

**SB322 INTRODUCED**



1 SB322  
2 FX6TDDC-1  
3 By Senator Chambliss  
4 RFD: County and Municipal Government  
5 First Read: 11-Apr-24



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SYNOPSIS:

Under existing law, the position of Deputy Commissioner for Prisoner Rehabilitation is responsible for the development, implementation, and improvement of programs designed to reduce recidivism.

This bill would rename the Deputy Commissioner for Prisoner Rehabilitation as the Deputy Commissioner for Inmate Rehabilitation.

This bill would provide that the Commissioner of the Department of Corrections may appoint administrators, who are exempt employees under the state Merit System, necessary to carry out the operations and management of correctional facilities.

This bill would provide that the Commissioner of the Department of Corrections may appoint 15 employees in unclassified positions for the purpose of studying and addressing services provided by the department to constituents and families of inmates.

Under existing law, the Joint Prison Oversight Committee exists to examine Alabama's present and long-term correctional needs.

This would require the Joint Prison Oversight Committee to study and address issues related to services provided by the Department of Corrections to constituents and families of inmates.



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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 provide that the Commissioner of the Department of Corrections may appoint exempt and unclassified employees necessary to carry out the operations of the department; to amend Section 29-2-20, Code of Alabama 1975, to further provide for the responsibilities of the Joint Prison Oversight Committee; and to amend Section 36-26-10, as last amended by Act 2023-538, 2023 Regular Session, Code of Alabama 1975, to establish the number of unclassified employees allowed to be employed by the Department of Corrections.

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) (1) The commissioner may appoint ~~no more than three~~ deputy commissioners, who shall serve at his or her pleasure, and the commissioner shall define their duties. The deputy commissioners shall be individuals of good character, with good business, educational, or administrative experience, shall have no financial interest in any partnership,



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57 corporation, or association with which the department has any  
58 financial dealings, shall devote their full time to their  
59 official position, and shall have no other lucrative position  
60 while employed. Their salaries shall be set by the  
61 commissioner, but shall not exceed the salary paid the  
62 commissioner.

63 ~~(b)~~ (2) One deputy commissioner shall be known as the  
64 Deputy Commissioner for ~~Prisoner~~-Inmate Rehabilitation. The  
65 Deputy Commissioner for ~~Prisoner~~-Inmate Rehabilitation shall  
66 be responsible for the development, implementation, and  
67 improvement of programs designed to reduce recidivism.

68 (b) The commissioner may appoint administrators as  
69 necessary to carry out the operations and management of  
70 correctional facilities, including facilities defined in  
71 Section 14-2-1, who: (i) shall serve at his or her pleasure;  
72 (ii) shall be deemed exempt employees under Section 36-26-10;  
73 and (iii) shall not be required to be certified as a  
74 corrections officer or law enforcement officer by the Alabama  
75 Peace Officers' Standards and Training Commission. The  
76 commissioner, as the appointing authority, shall establish the  
77 positions, set the qualification requirements, define duties  
78 and personnel policies, and set salaries not to exceed the  
79 salary of the commissioner.

80 (c) (1) The commissioner may appoint up to 15 employees  
81 in unclassified positions for constituent services. One  
82 employee shall oversee departmental constituent services and  
83 shall serve as a liaison to the Joint Prison Oversight  
84 Committee, created by Section 29-2-20, for the purposes of



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85 studying and addressing services provided by the department to  
86 constituents and the families of inmates. The employees  
87 appointed to the other unclassified positions shall oversee  
88 constituent services for all department facilities.

89 (2) The salaries of the unclassified employees shall be  
90 set by the commissioner, but shall not exceed the salary paid  
91 to the commissioner."

92 "§14-1-4

93 (a) The department may appoint officers and employees  
94 as it may require for the performance of its duties and shall  
95 fix and determine their qualifications, duties, and authority.  
96 The employees of the department, except the ~~Commissioner of~~  
97 ~~Corrections and~~ commissioner, the deputy commissioners ~~of~~  
98 ~~corrections, not to exceed three~~, appointed administrators,  
99 and other exempt or unclassified positions allowed by law  
100 shall be subject to the law with respect to the method,  
101 selection, classification, and compensation of state employees  
102 on a basis of merit.

103 (b) The ~~Department of Corrections~~ department shall not  
104 rescind any employee position with the classification of  
105 "correctional officer" and replace them with an employee of a  
106 lower classification or pay.

107 (c) The rules and regulations of the State Personnel  
108 Department shall not be applicable to the appointment, tenure,  
109 or compensation of physicians, surgeons, psychiatrists,  
110 psychologists, dentists, or allied professional supportive  
111 personnel employed by the department.

112 (d) The deputy commissioners and all other appointed



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113 personnel shall serve at the pleasure of the ~~Commissioner of~~  
114 ~~the Department of Corrections~~commissioner."

115 Section 2. Section 29-2-20, Code of Alabama 1975, is  
116 amended to read as follows:

117 "§29-2-20

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

127 (b) The committee shall examine Alabama's present and  
128 long term ~~prison~~correctional needs and ~~they~~ shall file  
129 reports of their findings and recommendations to the  
130 Legislature not later than the fifteenth legislative day of  
131 each regular session.

132 (c) The committee shall study and address mental health  
133 issues for ~~prisoners~~inmates reentering the community after a  
134 term of imprisonment in order to streamline the sharing of  
135 critical mental health information and in order to address  
136 barriers to accessing mental health treatment for  
137 ~~prisoners~~inmates. The committee shall report the findings to  
138 the Legislature not later than the fifteenth legislative day  
139 of each regular session, and shall work in conjunction with  
140 all of the following in studying and addressing the issues:



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- 141 (1) Department of Corrections.
- 142 (2) Board of Pardons and Paroles.
- 143 (3) Department of Mental Health.
- 144 (4) Administrative Office of Courts.
- 145 (5) Office of Prosecution Services.
- 146 (6) Office of the Attorney General.
- 147 (7) Alabama State Law Enforcement Agency.
- 148 (8) Association of County Commissions of Alabama.
- 149 (9) Alabama Probate Judges Association.
- 150 (10) Alabama Sheriffs<sup>+</sup> Association.
- 151 (11) Alabama Criminal Defense Lawyers Association.
- 152 (12) Alabama Circuit Judges' Association.
- 153 (13) Department of Public Health.
- 154 (14) Office of the Governor.
- 155 (15) Alabama District Attorneys Association.
- 156 (16) Alabama Drug Abuse Task Force.
- 157 (17) Any other advocacy groups as determined by the
- 158 committee.

159 (d) The committee shall study and address issues  
160 related to felony restitution collection in order to improve  
161 rates of collection for restitution obligations in felony  
162 cases and establish best practices relating to a defendant's  
163 ability to pay obligations owed. The committee shall report  
164 the findings to the Legislature not later than the fifteenth  
165 legislative day of each regular session, and shall work in  
166 conjunction with all of the following in studying and  
167 addressing the issues:

- 168 (1) Department of Corrections.



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- 169 (2) Board of Pardons and Paroles.
- 170 (3) Administrative Office of Courts.
- 171 (4) Office of Prosecution Services.
- 172 (5) Office of the Attorney General.
- 173 (6) Alabama State Law Enforcement Agency.
- 174 (7) Alabama Criminal Defense Lawyers Association.
- 175 (8) Alabama Circuit Judges' Association.
- 176 (9) Association of County Commissions of Alabama.
- 177 (10) Alabama Sheriffs' Association.
- 178 (11) Alabama Crime Victims Compensation Commission.
- 179 (12) The Alabama Circuit Clerk's Association.
- 180 (13) Two crime victims' rights advocates designated by
- 181 the Attorney General.
- 182 (14) Two members from the Alabama District Attorneys
- 183 Association, of which one shall be from a largely populated
- 184 metropolitan judicial circuit and the other shall be from a
- 185 small, rurally populated judicial circuit.
- 186 (15) Any other advocacy groups as determined by the
- 187 committee.
- 188 (e) The committee shall study and address capacity
- 189 issues within the Department of Corrections to include, but
- 190 not be limited to, the issue of design capacity and
- 191 operational or functional capacity, as well as the
- 192 construction of new ~~prison~~ correctional facilities and the
- 193 renovation of current correctional facilities as they relate
- 194 to ~~prison~~ overcrowding and public safety. The committee shall
- 195 report the findings to the Legislature not later than the
- 196 fifteenth legislative day of each regular session, and shall





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197 work in conjunction with the following in studying and  
198 addressing the issues:

- 199 (1) Department of Corrections.
- 200 (2) Board of Pardons and Paroles.
- 201 (3) Department of Mental Health.
- 202 (4) Department of Public Health.
- 203 (5) Administrative Office of Courts.
- 204 (6) Office of Prosecution Services.
- 205 (7) Office of the Attorney General.
- 206 (8) Alabama State Law Enforcement Agency.
- 207 (9) Alabama Drug Abuse Task Force.
- 208 (10) Alabama Criminal Defense Lawyers Association.
- 209 (11) Alabama Circuit Judges' Association.
- 210 (12) Association of County Commissions of Alabama.
- 211 (13) Two members from the Alabama Sheriffs' Association,

212 Association, of which one shall be from a largely populated  
213 metropolitan judicial circuit and the other shall be from a  
214 small, rurally populated judicial circuit.

- 215 (14) Two members from the Alabama District Attorneys  
216 Association, of which one shall be from a largely populated  
217 metropolitan judicial circuit and the other shall be from a  
218 small, rurally populated judicial circuit.

219 (f) The committee shall study and address issues  
220 related to services provided by the Department of Corrections  
221 to constituents and the families of inmates. As needed, the  
222 committee may report the findings to the Legislature and may  
223 work in conjunction with all of the following in studying and  
224 addressing the issues:



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225 (1) Department of Corrections.  
226 (2) Board of Pardons and Paroles.  
227 (3) Department of Mental Health.  
228 (4) Alabama Criminal Defense Lawyers Association.  
229 ~~(f)~~ (g) The studies and collaborating partners provided  
230 for in this section shall reflect the racial, gender,  
231 geographic, ~~urban/rural~~ urban, rural, and economic diversity of  
232 the state."

233 Section 3. Section 36-26-10, as last amended by Act  
234 2023-538, 2023 Regular Session, Code of Alabama 1975, is  
235 amended to read as follows:

236 "§36-26-10

237 (a) Positions in the service of the state shall be  
238 divided into the exempt, the unclassified, and the classified  
239 service.

240 (b) The exempt service shall include all of the  
241 following:

242 (1) Officers elected by the vote of the people.

243 (2) Officers and employees of the Legislature.

244 (3) All employees of a district attorney's office.

245 (4) Members of boards and commissions, whether  
246 appointed or self-perpetuating, and heads of departments  
247 required by law to be appointed by the Governor or by boards  
248 or commissions with the approval of the Governor.

249 (5) All officers and employees of the state's  
250 institutions of higher learning, teacher-training institutions  
251 and normal schools, educational, eleemosynary, and  
252 correctional institutions which are governed and controlled by



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253 boards of trustees or similar governing bodies, and secondary  
254 agricultural schools and vocational schools.

255 (6) All inmate help in all charitable, penal, and  
256 correctional institutions.

257 (7) All commissioned and warrant officers and enlisted  
258 personnel of the national guard and naval militia of the state  
259 in their respective military and naval grades.

260 (8) The Governor's private secretary, legal advisor,  
261 recording secretary, and those employees of the Governor's  
262 office paid exclusively out of the Governor's Emergency or  
263 Contingent Funds.

264 (9) The employees of the Alabama State Port Authority  
265 engaged in railroad service and subject to the provisions of  
266 an act of Congress known as the Railway Labor Act as amended  
267 or as it may hereafter be amended.

268 (10) For each agency, up to three employees in addition  
269 to any other exempt positions as otherwise allowed by law;  
270 provided no classified employees or positions are eliminated  
271 and these positions may not be occupied by the head of an  
272 agency.

273 (11) For the Department of Conservation and Natural  
274 Resources, the Department of Corrections, the Department of  
275 Human Resources, the Department of Mental Health, the Alabama  
276 Department of Public Health, the Department of Revenue, the  
277 Department of Transportation, and the Alabama State Law  
278 Enforcement Agency, one employee in addition to the number of  
279 employees provided for in subdivision (10), and in addition to  
280 any other exempt positions otherwise allowed by law, provided



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281 this position may not be occupied by the head of an agency.

282 The services listed in this subsection as exempt shall  
283 in no respect be subject to the provisions of this article,  
284 anything to the contrary notwithstanding.

285 (c) The unclassified service shall include all of the  
286 following:

287 (1) One confidential assistant or secretary for each  
288 board, commission, and elected officer and, when requested by  
289 the Governor, for each department head appointed by the  
290 Governor; ~~and.~~

291 (2) All employees of the Governor's office not  
292 exempted. The positions in the unclassified service enumerated  
293 in this subsection may at the request of the appointing  
294 authority be filled by classified employees. Each of the  
295 employees thus appointed, at the conclusion of his or her  
296 occupancy of such position, shall resume his or her previous  
297 status in the classified service.

298 (3) For the Department of Corrections, 15 employees.

299 (d) The classified service shall include all other  
300 officers and positions in the state service.

301 (e) Except as to services denominated as exempt or  
302 unclassified services in subsections (b) and (c), the Governor  
303 shall have the power by executive order to extend the  
304 provisions of this article to include additional positions or  
305 classes of positions.

306 (f) Employees in the unclassified service shall be  
307 subject to the same rules of employment as apply to employees  
308 in the classified service except as to appointment and



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309 dismissal."

310 Section 4. This act shall become effective on October

311 1, 2024.