 session, and shall work in conjunction with all of the
5 following in studying and addressing ~~such the~~ issues:

6 "(1) Department of Corrections;

7 "(2) Board of Pardons and Paroles;

8 "(3) Administrative Office of Courts;

9 "(4) Office of Prosecution Services;

10 "(5) Office of the Attorney General;

11 "(6) Alabama State Law Enforcement Agency;

12 "(7) Alabama Criminal Defense Lawyers Association;

13 "(8) Alabama Circuit Judges' Association;

14 "(9) Association of County Commissions of Alabama;

15 "(10) Alabama Sheriffs' Association;

16 "(11) Alabama Crime Victims Compensation

17 Commission;

18 "(12) The Alabama Circuit Clerk's Association;

19 "(13) Two crime victims' rights advocates designated
20 by the Attorney General;

21 "(14) Two members from the Alabama District
22 Attorneys Association, of which one shall be from a largely
23 populated metropolitan judicial circuit and the other shall be
24 from a small, rurally populated judicial circuit, ~~and~~.

25 "(15) Any other advocacy groups as determined by the
26 committee.

1 "(d) The committee shall study and address capacity
2 issues within the Department of Corrections to include, but be
3 not limited to, the issue of design capacity and operational
4 or functional capacity, as well as the construction of new
5 prison facilities and the renovation of current correctional
6 facilities as they relate to prison overcrowding and public
7 safety. The committee shall report ~~such~~ the findings to the
8 Legislature ~~no~~ not later than ~~April 20, 2016~~ the fifteenth
9 legislative day of each regular session, and shall work in
10 conjunction with all of the following in studying and
11 addressing ~~such~~ the issues:

12 "(1) Department of Corrections;

13 "(2) Board of Pardons and Paroles;

14 "(3) Department of Mental Health;

15 "(4) Department of Public Health;

16 "(5) Administrative Office of Courts;

17 "(6) Office of Prosecution Services;

18 "(7) Office of the Attorney General;

19 "(8) Alabama State Law Enforcement Agency;

20 "(9) Alabama Drug Abuse Task Force;

21 "(10) Alabama Criminal Defense Lawyers Association;

22 "(11) Alabama Circuit Judges' Association;

23 "(12) Association of County Commissions of Alabama;

24 "(13) Two members from the Alabama Sheriffs'

25 Association, of which one shall be from a largely populated
26 metropolitan judicial circuit and the other shall be from a
27 small, rurally populated judicial circuit~~;~~ and.

1 "(14) Two members from the Alabama District
2 Attorneys Association, of which one shall be from a largely
3 populated metropolitan judicial circuit and the other shall be
4 from a small, rurally populated judicial circuit.

5 "(e) The committee shall meet at least quarterly at
6 the State House or other places as deemed necessary or
7 convenient and at other times upon call of the chair.

8 "~~(e)~~ (f) The studies and collaborating partners
9 provided for in this section shall reflect the racial, gender,
10 geographic, urban/rural, and economic diversity of the state."

11 Section 2. (a) The Department of Corrections shall
12 provide a quarterly report to the Joint Legislative Prison
13 Oversight Committee, on a form prescribed by the committee,
14 which shall include all of the following:

15 (1) A summary of any litigation involving the
16 department.

17 (2) All sexual assault cases occurring in a
18 correctional facility.

19 (3) All inmate deaths, including the cause and
20 manner of death as determined by the Alabama Department of
21 Forensic Sciences.

22 (4) The number of contraband collected.

23 (5) The number of weapons collected.

24 (6) Any other information requested by the
25 committee.

26 (b) (1) The Commissioner of the Department of
27 Corrections shall require the warden of each prison to provide

1 monthly reports to him or her containing the information
2 required in subsection (a).

3 (2) Failure of a warden to maintain or file reports
4 as required by this section shall be considered deliberate
5 misconduct and shall subject him or her to discipline by the
6 commissioner.

7 Section 3. (a) The Department of Corrections shall
8 screen every individual who enters a correctional facility,
9 including, but not limited to staff, visitors, volunteers, and
10 new inmates to the correctional facility.

11 (b) The department shall adopt rules to govern the
12 implementation of this section.

13 Section 4. By October 1, 2019, the Department of
14 Corrections, in coordination with the Alabama Department of
15 Forensic Sciences, shall develop a centralized electronic
16 system that contains information, including autopsy reports,
17 on all inmates who die in the Department of Correction's
18 custody.

19 Section 5. This act shall become effective
20 immediately following its passage and approval by the
21 Governor, or its otherwise becoming law.