

1 HB106  
2 208096-3  
3 By Representative England  
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ENROLLED, An Act,

Relating to the Department of Corrections; to add Section 14-1-21 to the Code of Alabama 1975, to require the department to make quarterly reports to the Joint Legislative Prison Oversight Committee and to provide for additional reporting requirements; to add Section 29-2-20.1 to the Code of Alabama 1975, to further provide for the meetings of the Joint Legislative Prison Oversight Committee; and to amend Section 14-3-13, Code of Alabama 1975, to revise the correctional officer oath of office.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 14-1-21 is added to the Code of Alabama 1975, to read as follows:

§14-1-21.

(a) In addition to any reporting requirements under existing law, the Alabama Department of Corrections shall provide to the Joint Legislative Prison Oversight Committee quarterly reports that include all of the following:

(1) A report containing statistical data that would allow the Legislature to assess the size or composition of the inmate population.

(2) A report containing statistical data that would allow the Legislature to assess the general status of

1 correctional officer staffing levels, including new hires and  
2 retention between reporting periods.

3 (3) A report containing statistical data, by sex, of  
4 inmate participation in educational, vocational, religious, or  
5 reentry programs.

6 (4) A list of all litigation filed during the  
7 quarter involving the department, or any of its employees that  
8 relates to performance of his or her employment, to include  
9 the case style, case number, court, date of filing, and the  
10 amount of money paid by the department to defend such  
11 litigation.

12 (5)a. A report containing statistical data of all  
13 occurrences of sexual abuse and sexual victimization of  
14 inmates in a correctional facility that are reported to the  
15 department. For each incident, the department shall designate  
16 whether the investigation is pending or complete. If the  
17 investigation is complete, the department shall provide  
18 whether the incident was found to be substantiated,  
19 unsubstantiated, or unfounded.

20 b. Reports shall include the date, facility, nature  
21 of the incident, and the number of inmates, correctional  
22 staff, or contractors involved in the incident.

23 (6)a. A report containing statistical data on the  
24 number, manner, and cause of inmate deaths occurring in a

1 correctional facility, including the results of any autopsy  
 2 provided to the department by a third party.

3 b. Reports shall include the date, facility, nature  
 4 of the incident, and the number of inmates, correctional  
 5 staff, or contractors involved in the incident.

6 (7)a. A report containing statistical data of cell  
 7 phones or other electronic devices, weapons, and controlled  
 8 substances recovered within a correctional facility.

9 b. Reports shall include the date, facility, nature  
 10 of the incident, and the number of inmates, correctional  
 11 staff, or contractors involved in the incident.

12 (b) Nothing in this section shall require the  
 13 department to disclose sensitive security information,  
 14 information from open criminal investigative files, material  
 15 protected by attorney-client privilege, executive privilege,  
 16 work product doctrine or that reveals legal strategy in  
 17 pending litigation, information prepared for or filed under  
 18 seal in any court proceeding, or information otherwise  
 19 protected from disclosure by law.

20 (c) This report shall be made publicly available on  
 21 the department's website within 10 days of its delivery to the  
 22 joint oversight committee at which time a digital notice of  
 23 posting shall be sent to each member of the Legislature.

24 Section 2. Section 29-2-20.1 is added to the Code of  
 25 Alabama 1975, to read as follows:

1           §29-2-20.1.

2           The Joint Legislative Prison Oversight Committee,  
3 created in Section 29-2-20, shall meet quarterly to perform  
4 its duties, including review and discussion of reports  
5 submitted to the committee. At least one meeting each year  
6 shall include an opportunity for public testimony.

7           Section 3. Section 14-3-13, Code of Alabama 1975, is  
8 amended to read as follows:

9           "§14-3-13.

10           "Every correctional officer ~~and guard shall~~, before  
11 ~~entering on~~ performing the duties of his or her office, shall  
12 take and subscribe before ~~some~~ an officer authorized to  
13 administer oaths, the following oath:

14           ""I, \_\_\_\_\_, do solemnly swear (or affirm, as the  
15 case may be) that I will support the Constitution of the  
16 United States and the Constitution of the State of Alabama, so  
17 long as I remain a citizen thereof; that I will faithfully  
18 execute and discharge all the duties required of me as \_\_\_\_\_  
19 (designating the office), and observe all the ~~rules and~~  
20 regulations ~~prescribed~~ of the department for the ~~government~~  
21 care and rehabilitation of ~~convicts~~ prisoners, so far as  
22 concerns my office; and will, in no case, ill treat or abuse  
23 any ~~convict~~ prisoner under my charge or control, nor inflict  
24 upon him or her any other or greater punishment than may be

1 prescribed by ~~said rules~~ and the law or the regulations of the  
2 department. So help me God."

3 Section 4. ~~Section 1~~ Sections 1 and 2 of this act  
4 shall become effective on the first day of the third month  
5 following its passage and approval by the Governor, or its  
6 otherwise becoming law; Section ~~2~~ 3 of this act shall become  
7 effective immediately following its passage and approval by  
8 the Governor, or its otherwise becoming law.

