

1 HB426
2 203848-1
3 By Representative Sorrells (N & P)
4 RFD: Local Legislation
5 First Read: 10-MAR-20

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to Geneva County; to provide for the
14 rehabilitation of certain persons convicted of any type crime
15 and sentenced to a term of confinement in the Geneva County
16 jail; and to provide for a rehabilitation board to supervise
17 and administer the rehabilitation processes of this act.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. (a) This act shall apply to Geneva
20 County.

21 (b) The following words shall have the following
22 meanings:

23 (1) BOARD. The Geneva County Rehabilitation Board,
24 which shall be composed of the sheriff, the district attorney,
25 the senior circuit judge, the senior district judge, and a
26 fifth person to be selected by the Geneva County Commission.

1 (2) INMATE. A person convicted of a crime and
2 sentenced to the county jail and are county inmates. This term
3 does not include a state inmate held in a county jail.

4 (c) (1) The board shall adopt written procedures of
5 operation and administration and shall elect one of its
6 members as chair on an annual basis. Meetings shall generally
7 be conducted in accordance with Robert's Rules of Order.

8 (2) Any rules, regulations, or policies promulgated
9 by the board shall be written upon the minutes of the board,
10 and shall be acknowledged and signed by each member of the
11 board a minimum of 30 days before the rules, regulations, or
12 policies are implemented or utilized for any inmate pursuant
13 to this section.

14 (3) Inmates may participate in paid employment at
15 the discretion of the board, but shall obtain approval of the
16 court in writing or by court order prior to engaging in the
17 employment.

18 (d) The board shall adopt written regulations and
19 policies permitting the sheriff to extend the limits of the
20 place of confinement of an inmate, if there is reasonable
21 cause to believe his or her suitability, by authorizing him or
22 her under prescribed conditions to leave the confines of the
23 county jail unaccompanied by a custodial agent for a
24 prescribed period of time to work at paid employment while
25 continuing as an inmate in the jail in which he or she shall
26 be confined except during the hours of his or her employment
27 and transportation to and from the place of employment.

1 (e) (1) The employer of an inmate involved in work
2 release shall pay the wages of the inmate to the board or an
3 agent designated by the board to administer the accounting and
4 disposition of the wages of the inmate. This designation will
5 be renewed annually or can be terminated by agreement of the
6 board and the employer. The disposition of the net wages of
7 the inmate shall be in the following amounts and priority:

8 a. 30 percent shall be withheld for the costs of the
9 confinement of the inmate and paid to the county monthly. The
10 county commission may use these funds to pay any costs
11 associated with the administration and operation of the jail
12 including, but not limited to, salaries for necessary staff,
13 equipment, and administrative costs for purposes of this
14 section.

15 b. The amount ordered by the circuit or juvenile or
16 district court to be paid for child support shall be paid
17 monthly to the appropriate court or agency.

18 c. An amount as ordered by the circuit or district
19 court to be paid monthly to the clerk of the court for court
20 costs, fines, restitution, and other costs up to 25 percent of
21 the net wages of the inmate.

22 d. An amount as agreed to in writing by the inmate
23 to be paid monthly to the family of the inmate.

24 e. Any remaining amount each month will be deposited
25 in the Geneva County Jail Inmate Trust Fund, to be paid to the
26 inmate for his or her personal use as prescribed by jail rules
27 or held until the inmate's release.

1 (2) Any legal encumbrances upon the wages of the
2 inmate may preclude participation of the inmate in the
3 program.

4 (f) The willful failure of an inmate to remain
5 within the extended limits of his or her confinement or to
6 return within the time prescribed by the sheriff to the county
7 jail shall be deemed an escape from the custody of the sheriff
8 and shall be punishable as provided by law for escaped
9 prisoners.

10 (g) The board, its employees, or an agency
11 designated by the board are authorized to make investigations
12 and recommendations pertaining to the validity of requests by
13 inmates to be considered for this work release program. The
14 investigations shall include, but not be limited to, actual
15 employment of the inmate, reliability of transportation to and
16 from work, knowledge by the employer of the status of the
17 inmate, the agreement of the employer to send the inmate's pay
18 checks to the agency, and the inmate's signed agreement to
19 abide by the conditions governing his or her participation in
20 the program. A nonrefundable investigation application fee of
21 fifty dollars (\$50) shall be paid to the designated agent by
22 the inmate in applying for this program. This fee may be
23 changed at the discretion of the board.

24 (h) A primary consideration for inmates to
25 participate in the program is that they already have a source
26 of employment. However, the board may endeavor to secure

1 employment for eligible inmates under this section subject to
2 the following:

3 (1) Wages shall be at least as high as the
4 prevailing wage for similar work in the area.

5 (2) The employment shall not result in displacement
6 of currently employed workers.

7 (3) Inmates eligible for work release shall not be
8 employed as strike breakers or in impairment of any existing
9 contract.

10 (4) Exploitation of eligible inmates in any form is
11 prohibited.

12 (i) No inmate granted privileges pursuant to this
13 section shall be deemed to be an agent, employee, or
14 involuntary servant of the board, state, county, or
15 municipality while working in the community or while going to
16 and from employment or other specified areas, or while on
17 furlough.

18 (j) The sheriff shall prepare an annual report to be
19 filed not later than 60 days from the close of each fiscal
20 year, a copy of the report shall be filed with each of the
21 following persons or agencies: The board, the governing bodies
22 to which this section applies, and to the circuit and district
23 judges serving Geneva County. This report shall include, but
24 not be limited to, the prior year activities including number
25 of inmates participating in the program, monies earned and
26 disposition thereof, general effectiveness of the program, and
27 any recommendation for the activities of the current year and

1 other pertinent information. Supporting documentation for this
2 report will be supplied to the sheriff by the organization
3 making investigations or background checks for work release
4 within 30 days of the end of the fiscal year.

5 Section 2. This act shall become effective on the
6 first day of the third month following its passage and
7 approval by the Governor, or its otherwise becoming law.