

**SB322 ENGROSSED**



1 SB322  
2 CM7HJWJ-2  
3 By Senator Chambliss  
4 RFD: County and Municipal Government  
5 First Read: 11-Apr-24



**SB322 Engrossed**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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 require the Commissioner of the Department of Corrections to appoint exempt employees necessary to carry out the operations of the department and for constituent services, and to establish a sunset date; and to amend Section 29-2-20, Code of Alabama 1975, to further provide for the responsibilities of the Joint Prison Oversight Committee; 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; and to create the Families of the Incarcerated Advisory Board within the committee and provide for its membership and duties.

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:



## SB322 Engrossed

29 "§14-1-1.5

30 (a) The commissioner may appoint no more than ~~three~~  
31 five deputy commissioners, who shall serve at his or her  
32 pleasure, and the commissioner shall define their duties. The  
33 deputy commissioners shall be individuals of good character,  
34 with good business, educational, or administrative experience,  
35 shall have no financial interest in any partnership,  
36 corporation, or association with which the department has any  
37 financial dealings, shall devote their full time to their  
38 official position, and shall have no other lucrative position  
39 while employed. Their salaries shall be set by the  
40 commissioner, but shall not exceed the salary paid the  
41 commissioner.

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

47 "§14-1-4

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



## SB322 Engrossed

57           (b) The ~~Department of Corrections~~ department shall not  
58 rescind any employee position with the classification of  
59 "correctional officer" and replace them with an employee of a  
60 lower classification or pay.

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

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

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

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

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

84           (b) (1) By March 1, 2025, the commissioner shall appoint



## SB322 Engrossed

85 15 employees for constituent services, who: (i) shall serve at  
86 his or her pleasure; (ii) shall be deemed exempt employees  
87 under Section 36-26-10; and (iii) shall not be required to be  
88 certified as either a corrections officer or a law enforcement  
89 officer by the Alabama Peace Officers' Standards and Training  
90 Commission.

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

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

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

105 (5) At a minimum, employees appointed in constituent  
106 services shall:

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

112 b. Provide the electronic form on the department's



## SB322 Engrossed

113 website;

114 c. Review inquiries and complaints received by the  
115 department via the electronic form. Every inquiry and  
116 complaint form shall be assigned to a constituent services  
117 employee and shall be provided to the Joint Prison Oversight  
118 Committee's liaison; and

119 d. Respond to every inquiry and complaint form,  
120 following the department's procedures, and provide the  
121 responses to the Joint Prison Oversight Committee's liaison.

122 (c) This section shall be repealed on September 30,  
123 2028.

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

126 "§29-2-20

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

136 (b) The committee shall examine Alabama's present and  
137 ~~long term prison~~ long-term correctional needs and they. Upon  
138 request of the chair, or by a majority vote of the members,  
139 the committee shall file reports of their report its findings  
140 and recommendations to the Legislature ~~not later than the~~



## SB322 Engrossed

141 ~~fifteenth legislative day of each regular session.~~

142 (c) The committee shall study and address mental health  
143 issues for ~~prisoners~~inmates reentering the community after a  
144 term of imprisonment in order to streamline the sharing of  
145 critical mental health information and in order to address  
146 barriers to accessing mental health treatment for  
147 ~~prisoners~~inmates. ~~The~~Upon request of the chair, or by a  
148 majority vote of the members, the committee shall report ~~the~~  
149 its findings to the Legislature ~~not later than the fifteenth~~  
150 ~~legislative day of each regular session,~~ and shall work in  
151 conjunction with all of the following in studying and  
152 addressing the issues:

- 153 (1) Department of Corrections.
- 154 (2) Board of Pardons and Paroles.
- 155 (3) Department of Mental Health.
- 156 (4) Administrative Office of Courts.
- 157 (5) Office of Prosecution Services.
- 158 (6) Office of the Attorney General.
- 159 (7) Alabama State Law Enforcement Agency.
- 160 (8) Association of County Commissions of Alabama.
- 161 (9) Alabama Probate Judges Association.
- 162 (10) Alabama Sheriffs' Association.
- 163 (11) Alabama Criminal Defense Lawyers Association.
- 164 (12) Alabama Circuit Judges' Association.
- 165 (13) Department of Public Health.
- 166 (14) Office of the Governor.
- 167 (15) Alabama District Attorneys Association.
- 168 (16) Alabama Drug Abuse Task Force.



## SB322 Engrossed

169 (17) Alabama Department of Senior Services.

170 ~~(17)~~(18) Any other advocacy groups as determined by the  
171 committee.

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

182 (1) Department of Corrections.

183 (2) Board of Pardons and Paroles.

184 (3) Administrative Office of Courts.

185 (4) Office of Prosecution Services.

186 (5) Office of the Attorney General.

187 (6) Alabama State Law Enforcement Agency.

188 (7) Alabama Criminal Defense Lawyers Association.

189 (8) Alabama Circuit Judges' Association.

190 (9) Association of County Commissions of Alabama.

191 (10) Alabama Sheriffs' Association.

192 (11) Alabama Crime Victims Compensation Commission.

193 (12) The Alabama Circuit Clerk's Association.

194 (13) Two crime victims' rights advocates designated by  
195 the Attorney General.

196 (14) Two members from the Alabama District Attorneys





## SB322 Engrossed

197 Association, of which one shall be from a largely populated  
198 metropolitan judicial circuit and the other shall be from a  
199 small, rurally populated judicial circuit.

200 (15) Any other advocacy groups as determined by the  
201 committee.

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

214 (1) Department of Corrections.

215 (2) Board of Pardons and Paroles.

216 (3) Department of Mental Health.

217 (4) Department of Public Health.

218 (5) Administrative Office of Courts.

219 (6) Office of Prosecution Services.

220 (7) Office of the Attorney General.

221 (8) Alabama State Law Enforcement Agency.

222 (9) Alabama Drug Abuse Task Force.

223 (10) Alabama Criminal Defense Lawyers Association.

224 (11) Alabama Circuit Judges' Association.



## SB322 Engrossed

225 (12) Association of County Commissions of Alabama.

226 (13) Two members from the Alabama Sheriffs<sup>1</sup>  
227 Association, of which one shall be from a largely populated  
228 metropolitan judicial circuit and the other shall be from a  
229 small, rurally populated judicial circuit.

230 (14) Two members from the Alabama District Attorneys  
231 Association, of which one shall be from a largely populated  
232 metropolitan judicial circuit and the other shall be from a  
233 small, rurally populated judicial circuit.

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

241 (1) Department of Corrections.

242 (2) Board of Pardons and Paroles.

243 (3) Department of Mental Health.

244 (4) Alabama Criminal Defense Lawyers Association.

245 (g) By September 1, 2024, the Department of Examiners  
246 of Public Accounts, in consultation with the committee, shall  
247 employ an individual to assist in the operations of the  
248 committee, including, but not limited to, overseeing the  
249 Families of the Incarcerated Advisory Board, established  
250 pursuant to subsection (h), and serve as a liaison between the  
251 committee and the Department of Corrections.

252 (h) (1) By September 1, 2024, the Families of the



## SB322 Engrossed

253 Incarcerated Advisory Board shall be established within the  
254 committee.

255 (2) The board shall consist of all of the following,  
256 who shall be appointed by the membership of the committee:

257 a. Two individuals who are a spouse, child, parent,  
258 grandparent, or sibling of an individual who is, at the time  
259 of the appointment, incarcerated in the Department of  
260 Corrections.

261 b. Two individuals who are a spouse, child, parent,  
262 grandparent, or sibling of a deceased individual who died  
263 while in the department's custody.

264 c. An individual who was formerly incarcerated in the  
265 department.

266 d. A physician who holds, or previously held, a license  
267 to practice medicine in this state, who is or was board  
268 certified in family medicine or internal medicine.

269 e. A mental health or behavioral health professional  
270 who holds, or previously held, a license in mental health  
271 counseling, and who has a background of providing mental  
272 health services or counseling to incarcerated individuals.

273 f. A representative of a nonprofit prison advocacy  
274 organization.

275 g. A member of the clergy.

276 (3) The board shall advise the committee on ways in  
277 which the department may improve communication with  
278 incarcerated individuals' emergency contacts. The members of  
279 the board may not advocate for a specific incarcerated  
280 individual in custody.



## SB322 Engrossed

281           (4)a. The members shall be appointed to four-year terms  
282 and may be reappointed one time.

283           b. Vacancies on the board shall be filled in the same  
284 manner as initial appointments.

285           (5) The first meeting of the board shall be held no  
286 later than October 1, 2024, at which time the board shall  
287 elect a chair and vice chair. The chair and vice chair shall  
288 be elected annually in October. The vice chair shall serve in  
289 the chair's absence. The board shall then meet quarterly to  
290 conduct business.

291           (6) The members of the board shall serve without  
292 compensation.

293           (7) The board shall submit a report of its findings,  
294 conclusions, and recommendations to the committee one month  
295 prior to each committee meeting.

296           ~~(f)~~ (i) The studies and collaborating partners provided  
297 for in this section shall reflect the racial, gender,  
298 geographic, ~~urban/rural~~ urban, rural, and economic diversity of  
299 the state."

300           Section 4. This act shall become effective on June 1,  
301 2024.

SB322 Engrossed



302  
303  
304 Senate

305 Read for the first time and referred .....11-Apr-24  
306 to the Senate committee on County  
307 and Municipal Government  
308  
309 Read for the second time and placed .....16-Apr-24  
310 on the calendar:  
311 0 amendments  
312  
313 Read for the third time and passed .....23-Apr-24  
314 as amended  
315 Yeas 34  
316 Nays 0  
317 Abstains 0  
318  
319

320 Patrick Harris,  
321 Secretary.  
322