

1 HB106  
2 208096-1  
3 By Representative England  
4 RFD: Judiciary  
5 First Read: 02-FEB-21  
6 PFD: 01/26/2021

SYNOPSIS: Under existing law, the Department of Corrections is required to provide information to the Joint Legislative Prison Oversight Committee.

This bill would require the department to provide additional information to the Joint Legislative Prison Oversight Committee.

Under existing law, an officer or guard is required to take an oath prior to performing his or her duties of the office.

This bill would require all correctional officers to take an oath prior to performing his or her duties of the office.

A BILL  
TO BE ENTITLED  
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

1 Prison Oversight Committee and to provide for additional  
2 reporting requirements; and to amend Section 14-3-13, Code of  
3 Alabama 1975, to revise the correctional officer oath of  
4 office.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

8 §14-1-21.

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

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

16 (2) A report containing statistical data that would  
17 allow the Legislature to assess the general status of  
18 correctional officer staffing levels.

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

22 (4) A list of all litigation filed during the  
23 quarter involving the department, or any of its employees that  
24 relates to performance of his or her employment, to include  
25 the case style, case number, court, date of filing, and the  
26 amount of money paid by the department to defend such  
27 litigation.

1           (5) A report containing statistical data of all  
2 occurrences of sexual abuse and sexual victimization of  
3 inmates in a correctional facility that are reported to the  
4 department. For each incident, the department shall designate  
5 whether the investigation is pending or complete. If the  
6 investigation is complete, the department shall provide  
7 whether the incident was found to be substantiated,  
8 unsubstantiated, or unfounded.

9           (6) A report containing statistical data on the  
10 number, manner, and cause of inmate deaths occurring in a  
11 correctional facility, including the results of any autopsy  
12 provided to the department by a third party.

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

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

24           (c) This report shall be made publicly available on  
25 the department's website within 10 days of its delivery to the  
26 joint oversight committee.

1           Section 2. Section 14-3-13, Code of Alabama 1975, is  
2 amended to read as follows:

3           "§14-3-13.

4           "Every correctional officer ~~and guard shall~~, before  
5 ~~entering on~~ performing the duties of his or her office, shall  
6 take and subscribe before ~~some~~ an officer authorized to  
7 administer oaths, the following oath:

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

21           Section 3. Section 1 of this act shall become  
22 effective on the first day of the third month following its  
23 passage and approval by the Governor, or its otherwise  
24 becoming law; Section 2 of this act shall become effective  
25 immediately following its passage and approval by the  
26 Governor, or its otherwise becoming law.