

HB429 ENROLLED



1 HB429
2 IDDH6WZ-2
3 By Representative Yarbrough (N & P)
4 RFD: Local Legislation
5 First Read: 09-Apr-24



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1 Enrolled, An Act,

2 Relating to Lawrence County; to establish a temporary
3 release program where certain prisoners may be released from
4 custody for the purpose of rehabilitation both before and
5 after sentencing; to provide for penalties for any prisoner
6 who fails to return to the jail under the terms of the
7 prisoner's release; to require fees for participation in
8 programs and to provide for distribution; to set standards for
9 pretrial release; to provide for bond forfeiture for a
10 prisoner's failure to appear; to establish the Lawrence County
11 Community Corrections and Court Services Fund for collection
12 of a prisoner's earnings and proceeds accruing to the fund; to
13 create the Lawrence County Community Corrections and Court
14 Services Commission to administer the fund and operate the
15 program; and to provide for the commission's membership
16 duties.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. Any individual who has been committed to the
19 custody of the Alabama Department of Corrections or the
20 Lawrence County Sheriff may be released therefrom by the court
21 having jurisdiction, either on its own motion or upon the
22 motion of the defendant, at any time before sentencing or
23 during the term of sentence, for the purpose of obtaining and
24 working at gainful employment or for such other purpose as the
25 court may deem conducive to his or her rehabilitation. The
26 release shall be for a specified period of time and under
27 terms and conditions ordered by the court. A defendant shall
28 receive one day's credit toward his or her sentence for each



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29 day spent outside of jail under a release order unless
30 otherwise provided by the court. If an individual violates any
31 term or condition of his or her release, including conditions
32 of employment, he or she shall be subject to having his or her
33 release revoked or the terms and conditions thereof modified
34 by the court having jurisdiction.

35 Section 2. Any individual committed to the custody of
36 the Lawrence County Sheriff may be required, as a condition of
37 release, probation, or sentence, to serve weekends or other
38 times or intervals of time as directed by the court having
39 jurisdiction. While in custody, the individual shall be the
40 responsibility of the Lawrence County Sheriff and shall be
41 subject to the rules and regulations of the Lawrence County
42 jail. A defendant shall receive one day's credit for each 24
43 hours of confinement in the jail. If a defendant spends part
44 of a 24-hour period released and a part of that 24-hour period
45 confined, then he or she shall receive one day's credit toward
46 his or her sentence.

47 Section 3. Any individual released under Section 1 or
48 ordered confined under Section 2, who willfully fails to
49 remain within the extended limits of his or her confinement or
50 to return to the place of confinement as ordered, shall be
51 subject to conviction and punishment for escape as provided in
52 Section 14-8-42, Code of Alabama 1975.

53 Section 4. Any individual sentenced to participate in a
54 work release program pursuant to this act shall pay 25 percent
55 of gross earnings from his or her work release employment to
56 the Lawrence County Community Corrections and Court Services



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57 Commission established by Section 10. The amount designated
58 and collected, whether by payroll deduction or otherwise,
59 shall be deposited by the commission to a separate fund to be
60 known as the Lawrence County Community Corrections and Court
61 Services Fund. No less than quarterly, the commission shall
62 distribute 20 percent of the revenues collected from the work
63 release program to the Sheriff of Lawrence County to be used
64 by the sheriff for law enforcement purposes. The court having
65 jurisdiction of the case, as a condition of release,
66 probation, or participation in work release or any other
67 program implemented and administered pursuant to this act, may
68 require the defendant to establish a payroll deduction with
69 his or her employer for the payment of any amount due pursuant
70 to this act.

71 Section 5. If the court having jurisdiction of the case
72 determines the collection and payment of the amounts provided
73 for in Section 4 will impose a definite and significant
74 financial hardship on the dependents of the defendant, the
75 court may waive the collection and payment of the same or any
76 portion thereof.

77 Section 6. All amounts collected and deposited in the
78 Lawrence County Community Corrections and Court Services Fund
79 shall be expended for the implementation of this act,
80 including, but not limited to (i) paying salaries and other
81 expenses involved in conducting investigations and studies
82 necessary to determine whether particular defendants will be
83 granted the benefits of this act; (ii) administration required
84 to carry out this act; (iii) transportation of defendants to



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85 and from their places of employment; (iv) matching any federal
86 and state grants that may be available in relation to the
87 purposes of this act; and (v) implementation and
88 administration of the treatment, rehabilitation, education,
89 intervention, and pretrial diversion programs created pursuant
90 to Section 10 as determined to be required by law or
91 consistent with the purposes of this act. If at the end of any
92 calendar year there remains a surplus in the Lawrence County
93 Community Corrections and Court Services Fund, the surplus
94 shall be paid over to the General Fund of Lawrence County if a
95 majority of the commission members, by affirmative vote,
96 decide at a duly convened meeting of the commission that the
97 surplus, or any portion thereof, is in excess of an amount
98 necessary to carry out this act.

99 Section 7. The provisions of this act pertaining to
100 pretrial release shall be applied in conformity with the
101 principles and guidelines set forth in Rules 7.2(a) and (b),
102 7.3, 7.4, and 7.5 of the Alabama Rules of Criminal Procedure.

103 Section 8. (a) Any individual in Lawrence County
104 charged with a non-capital, bailable offense, as a matter of
105 right, may be released pending trial on his or her personal
106 recognizance or upon the execution of an appearance bond.
107 However, if a judge having jurisdiction determines, in his or
108 her discretion, that a release will not reasonably assure the
109 defendant's appearance as required or that a defendant's being
110 at-large will pose a real and present danger to others or the
111 public in general, the judge, either in lieu of or in addition
112 to the methods and conditions of release specified in Rules



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113 7.2(a) and 7.3 of the Alabama Rules of Criminal Procedure,
114 may:

115 (1) Require the defendant execute an appearance bond in
116 a specified amount with 10 percent of the amount to be
117 deposited with the clerk of the court, in cash or other
118 security as directed, and 10 percent of the deposit shall be
119 remitted within 10 days after the deposit to the Lawrence
120 County Commission for deposit to the fund established by
121 Section 4, and that the remainder of the deposit shall be
122 returned by the clerk to the defendant after he or she is
123 discharged upon dismissal of the pending charges or the
124 imposition of sentence after conviction; or

125 (2) Impose any additional condition deemed reasonably
126 necessary to assure appearance as required, including a
127 condition requiring the defendant return to custody after
128 specified hours.

129 (b) In determining which methods and conditions of
130 release will reasonably assure the appearance of a defendant
131 as required or protect certain persons or the general public
132 from a defendant who poses a real and present danger, the
133 judge or magistrate, in addition to considering the principles
134 and guidelines set forth in Rules 7.2(a) and 7.3 of the
135 Alabama Rules of Criminal Procedure, shall bear in mind that
136 the purposes of this act are not only to assure the presence
137 of the defendant at trial, but also to assure that all
138 defendants, regardless of financial or social status, shall
139 not needlessly be detained pending appearance to answer
140 charges, or pending appeal, when detention serves neither the



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141 ends of justice nor the public interest.

142 (c) All amounts collected under this section shall be
143 paid into the Lawrence County Community Corrections and Court
144 Services Fund, unless payment is otherwise directed by general
145 law.

146 Section 9. (a) A defendant who is released on an
147 appearance bond or other security pursuant to this act and who
148 knowingly fails to appear before any court or judicial officer
149 as required shall incur a forfeiture of the bond or any
150 security that was given or pledged for his or her release and,
151 in addition, may be guilty of bail jumping and punished as
152 provided in Title 13A of the Code of Alabama 1975.

153 (b) A defendant's bond or other security may be
154 forfeited under this section, even if he or she has not
155 received actual notice of the appearance date, if: (i)
156 reasonable efforts to notify the defendant have been made; and
157 (ii) the defendant, by his or her own actions, has frustrated
158 the receipt of actual notice.

159 (c) Except as otherwise provided by general law, all
160 forfeitures of cash or other security deposited with the clerk
161 of any court, and all deposits otherwise made and retained
162 pursuant to this act, shall be paid over to the Lawrence
163 County Community Corrections and Court Services Fund used to
164 implement this act.

165 Section 10. (a) The Lawrence County Community
166 Corrections and Court Services Commission is created. The
167 commission shall be comprised of 9 members as follows: the
168 Chair of the Lawrence County Commission; the Sheriff of



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169 Lawrence County; the District Attorney of the Thirty-Sixth
170 Judicial Circuit; a circuit judge from the Thirty-Sixth
171 Judicial Circuit appointed by the presiding judge of the
172 circuit; a district judge of Lawrence County to be appointed
173 by the presiding judge of the Thirty-Sixth Judicial Circuit;
174 an individual appointed by the City Council of the City of
175 Moulton; an individual appointed by the City Council of the
176 City of Courtland; the officer in charge of the Alabama
177 Probation and Parole Office in Lawrence County; and the
178 Circuit Court Clerk of Lawrence County.

179 (b) The commission may implement this act and generally
180 superintend all administrative functions pursuant to the same,
181 subject to rules adopted by the circuit and district judges of
182 Lawrence County. The commission may not direct any judicial
183 officer in the exercise of his or her judicial functions. The
184 commission, subject to any applicable laws pertaining to the
185 employment and dismissal of county employees, may employ and
186 dismiss personnel, except judicial officers, and may direct
187 and supervise the personnel. All personnel employed by the
188 commission who have been certified by the Alabama Peace
189 Officers' Standards and Training Commission shall have the
190 same authority and powers as are vested in deputy sheriffs and
191 all other peace officers of this state. The personnel shall be
192 responsible to the commission and shall perform all duties
193 assigned by the commission.

194 (c) The commission may contract with one or more
195 individuals or nonprofit corporations to serve as executive
196 director for purposes of administering this act. The



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197 contractor shall serve at the pleasure of the commission and
198 shall operate all of the programs authorized by the commission
199 in accordance with the fiscal procedures generally applicable
200 to the operation of instrumentalities of this state with full
201 public disclosure and accountability. The commission shall be
202 subject to periodic audits in accordance with applicable
203 requirements of law and shall comply with all laws and rules
204 relating to the disbursement and expenditure of public funds.

205 (d) The commission shall continually review all
206 activities conducted under its purview and shall recommend to
207 the Legislature any changes that it deems to be appropriate
208 under the law to carry out the purposes of this act.

209 (e) No agreement for the merger of the work release
210 program with any similar program operated by the Department of
211 Corrections or any other department, agency, or bureau of the
212 state shall be effective without the approval of the
213 commission.

214 (f) The commission may apply for, receive, and
215 administer any grants or funds from the United States
216 government or any agency thereof; the State of Alabama or any
217 agency thereof; or any private or quasi governmental
218 foundation, corporation, firm, or agency if the grants or
219 funds are available for the uses and purposes for which the
220 commission is organized. All funds received by the commission
221 shall be deposited to the Lawrence County Community
222 Corrections and Court Services Fund, and shall be disbursed by
223 the Lawrence County Commission upon vouchers submitted by the
224 commission's chair or the executive director designated by the



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225 commission.

226 (g) The commission shall elect a chair from among its
227 membership and shall adopt rules for conducting its affairs.
228 All meetings of the commission shall be in the Lawrence County
229 Courthouse and shall be held at the call of the elected chair.
230 The chair shall be required to call a meeting of the
231 commission upon the request in writing of any four members of
232 the commission.

233 (h) The commission may establish, operate, and fund
234 alternative sentencing programs, education programs,
235 intervention programs, and treatment programs such as pretrial
236 release programs, supervised electronic detention programs,
237 domestic violence offender programs, court referral programs,
238 driver safety programs, and other programs to serve the courts
239 of the Thirty-Sixth Judicial Circuit and may collect fees from
240 any defendant ordered by the courts to complete a program
241 administered by the commission. The authority to establish the
242 fees to fund the programs shall rest exclusively with the
243 commission. All fees collected shall be transmitted to the
244 Lawrence County Commission for deposit into the Lawrence
245 County Community Corrections and Court Services Fund and shall
246 be expended in accordance with this act. Notwithstanding the
247 establishment of the fees, any judge of the Thirty-Sixth
248 Judicial Circuit may waive the payment or collection of any
249 administrative fee, or any portion thereof, associated with a
250 defendant's assignment to a program administered by the
251 commission. Any defendant who, upon court order, enrolls in
252 any education program, intervention program, or treatment



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253 program administered by the commission, at the time of
254 enrollment, shall be notified of any fees associated with the
255 program and shall be notified of the location and cost of any
256 equivalent program offered in Lawrence County. Any program
257 that meets applicable certification criteria and fully
258 satisfies the order of the court shall be deemed equivalent.
259 Enrollment in equivalent programs in lieu of programs
260 administered by the commission shall be at the discretion of
261 the defendant.

262 Section 11. The Lawrence County Commission and any
263 municipality in Lawrence County may appropriate public funds
264 and other public property and to make the same available,
265 either by loan, grant, or otherwise, to the Lawrence County
266 Community Corrections and Court Services Commission to assist
267 the commission and its employees in carrying out the purposes
268 of this act.

269 Section 12. Any municipality in Lawrence County may
270 elect to participate in the programs authorized by this act.
271 The election shall be evidenced by a resolution adopted by the
272 governing body of the municipality by which the municipality
273 agrees to participate in the programs authorized by this act
274 and to contribute any revenue arising from work release
275 programs authorized by this act to the Lawrence County
276 Community Corrections and Court Services Fund. A certified
277 copy of the resolution shall be sent to the Lawrence County
278 Community Corrections and Court Services Fund and the election
279 shall be effective on the first day of the calendar quarter
280 next following delivery of the resolution to the commission.



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281 Section 13. Nothing in this act shall interfere with or
282 prevent the exercise by any court of Alabama of its power to
283 punish for contempt or any crime committed under the laws of
284 Alabama.

285 Section 14. The procedures prescribed in this act shall
286 be cumulative and in addition to all other bail and release
287 procedures provided by law.

288 Section 15. This act shall become effective on October
289 1, 2024.



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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 16-Apr-24.

John Treadwell
Clerk

Senate

02-May-24

Passed