

1 HB819  
2 115819-2  
3 By Representative Gipson (N & P)  
4 RFD: Local Legislation  
5 First Read: 06-APR-10

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9 A BILL  
10 TO BE ENTITLED  
11 AN ACT  
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13 Relating to Autauga County; to provide for the  
14 Autauga County Work Release Board to supervise and administer  
15 the provisions of this act; to establish the Autauga County  
16 Work Release Program; to provide for the carrying out of the  
17 provisions of this act; and to repeal all laws or parts of  
18 laws which conflict with this act, including Act 419 of the  
19 1975 Regular Session (Acts 1975, p. 1014).

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. This act shall apply only to Autauga  
22 County.

23 Section 2. For purposes of this act, the following  
24 terms shall have the following meanings:

25 (1) BOARD. The Autauga County Work Release Board,  
26 which shall be composed of the following members: The circuit

1 clerk of the county, the chief jailer of the county, and the  
2 sheriff of the county.

3 (2) FUND. The Autauga County Work Release Fund.

4 (3) INMATE. Anyone housed in the Autauga County  
5 Metro Jail, regardless of reason for the housing.

6 (4) PROGRAM. The Autauga County Work Release  
7 Program.

8 Section 3. The Autauga County Work Release Board is  
9 established to develop, promulgate, and adopt rules for the  
10 operation and maintenance of the Autauga County Work Release  
11 Program established by this act. The rules shall include, but  
12 are not limited to, the eligibility requirements of inmates  
13 who may be considered for the program.

14 Section 4. Any inmate qualified and eligible to  
15 participate in the program may be released from housing at the  
16 Autauga County Metro Jail during the hours of his or her  
17 employment, including sufficient time to travel to and from  
18 the employment.

19 Section 5. (a) The sheriff may establish the Autauga  
20 County Work Release Fund at a bank selected by the sheriff  
21 located in Autauga County, Alabama. The employer of an inmate  
22 involved in work release shall pay the wages of the inmate  
23 directly to the board. All wages received by the board under  
24 this act shall be deposited by the board into the fund. The  
25 fund shall be administered by the board, or by the sheriff as  
26 designee of the board, in accordance with the rules  
27 established by the board.

1 (b) The board shall adopt rules concerning the  
2 disbursement of any wages of the inmate involved in the  
3 program.

4 (c) The board may apply from the wages of the inmate  
5 received by the board up to 40 percent of the gross wages of  
6 the inmate for the payment of costs incident to the  
7 confinement of the inmate, as well as for any law enforcement  
8 purposes deemed appropriate by the board.

9 (d) The board may adopt policies to allow the monies  
10 to be spent exclusively for the betterment of law enforcement  
11 in the interest of the public as the sheriff sees fit in  
12 addition to operation of the jail.

13 (e) After application of the wages of the inmate as  
14 provided by this act, the remainder shall be applied by the  
15 board to the payment of court-ordered child support.

16 (f) After deduction from the gross pay of the inmate  
17 as provided by this act, the remainder of the wages of the  
18 inmate shall be credited to the account of the inmate in the  
19 Autauga County Work Release Fund and upon his or her release  
20 from confinement shall be turned over to the inmate.

21 (g) The board is authorized to turn over the  
22 remainder of the wages of the inmate to the family of the  
23 inmate for its support while the inmate is confined, provided  
24 the inmate gives written consent prior to his or her release  
25 into the program.

26 Section 6. The willful failure of an inmate to  
27 remain within the extended limits of his or her confinement or

1 to return within the time prescribed by the sheriff to the  
2 county jail shall be deemed as an escape from the custody of  
3 the sheriff and shall be punishable as provided by law for  
4 escaped prisoners.

5 Section 7. Employees of the board, or its designees,  
6 may make investigations and recommendations pertaining to the  
7 validity of requests for job opportunities for inmates and to  
8 otherwise assist the sheriff in the implementation of the  
9 program.

10 Section 8. The board, or its designee, shall  
11 endeavor to secure employment for eligible inmates under this  
12 act, subject to all of the following:

13 (1) Employment must be at a wage at least as high as  
14 the prevailing wage for similar work in the area or community  
15 where the work is performed in accordance with the prevailing  
16 working conditions in the area.

17 (2) Employment shall not result in displacement of  
18 employed workers.

19 (3) Inmates eligible for work release shall not be  
20 employed as strike-breakers or in impairing any existing  
21 contracts.

22 (4) Exploitation of eligible inmates in any form is  
23 prohibited.

24 Section 9. No inmate granted privileges under this  
25 act shall be deemed to be an agent, employee, or involuntary  
26 servant of the board, state, county, or municipality while

1 involved in the free community or while going to and from  
2 employment, or other specified areas, or while on furlough.

3 Section 10. Autauga County, its commission, sheriff,  
4 and board members or their designated agents shall be immune  
5 from any claims of negligence that may be made against them by  
6 any inmate or employer participating in the program and shall  
7 additionally be immune from any claims of negligence made by  
8 any third party.

9 Section 11. The sheriff shall keep an account of all  
10 fund transactions for audit by the Department of Examiners of  
11 Public Accounts. The fund shall be audited at the same time  
12 other accounts of the sheriff are audited. The Department of  
13 Examiners of Pubic Accounts shall submit a copy of the audit  
14 to the sheriff within 30 days of its completion.

15 Section 12. Any actions relating to the operation of  
16 the program prior to the effective date of this act are  
17 ratified and confirmed. Any existing proceeds derived from the  
18 operation of the program prior to the effective date of this  
19 act shall be deposited into the fund created by this act.

20 Section 13. The provisions of this act are  
21 severable. If any part of this act is declared invalid or  
22 unconstitutional, that declaration shall not affect the part  
23 which remains.

24 Section 14. All laws or parts of laws which conflict  
25 with this act are repealed, and Act 419 of the 1975 Regular  
26 Session (Acts 1975, p. 1014), is specifically repealed.

1                   Section 15. This act shall become effective  
2 immediately following its passage and approval by the  
3 Governor, or its otherwise becoming law.