

1 HB55  
2 214814-1  
3 By Representative Hill  
4 RFD: Ways and Means General Fund  
5 First Read: 11-JAN-22  
6 PFD: 01/06/2022

SYNOPSIS: Under existing law, counties or nonprofit entities may establish community punishment and corrections programs.

This bill would require every judicial circuit to establish a community punishment and corrections program in at least one county in the circuit for the benefit of all counties within the circuit.

This bill would also make nonsubstantive, technical revisions to update the existing code language to current style.

A BILL  
TO BE ENTITLED  
AN ACT

Relating community punishment and corrections programs; to amend Sections 15-18-172 and 15-18-176, Code of Alabama 1975, to require each judicial circuit to establish a community punishment and corrections program in at least one

1 county in the circuit; to add Section 15-18-187 to the Code of  
2 Alabama 1975, to provide for the implementation of a community  
3 punishment and corrections program in each circuit; and to  
4 make nonsubstantive, technical revisions to update the  
5 existing code language to current style.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. Sections 15-18-172 and 15-18-176, Code of  
8 Alabama 1975, are amended to read as follows:

9 "§15-18-172.

10 "(a) A county or group of counties may establish a  
11 community punishment and corrections program for state and  
12 county inmates or youthful offenders in custody of the county.  
13 The program shall be established by a county by resolution  
14 adopted by the county commission, ~~or~~ by community punishment  
15 and corrections authorities, ~~or~~ by other nonprofit entities as  
16 provided ~~herein~~ in this section. The program shall establish  
17 the maximum number of offenders who may participate in the  
18 program and participation shall be limited to space  
19 availability; provided that the limit is sufficient to cover  
20 the need as determined by the authority or the presiding  
21 circuit judge. No offenders may be sentenced or assigned to  
22 the program in excess of the maximum number established for  
23 the program. No county is obligated to fund any activities of  
24 a community corrections program established under this article  
25 without an affirmative vote of the affected county commission.

26 "(b) The department ~~may~~ shall contract with ~~such~~ the  
27 counties, authorities, or other nonprofit entities as provided

1 ~~herein in this section~~ concerning start-up costs and the costs  
2 of maintenance, including medical expenses, of state inmates  
3 participating in any program authorized under this article or  
4 under any county program functioning pursuant to any state or  
5 local act.

6 "(c) The department shall ~~promulgate~~ adopt rules and  
7 ~~regulations~~ pursuant to the Alabama Administrative Procedure  
8 Act establishing conditions for state inmates' participation  
9 in the community punishment and corrections program, the  
10 observance of which may be a condition to ~~such the~~ the  
11 participation.

12 "(d) A state inmate incarcerated in a state facility  
13 may be approved by the department for participation in a  
14 community punishment and corrections program established under  
15 this article ~~and~~. A state inmate may be assigned to a program  
16 in the county from which the inmate was sentenced if a  
17 community punishment and corrections program under this  
18 article has been established in that county and if the  
19 sentencing judge of the county authorizes the inmate to  
20 participate in the program. If no program exists in the county  
21 where the inmate was sentenced, he or she may be assigned to a  
22 community punishment and corrections program located in the  
23 sentencing circuit, if the sentencing judge authorizes the  
24 inmate to participate in the program. An inmate may be  
25 assigned to a community punishment and corrections program in  
26 another county if the presiding judge of the other county and  
27 the sentencing judge agree to the assignment and if the county

1 has agreed in the contract to accept inmates originally  
2 sentenced in other counties. In the event the sentencing judge  
3 is unavailable due to death, retirement, or any other reason,  
4 the presiding judge from the sentencing circuit shall act in  
5 the sentencing judge's ~~stead~~ absence. An inmate assigned to a  
6 community punishment and corrections program pursuant to this  
7 article shall not be eligible for parole consideration.

8 "(e) The department shall annually identify  
9 alternatives to community punishment and corrections programs  
10 for those counties which have not established a community  
11 punishment and corrections program under this article. The  
12 department shall publish a list of ~~such~~ alternatives on its  
13 website and shall provide a list of ~~such~~ alternatives to each  
14 district and circuit court annually. The department shall  
15 include a list of referral services available for veterans and  
16 servicemen, and, when available and appropriate, shall include  
17 any Veterans Treatment Court in operation in the appropriate  
18 county or circuit as an alternative.

19 "(f) The department shall pay a community punishment  
20 and corrections program 75 percent of the per diem paid by the  
21 department to counties for the housing of state inmates,  
22 pursuant to Section 14-1-21.

23 "§15-18-176.

24 "(a) A community punishment and corrections plan  
25 shall be developed and submitted to the department which  
26 sufficiently documents the local need and support for the  
27 proposed program. The community punishment and corrections

1 plan shall have the approval of the county commission in the  
2 affected counties prior to submission to the department. Any  
3 plan shall specifically state the maximum number of inmates  
4 eligible to participate in the program.

5 "(b) The format for any community punishment and  
6 corrections plan shall be specified by the division in its  
7 application process and procedures as defined in Section  
8 15-18-171. Funding and grant evaluation criteria shall be  
9 outlined in the application process and procedures to be  
10 developed by the division as defined in Section 15-18-171 in  
11 order that each applicant may know the basis upon which funds  
12 will be granted. The department shall adopt rules pursuant to  
13 the Administrative Procedure Act outlining the application  
14 process and procedures.

15 "(c) The application process and procedures ~~should~~  
16 may include a performance-based reimbursement funding plan,  
17 developed by the department, for funding community punishment  
18 and corrections plans that utilize evidence-based practices as  
19 defined in Section 12-25-32 in the treatment and supervision  
20 of community punishment and corrections program participants  
21 and that meet specified treatment and supervision targets as  
22 outlined in the application. The performance-based  
23 reimbursement plan outlined in the application process and  
24 procedures ~~should~~ may also include higher reimbursement rates  
25 for community punishment and corrections plans that include  
26 behavioral health assessment and treatment referral, to  
27 include behavioral and substance abuse treatment, for

1 community punishment and corrections program participants, as  
2 well as for local probationers and parolees under the  
3 supervision of the Board of Pardons and Paroles. The  
4 reimbursement rate shall not be less than 75 percent of the  
5 per diem paid by the department to counties for the housing of  
6 state inmates, pursuant to Section 14-1-21. The Department of  
7 Corrections, along with the Board of Pardons and Paroles, the  
8 Department of Veterans Affairs, the Department of Public  
9 Health, and the Department of Mental Health, shall collaborate  
10 with the Office of the Governor to implement the provisions of  
11 this subsection relating to behavioral health treatment and  
12 substance abuse treatment services. The Office of the Governor  
13 shall ensure that treatment services that receive funding from  
14 the state or through court-ordered monies utilize ~~such~~ the  
15 funding and monies for programs reasonably expected to reduce  
16 recidivism among community corrections offenders.

17 "(d) The application process and procedures ~~should~~  
18 may include a requirement that each community punishment and  
19 corrections plan establish guidelines to ensure that the  
20 supervision and treatment of offenders participating in a  
21 community punishment and corrections program is, to the extent  
22 practicable, individualized based on the offender's risk of  
23 reoffending, as determined through a validated risk and needs  
24 assessment as defined in Section 12-25-32, administered by the  
25 community punishment and corrections program, and that  
26 treatment and supervision resources, as well as behavioral  
27 health assessment and treatment referral services, are, within

1 the resources available, prioritized based on those offenders  
2 who have the highest risk of reoffending. The plan shall  
3 include a list of services available for veterans and  
4 ~~servicemen~~ service members, and, when appropriate, shall  
5 include any Veterans Treatment Court in operation in the  
6 appropriate county or circuit as a possible alternative for  
7 mentoring and supervision.

8 "(e) (1) Participation in the programs set forth in  
9 this article is voluntary. Any participating authority, county  
10 commission, or other nonprofit entity may notify the director  
11 of the division of its intention to withdraw from  
12 participation in the community punishment and corrections  
13 program contract. The withdrawal ~~will~~ shall become effective  
14 on the last day of the grant year.

15 "(2) If a participating authority, county  
16 commission, or other nonprofit entity is the only community  
17 punishment and corrections program in a judicial circuit, that  
18 program must provide at least 120 days notice prior to  
19 withdrawal to allow another program to be established and  
20 operational. At least one program must be established and  
21 operational prior to the withdrawal of the former program."

22 Section 2. Section 15-18-187 is added to the Code of  
23 Alabama 1975, to read as follows:

24 §15-18-187.

25 (a) Notwithstanding any other provision in this  
26 article, beginning January 1, 2023, there shall be a community  
27 punishment and corrections program in each judicial circuit in



1 this state to serve all the counties within the judicial  
2 circuit.

3 (b) Notwithstanding the requirements in this article  
4 regarding adoption of a resolution by the county commissions  
5 for the formation of a community punishment and corrections  
6 program, if a judicial circuit does not have a community  
7 punishment and corrections program on January 1, 2023, the  
8 presiding judge, in consultation with the county commission or  
9 commissions in the circuit, shall select a county for the  
10 establishment of a community punishment and corrections  
11 program. Nothing in this article shall require a county  
12 commission to provide funding for a community punishment and  
13 corrections program. This subsection does not preclude the  
14 establishment of a community punishment and corrections  
15 program by a nonprofit entity as provided in Section  
16 15-18-178.

17 (c) Nothing in this section may be construed to  
18 authorize the termination of any community punishment and  
19 corrections program in operation pursuant to this article  
20 prior to January 1, 2023. Any community punishment and  
21 corrections program formed prior to January 1, 2023, may  
22 satisfy the requirement for a community punishment and  
23 corrections program in each judicial circuit as required in  
24 this section.

25 (d) Except as expressly provided otherwise by this  
26 section, community punishment and corrections programs formed

1       pursuant to this section shall comply with all of the  
2       provisions of this article.

3                   Section 3. This act shall become effective January  
4       1, 2023, following its passage and approval by the Governor,  
5       or its otherwise becoming law.