



**House Ways and Means General Fund Reported
Substitute for SB322**

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A BILL
TO BE ENTITLED
AN ACT

Relating to the Department of Corrections; to amend Sections 14-1-1.5 and 14-1-4, Code of Alabama 1975, to rename the position of Deputy Commissioner for Prisoner Rehabilitation; to increase the number of deputy commissioners that may be appointed; to add Section 14-1-1.7 to the Code of Alabama 1975, to provide that the Commissioner of the Department of Corrections may appoint exempt employees necessary to carry out the operations of the department and for constituent services; and to amend Section 29-2-20, Code of Alabama 1975, to further provide for the responsibilities of the Joint Prison Oversight Committee; and to require the Department of Examiners of Public Accounts, in consultation with the Joint Prison Oversight Committee, to employ an individual to assist the committee in its operations.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 14-1-1.5 and 14-1-4, Code of Alabama 1975, are amended to read as follows:

"§14-1-1.5

(a) The commissioner may appoint no more than ~~three~~ five deputy commissioners, who shall serve at his or her



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29 pleasure, and the commissioner shall define their duties. The
30 deputy commissioners shall be individuals of good character,
31 with good business, educational, or administrative experience,
32 shall have no financial interest in any partnership,
33 corporation, or association with which the department has any
34 financial dealings, shall devote their full time to their
35 official position, and shall have no other lucrative position
36 while employed. Their salaries shall be set by the
37 commissioner, but shall not exceed the salary paid the
38 commissioner.

39 (b) One deputy commissioner shall be known as the
40 Deputy Commissioner for ~~Prisoner~~-Inmate Rehabilitation. The
41 Deputy Commissioner for ~~Prisoner~~-Inmate Rehabilitation shall
42 be responsible for the development, implementation, and
43 improvement of programs designed to reduce recidivism."

44 "§14-1-4

45 (a) The department may appoint officers and employees
46 as it may require for the performance of its duties and shall
47 fix and determine their qualifications, duties, and authority.
48 The employees of the department, except the ~~Commissioner of~~
49 ~~Corrections and~~ commissioner, the deputy commissioners ~~of~~
50 ~~corrections, not to exceed three~~, appointed administrators,
51 and other exempt positions allowed by law shall be subject to
52 the law with respect to the method, selection, classification,
53 and compensation of state employees on a basis of merit.

54 (b) The ~~Department of Corrections~~ department shall not
55 rescind any employee position with the classification of
56 "correctional officer" and replace them with an employee of a



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57 lower classification or pay.

58 (c) The rules and regulations of the State Personnel
59 Department shall not be applicable to the appointment, tenure,
60 or compensation of physicians, surgeons, psychiatrists,
61 psychologists, dentists, or allied professional supportive
62 personnel employed by the department.

63 (d) The deputy commissioners and all other appointed
64 personnel shall serve at the pleasure of the ~~Commissioner of~~
65 ~~the Department of Corrections~~commissioner."

66 Section 2. Section 14-1-1.7 is added to the Code of
67 Alabama 1975, to read as follows:

68 (a) (1) The Commissioner of the Department of
69 Corrections **may** appoint administrators to carry out the
70 operations and management of correctional facilities,
71 including facilities defined in Section 14-2-1, who: (i) shall
72 serve at his or her pleasure; (ii) shall be deemed exempt
73 employees under Section 36-26-10; and (iii) shall not be
74 required to be certified as either a corrections officer or a
75 law enforcement officer by the Alabama Peace Officers'
76 Standards and Training Commission.

77 (2) The commissioner, as the appointing authority,
78 shall establish the positions, set the qualification
79 requirements, define duties and personnel policies, and set
80 salaries not to exceed the salary of the commissioner.

81 (b) (1) By March 1, 2025, the commissioner **may** appoint
82 15 employees for constituent services, who: (i) shall serve at
83 his or her pleasure; (ii) shall be deemed exempt employees
84 under Section 36-26-10; and (iii) shall not be required to be



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85 certified as either a corrections officer or a law enforcement
86 officer by the Alabama Peace Officers' Standards and Training
87 Commission.

88 (2) One employee shall oversee departmental constituent
89 services and shall serve as a liaison to the Joint Prison
90 Oversight Committee, created by Section 29-2-20, for the
91 purposes of studying and addressing services provided by the
92 department to constituents and the families of inmates.

93 (3) The other 14 employees shall oversee constituent
94 services for all department facilities.

95 (4) The commissioner, as the appointing authority,
96 shall consider information from the Joint Prison Oversight
97 Committee and the Families of the Incarcerated Advisory Board
98 through the Joint Prison Oversight Committee, created pursuant
99 to Section 29-2-20, in establishing qualification requirements
100 and duties of the employees. The commissioner shall also set
101 salaries not to exceed the salary of the commissioner.

102 (5) At a minimum, employees appointed in constituent
103 services shall:

104 a. Create a standardized form to be used by the
105 department for inquiries and complaints received by
106 constituents and families of incarcerated individuals. The
107 form shall contain a central physical address and email
108 address to be used for submittal of the form;

109 b. Provide the electronic form on the department's
110 website;

111 c. Review inquiries and complaints received by the
112 department via the electronic form. Every inquiry and



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113 complaint form shall be assigned to a constituent services
114 employee and shall be provided to the Joint Prison Oversight
115 Committee's liaison; and

116 d. Respond to every inquiry and complaint form,
117 following the department's procedures, and provide the
118 responses to the Joint Prison Oversight Committee's liaison.

119 Section 3. Section 29-2-20, Code of Alabama 1975, is
120 amended to read as follows:

121 "§29-2-20

122 (a) A permanent legislative committee, to be known as
123 the Joint Legislative Prison Oversight Committee, which shall
124 be composed of eight members, two of whom shall be ex officio
125 members and six of whom shall be appointed members, three each
126 to be appointed by the President of the Senate and Speaker of
127 the House, who shall both serve as the ex officio members,
128 shall be formed to examine all aspects of the operations of
129 the Department of Corrections. The chair of the committee
130 shall be selected by and from among the membership.

131 (b) The committee shall examine Alabama's present and
132 ~~long term prison~~ long-term correctional needs ~~and they~~. Upon
133 request of the chair, or by a majority vote of the members,
134 the committee shall ~~file reports of their~~ report its findings
135 and recommendations to the Legislature ~~not later than the~~
136 ~~fifteenth legislative day of each regular session~~.

137 (c) The committee shall study and address mental health
138 issues for ~~prisoners~~ inmates reentering the community after a
139 term of imprisonment in order to streamline the sharing of
140 critical mental health information and in order to address



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141 barriers to accessing mental health treatment for
 142 ~~prisoners~~inmates. ~~The~~ Upon request of the chair, or by a
 143 majority vote of the members, the committee shall report ~~the~~
 144 its findings to the Legislature ~~not later than the fifteenth~~
 145 ~~legislative day of each regular session,~~ and shall work in
 146 conjunction with all of the following in studying and
 147 addressing the issues:

- 148 (1) Department of Corrections.
- 149 (2) Board of Pardons and Paroles.
- 150 (3) Department of Mental Health.
- 151 (4) Administrative Office of Courts.
- 152 (5) Office of Prosecution Services.
- 153 (6) Office of the Attorney General.
- 154 (7) Alabama State Law Enforcement Agency.
- 155 (8) Association of County Commissions of Alabama.
- 156 (9) Alabama Probate Judges Association.
- 157 (10) Alabama Sheriffs' Association.
- 158 (11) Alabama Criminal Defense Lawyers Association.
- 159 (12) Alabama Circuit Judges' Association.
- 160 (13) Department of Public Health.
- 161 (14) Office of the Governor.
- 162 (15) Alabama District Attorneys Association.
- 163 (16) Alabama Drug Abuse Task Force.
- 164 (17) Alabama Department of Senior Services.
- 165 ~~(17)~~ (18) Any other advocacy groups as determined by the
 166 committee.

167 (d) The committee shall study and address issues
 168 related to felony restitution collection in order to improve



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169 rates of collection for restitution obligations in felony
170 cases and establish best practices relating to a defendant's
171 ability to pay obligations owed. ~~The~~ Upon request of the
172 chair, or by a majority vote of the members, the committee
173 shall report ~~the~~ its findings to the Legislature ~~not later~~
174 ~~than the fifteenth legislative day of each regular session,~~
175 and shall work in conjunction with all of the following in
176 studying and addressing the issues:

- 177 (1) Department of Corrections.
- 178 (2) Board of Pardons and Paroles.
- 179 (3) Administrative Office of Courts.
- 180 (4) Office of Prosecution Services.
- 181 (5) Office of the Attorney General.
- 182 (6) Alabama State Law Enforcement Agency.
- 183 (7) Alabama Criminal Defense Lawyers Association.
- 184 (8) Alabama Circuit Judges' Association.
- 185 (9) Association of County Commissions of Alabama.
- 186 (10) Alabama Sheriffs⁺ Association.
- 187 (11) Alabama Crime Victims Compensation Commission.
- 188 (12) The Alabama Circuit Clerk's Association.
- 189 (13) Two crime victims' rights advocates designated by
190 the Attorney General.
- 191 (14) Two members from the Alabama District Attorneys
192 Association, of which one shall be from a largely populated
193 metropolitan judicial circuit and the other shall be from a
194 small, rurally populated judicial circuit.
- 195 (15) Any other advocacy groups as determined by the
196 committee.



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197 (e) The committee shall study and address capacity
198 issues within the Department of Corrections to include, but
199 not be limited to, the issue of design capacity and
200 operational or functional capacity, as well as the
201 construction of new ~~prison~~ correctional facilities and the
202 renovation of current correctional facilities as they relate
203 to ~~prison~~ overcrowding and public safety. ~~The~~ Upon request of
204 the chair, or by a majority vote of the members, the committee
205 shall report ~~the~~ its findings to the Legislature ~~not later~~
206 ~~than the fifteenth legislative day of each regular session,~~
207 and shall work in conjunction with the following in studying
208 and addressing the issues:

- 209 (1) Department of Corrections.
- 210 (2) Board of Pardons and Paroles.
- 211 (3) Department of Mental Health.
- 212 (4) Department of Public Health.
- 213 (5) Administrative Office of Courts.
- 214 (6) Office of Prosecution Services.
- 215 (7) Office of the Attorney General.
- 216 (8) Alabama State Law Enforcement Agency.
- 217 (9) Alabama Drug Abuse Task Force.
- 218 (10) Alabama Criminal Defense Lawyers Association.
- 219 (11) Alabama Circuit Judges' Association.
- 220 (12) Association of County Commissions of Alabama.
- 221 (13) Two members from the Alabama Sheriffs'

222 Association, of which one shall be from a largely populated
223 metropolitan judicial circuit and the other shall be from a
224 small, rurally populated judicial circuit.



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225 (14) Two members from the Alabama District Attorneys
226 Association, of which one shall be from a largely populated
227 metropolitan judicial circuit and the other shall be from a
228 small, rurally populated judicial circuit.

229 (f) The committee shall study and address issues
230 related to services provided by the Department of Corrections
231 to constituents and the families of inmates. Upon request of
232 the chair, or by a majority vote of the members, the committee
233 may report its findings to the Legislature and may work in
234 conjunction with all of the following in studying and
235 addressing the issues:

236 (1) Department of Corrections.

237 (2) Board of Pardons and Paroles.

238 (3) Department of Mental Health.

239 (4) Alabama Criminal Defense Lawyers Association.

240 (g) By September 1, 2024, the Department of Examiners
241 of Public Accounts, in consultation with the committee, shall
242 employ an individual, who shall be an exempt employee under
243 Section 36-26-10, to assist in the operations of the
244 committee.

245 ~~(f)~~ (h) The studies and collaborating partners provided
246 for in this section shall reflect the racial, gender,
247 geographic, ~~urban/rural~~ urban, rural, and economic diversity of
248 the state."

249 Section 4. This act shall become effective on June 1,
250 2024.

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