

1 HB143
2 215906-3
3 By Representatives Pettus, Simpson, Robertson, Treadaway,
4 Shedd, Stringer, Faust, Reynolds, Mooney, Standridge, Greer,
5 Wingo, Bedsole, Brown (K), Shaver, McCutcheon, Sorrell and
6 Marques
7 RFD: Public Safety and Homeland Security
8 First Read: 13-JAN-22

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2 ENROLLED, An Act,

3 Relating to crimes and offenses; to create the
4 Sergeant Nick Risner Act; to amend Section 14-9-41, Code of
5 Alabama 1975; to provide that certain offenses would be
6 ineligible for good time; and to make nonsubstantive,
7 technical revisions to update the existing code language to
8 current style.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. This act shall be known and may be cited
11 as the Sergeant Nick Risner Act.

12 Section 2. Section 14-9-41, Code of Alabama 1975, is
13 amended to read as follows:

14 "§14-9-41.

15 "(a) ~~Each~~ Except as provided in subsection (e), each
16 prisoner who ~~shall hereafter be~~ is convicted of any offense
17 against the laws of the State of Alabama and is confined, in
18 execution of the judgment or sentence upon any conviction, in
19 ~~the penitentiary, or at hard labor for the county jail, or in~~
20 the penitentiary, or at hard labor for the county jail, or in
21 any municipal jail for a definite or indeterminate term, ~~other~~
22 ~~than for life,~~ whose record of conduct shows that he or she
23 has faithfully observed the rules for a period of time to be
24 specified by this article, ~~may be entitled to~~ earn a deduction
25 from the term of his or her sentence as follows:

1 "(1) Seventy-five days for each 30 days actually
2 served while the prisoner is classified as a Class I prisoner.

3 "(2) Forty days for each 30 days actually served
4 while the prisoner is a Class II prisoner.

5 "(3) Twenty days for each 30 days actually served
6 while the prisoner is a Class III prisoner.

7 "(4) No good time shall accrue during the period the
8 prisoner is classified as a Class IV prisoner.

9 "(b) Within 90 days after May 19, 1980, the
10 Commissioner of the Department of Corrections shall establish
11 and publish in appropriate directives certain criteria not in
12 conflict with this article for Class I, II, III, and IV
13 prisoner classifications. ~~Such~~ The classifications shall
14 encompass consideration of the prisoner's behavior,
15 discipline, and work practices and job responsibilities.

16 "(c) (1) Class I ~~is set aside for those~~ includes
17 prisoners who are considered to be trustworthy in every
18 respect and who, by virtue of their work habits, conduct, and
19 attitude of cooperation have proven their trustworthiness. An
20 example of a Class I inmate would be one who could work
21 without constant supervision by a security officer.

22 "(2) Class II ~~is that category of~~ includes prisoners
23 whose jobs will be under the supervision of a correctional
24 employee at all times. Any inmate shall remain in this

1 classification for a minimum period of six months before being
2 eligible for Class I.

3 "(3) Class III ~~is for~~ includes prisoners with
4 special assignments. They may not receive any of the
5 privileges of Class I and Class II ~~inmates~~ prisoners. ~~Any~~
6 ~~inmate~~ A prisoner shall remain in this classification for a
7 minimum period of three months before being eligible for Class
8 II.

9 "(4) Class IV ~~is for~~ includes prisoners not yet
10 classified and for those who are able to work and refuse, ~~or~~
11 prisoners who commit disciplinary infractions ~~of such a nature~~
12 ~~which~~ that do not warrant a higher classification, or ~~inmates~~
13 prisoners who do not abide by the rules of the institution.
14 ~~Inmates~~ Prisoners who are classified in this earning class
15 receive no correctional incentive time. This class is
16 generally referred to as "flat time" or "day-for-day." ~~Any~~
17 ~~inmate~~ A prisoner shall remain in this classification for a
18 minimum period of 30 days before being eligible for Class III.

19 "(5) No ~~inmate~~ prisoner may reach any class without
20 first having gone through and meeting the requirements of all
21 lower classifications.

22 "(d) As a prisoner gains a higher classification
23 status he or she shall not be granted retroactive correctional
24 incentive ~~credit~~ time based on the higher classification he or
25 she has reached, but shall only be granted correctional

1 incentive ~~credit~~ time based ~~solely~~ on the classification in
 2 which he or she was serving at the time the correctional
 3 incentive ~~credit~~ time was earned. Nothing in this article
 4 ~~shall be interpreted as authorizing an inmate~~ authorizes a
 5 prisoner to receive correctional incentive ~~credits~~ time based
 6 on the highest classification he or she attains for any period
 7 of time in which he or she was serving in a lower
 8 classification or from the date of his or her sentence.

9 "e) (1) ~~Provided, however, no person~~ No prisoner may
 10 receive ~~the benefits of~~ correctional incentive time if under
 11 any of the following circumstances:

12 "a. ~~he~~ He or she has been convicted of a Class A
 13 felony.

14 "b. He or she has been convicted of any crime that
 15 caused the death of another person by means of a deadly
 16 weapon, as defined in Section 13A-1-2. ~~or has been~~

17 "c. He or she has been sentenced to life, ~~or~~
 18 sentenced to death, or ~~who~~ has received a sentence for more
 19 than 15 years. ~~in the state penitentiary or in the county jail~~
 20 ~~at hard labor or in any municipal jail. No person may receive~~
 21 ~~the benefits of correctional incentive time if~~

22 "d. he He or she has been convicted of a sex offense
 23 involving a child as defined in Section 15-20A-4(26).

24 "(2) a. No ~~person~~ prisoner may be placed in Class I
 25 if under either of the following circumstances:

1 "1. ~~he~~ He or she has been convicted of an assault
 2 where the victims of ~~such~~ the assault suffered the permanent
 3 loss or use or permanent partial loss or use of any bodily
 4 organ or appendage.

5 "2. ~~No person may be placed in Class I if he~~ He or
 6 she has been convicted of a crime involving the perpetration
 7 of sexual abuse upon the person of a child under the age of 17
 8 years.

9 "b. The court sentencing a person shall note ~~upon~~ on
 10 the transcript ~~to accompany such~~ accompanying the prisoner ~~the~~
 11 ~~fact~~ that he or she has been sentenced ~~as a result of~~ to a
 12 crime that forbids his or her being classified as a Class I
 13 prisoner.

14 "(f) (1) If, during the term of imprisonment, a
 15 prisoner commits an offense or violates a rule of the
 16 Department of Corrections, all or any part of his or her
 17 correctional incentive time accrued pursuant to this section
 18 shall be forfeited.

19 "(2) The Commissioner of the Department of
 20 Corrections ~~shall have the power to restore to any prisoner~~
 21 ~~who has heretofore, or who may hereafter, forfeit the~~
 22 ~~deductions allowed him or her for good behavior, work habits~~
 23 ~~and cooperation, or good conduct, by violating any existing~~
 24 ~~law or prison rule or regulation such portion of his or her~~
 25 ~~deduction for good conduct or good behavior as may be proper~~

1 ~~in his or her judgment, upon recommendation and evidence~~
2 ~~submitted to him or her by the warden in charge. may restore~~
3 ~~any portion of the correctional incentive time that has been~~
4 ~~forfeited by a prisoner, for violating any existing law or~~
5 ~~prison rule or regulation, as the commissioner deems proper,~~
6 ~~upon recommendation and evidence provided by the warden in~~
7 ~~charge.~~

8 "(g) (1) When a prisoner is serving two or more terms
9 of imprisonment and the sentences run consecutively, ~~then~~ all
10 ~~such~~ sentences shall be combined for the purpose of computing
11 deductions for correctional incentive time and release date,
12 ~~however,~~ the The actual deduction from sentence for
13 correctional incentive time provided by this section shall
14 apply only to sentences to be served.

15 "(2) When a prisoner is serving two or more
16 sentences ~~which~~ that run concurrently, the sentence ~~which~~ that
17 results in the longer period of incarceration ~~yet remaining~~
18 shall be ~~considered the term to which such prisoner is~~
19 ~~sentenced~~ used for the purpose of computing ~~his or her release~~
20 ~~date and~~ deductions for correctional incentive time ~~under the~~
21 ~~provisions of this article~~ and release date. When computing
22 the deductions allowed in this section on indeterminate
23 sentences, the maximum sentence shall be the basis for the
24 computation. ~~The provisions of this~~

1 "(h) This section shall be administered by the chief
2 administrative officer of the penal institution as it applies
3 to prisoners in any state penal institution, by the sheriff of
4 the county as it applies to prisoners in any county jail, and
5 by the chief of police as it applies to prisoners in any
6 municipal jail.

7 "~~(h)~~ (i) Deductions for good behavior, work habits
8 and cooperation, or good conduct shall be interpreted to give
9 authorized good time retroactively, to those offenders
10 convicted of crimes committed after May 19, 1980, except those
11 convicted of crimes of the unlawful sale or distribution of
12 controlled substances as enumerated in Title 13A ~~and in former~~
13 ~~Chapter 2 of Title 20,~~ and for any ~~sexual~~ sex offenses as
14 enumerated in Chapter 6, of Title 13A, ~~provided however that~~
15 ~~the Commissioner of the Department of Corrections~~ The
16 commissioner shall have the prison records of all ~~inmates,~~
17 prisoners who become eligible under this article, reviewed and
18 shall disqualify any ~~such inmate~~ prisoner from being awarded
19 ~~good~~ correctional incentive time under this article at his or
20 her discretion."

21 Section 3. This act shall become effective on the
22 first day of the third month following its passage and
23 approval by the Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 10-MAR-22, as amended.

Jeff Woodard
Clerk

Senate	07-APR-22	Amended and Passed
House	07-APR-22	Concurred in Senate Amendment