

1 HB376  
2 196961-1  
3 By Representative England  
4 RFD: State Government  
5 First Read: 09-APR-19

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8 SYNOPSIS: Under existing law, all direct and effective  
9 control over penal and corrections institutions  
10 throughout the state are exercised by the Governor  
11 through the Department of Corrections. An  
12 institution over which the Department exercises  
13 control may not be leased, transferred, or placed  
14 under the management of a nongovernmental entity  
15 without first obtaining the approval of the  
16 Legislature.

17 This bill would require the Department of  
18 Corrections to obtain legislative approval prior to  
19 entering into a lease agreement to incarcerate,  
20 supervise, or manage more than fifteen percent of  
21 the inmates within the department's jurisdictional  
22 population at an institution owned or operated by a  
23 nongovernmental entity.

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25 A BILL  
26 TO BE ENTITLED  
27 AN ACT

1  
2 To amend Sections 14-1-1.2, Code of Alabama 1975,  
3 regarding the Department of Corrections; to require the  
4 department to obtain legislative approval prior to entering  
5 into a lease agreement to incarcerate, supervise, or manage  
6 more than fifteen percent of the inmates within the  
7 department's jurisdictional population at an institution owned  
8 or operated by a nongovernmental entity.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. Sections 14-1-1.2, Code of Alabama 1975,  
11 are hereby amended as follows:

12 "§14-1-1.2.

13 "(a) The department shall be an administrative  
14 department responsible for administering and exercising the  
15 direct and effective control over penal and corrections  
16 institutions throughout this state. An institution over which  
17 the department exercises control may not be leased,  
18 transferred, or placed under the supervision or management of  
19 any nongovernmental entity without first obtaining the consent  
20 of the Legislature through the passage of legislation by a  
21 majority vote of the membership of each house.

22 "(b) The department may not enter into a lease  
23 agreement to incarcerate, supervise, or manage more than  
24 fifteen percent of the inmates within the department's  
25 jurisdictional population at an institution owned or operated  
26 by a nongovernmental entity without first obtaining the  
27 consent of the Legislature through the passage of legislation

1 by a majority vote of the membership of each house. This  
2 provision shall only apply to a lease agreement after the  
3 effective date of this amendatory act and shall not apply to a  
4 lease agreement or renewal of such lease previously entered  
5 into by the department."

6           Section 2. This act shall become effective  
7 immediately following its passage and approval by the  
8 Governor, or its otherwise becoming law.