

SB1 ENROLLED



1 V7EDPL-3
2 By Senator Weaver
3 RFD: Judiciary
4 First Read: 07-Mar-23
5 PFD: 17-Jan-23



SB1 Enrolled

1 Enrolled, An Act,

2

3

4 Relating to correctional incentive time; to amend
5 Section 14-9-41, as last amended by Act 2022-322, 2022 Regular
6 Session, Code of Alabama 1975, to reduce the amount of
7 correctional incentive time a prisoner receives; to require a
8 prisoner to remain in a certain classification for a longer
9 period of time before moving up to a higher classification; to
10 provide for additional circumstances in which a prisoner may
11 be required to forfeit his or her correctional incentive time;
12 and to require the Department of Corrections to provide annual
13 reports to the Legislature, the Governor, and the Attorney
14 General regarding correctional incentive time.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. This act shall be known and may be cited as
17 Deputy Brad Johnson Act.

18 Section 2. Section 14-9-41, as last amended by Act
19 2022-322, 2022 Regular Session, Code of Alabama 1975, is
20 amended to read as follows:

21 "§14-9-41

22 (a) Except as provided in subsection (e), each prisoner
23 who is convicted of any offense against the laws of the State
24 of Alabama and is confined, in execution of the judgment or
25 sentence upon any conviction, in the penitentiary, or at hard
26 labor for the county jail, or in any municipal jail for a
27 definite or indeterminate term, whose record of conduct shows
28 that he or she has faithfully observed the rules for a period



SB1 Enrolled

29 of time to be specified by this article, may earn a deduction
30 from the term of his or her sentence as follows:

31 (1) ~~Seventy-five~~ Thirty days for each 30 days actually
32 served while the prisoner is classified as a Class I prisoner.

33 (2) ~~Forty~~ Fifteen days for each 30 days actually served
34 while the prisoner is a Class II prisoner.

35 (3) ~~Twenty~~ Five days for each 30 days actually served
36 while the prisoner is a Class III prisoner.

37 (4) No ~~good~~ correctional incentive time shall accrue
38 during the period the prisoner is classified as a Class IV
39 prisoner.

40 (b) Within 90 days after May 19, 1980, the Commissioner
41 of the Department of Corrections shall establish and publish
42 in appropriate directives certain criteria not in conflict
43 with this article for Class I, II, III, and IV prisoner
44 classifications. The classifications shall encompass
45 consideration of the prisoner's behavior, discipline, and work
46 practices and job responsibilities.

47 (c) (1) Class I includes prisoners who are considered to
48 be trustworthy in every respect and who, by virtue of their
49 work habits, conduct, and attitude of cooperation have proven
50 their trustworthiness. An example of a Class I inmate would be
51 one who could work without constant supervision by a security
52 officer.

53 (2) Class II includes prisoners whose jobs will be
54 under the supervision of a correctional employee at all times.
55 Any inmate shall remain in this classification for a minimum
56 period of ~~six~~ 12 months before being eligible for Class I.



SB1 Enrolled

57 (3) Class III includes prisoners with special
58 assignments. They may not receive any of the privileges of
59 Class I and Class II prisoners. A prisoner shall remain in
60 this classification for a minimum period of ~~three~~six months
61 before being eligible for Class II.

62 (4) Class IV includes prisoners not yet classified~~and~~
63 ~~for those~~, including all incoming prisoners, prisoners who are
64 able to work and refuse, prisoners who commit disciplinary
65 infractions that do not warrant a higher classification, ~~or~~
66 and prisoners who do not abide by the rules of the
67 institution. Prisoners who are classified in this earning
68 class receive no correctional incentive time. This class is
69 generally referred to as "flat time" or "day-for-day." A
70 prisoner shall remain in this classification for a minimum
71 period of ~~30 days~~three months before being eligible for Class
72 III.

73 (5) No prisoner may reach any class without first
74 having gone through and meeting the requirements of all lower
75 classifications.

76 (d) As a prisoner gains a higher classification status
77 he or she shall not be granted retroactive correctional
78 incentive time based on the higher classification he or she
79 has reached, but shall only be granted correctional incentive
80 time based on the classification in which he or she was
81 serving at the time the correctional incentive time was
82 earned. Nothing in this article authorizes a prisoner to
83 receive correctional incentive time based on the highest
84 classification he or she attains for any period of time in



SB1 Enrolled

85 which he or she was serving in a lower classification or from
86 the date of his or her sentence.

87 (e) (1) No prisoner may receive correctional incentive
88 time under any of the following circumstances:

89 a. He or she has been convicted of a Class A felony.

90 b. He or she has been convicted of any crime that
91 caused the death of another person by means of a deadly
92 weapon, as defined in Section 13A-1-2.

93 c. He or she has been sentenced to life, sentenced to
94 death, or has received a sentence for more than 15 years.

95 d. He or she has been convicted of a sex offense
96 involving a child, as defined in Section 15-20A-4.

97 (2)a. No prisoner may be placed in Class I under ~~either~~
98 any of the following circumstances:

99 1. He or she has been convicted of an assault where the
100 victims of the assault suffered the permanent loss or use or
101 permanent partial loss or use of any bodily organ or
102 appendage.

103 2. He or she has been convicted of a crime involving
104 the perpetration of sexual abuse upon the person of a child
105 under the age of 17 years.

106 3. He or she has been convicted of a Class B felony
107 that is a violent offense, as defined in Section 12-25-32.

108 b. The court sentencing a person shall note on the
109 transcript accompanying the prisoner that he or she has been
110 sentenced to a crime that forbids his or her being classified
111 as a Class I prisoner.

112 (f) (1) If, during the term of imprisonment, a prisoner



SB1 Enrolled

113 commits an offense or violates a rule of the Department of
114 Corrections, all or any part of his or her correctional
115 incentive time accrued pursuant to this section shall be
116 forfeited.

117 (2) a. The Commissioner of the Department of Corrections
118 may restore any portion of the correctional incentive time
119 that has been forfeited by a prisoner for violating any
120 existing law or ~~prison~~ department rule or ~~regulation~~, as the
121 commissioner deems proper, upon recommendation and evidence
122 provided by the warden in charge.

123 b. This subdivision shall not apply to prisoners who
124 commit or attempt to commit violations provided in subdivision
125 (3).

126 (3) If, during the term of imprisonment, a prisoner
127 commits or attempts to commit by any overt act toward the
128 commission of any of the following ~~violations~~violations, as
129 defined by the department's Administrative Regulation Number
130 403 as of January 1, 2023, he or she may no longer receive
131 correctional incentive time for the term of imprisonment and
132 shall forfeit all of his or her correctional incentive time
133 accrued pursuant to this section:

134 a. Homicide.

135 b. Escape.

136 c. Assault that causes serious physical injury,
137 excluding when used in self-defense, as determined by the
138 Department of Corrections.

139 d. Seizing or holding a hostage in any manner.

140 e. Sexual assault.



SB1 Enrolled

141 f. Inciting a riot.

142 g. Rioting, excluding civil protests.

143 h. Fighting with a weapon resulting in serious physical
144 injury.

145 i. Arson.

146 (g) (1) For prisoners receiving correctional incentive
147 time, the term of supervision required pursuant to Section
148 15-22-26.2, shall not further reduce the term of imprisonment
149 except where the minimum required term of supervision would
150 exceed the correctional incentive time accrued.

151 (2) When a prisoner is serving two or more terms of
152 imprisonment and the sentences run consecutively, all
153 sentences shall be combined for the purpose of computing
154 deductions for correctional incentive time and release date.
155 The actual deduction from sentence for correctional incentive
156 time provided by this section shall apply only to sentences to
157 be served.

158 ~~(2)~~ (3) When a prisoner is serving two or more sentences
159 that run concurrently, the sentence that results in the longer
160 period of incarceration shall be used for the purpose of
161 computing deductions for correctional incentive time and
162 release date. When computing the deductions allowed in this
163 section on indeterminate sentences, the maximum sentence shall
164 be the basis for the computation.

165 (h) This section shall be administered by the chief
166 administrative officer of the penal institution as it applies
167 to prisoners in any state penal institution, by the sheriff of
168 the county as it applies to prisoners in any county jail, and



SB1 Enrolled

169 by the chief of police as it applies to prisoners in any
170 municipal jail.

171 (i) Deductions for good behavior, work habits and
172 cooperation, or good conduct shall be interpreted to give
173 authorized ~~good~~ correctional incentive time retroactively to
174 those offenders convicted of crimes committed after May 19,
175 1980, except those convicted of crimes of the unlawful sale or
176 distribution of controlled substances as enumerated in Article
177 5 of Chapter 12 of Title 13A and for any sex offenses as
178 enumerated in Articles 4 and 4A of Chapter 6 of Title 13A. The
179 commissioner shall have the prison records of all prisoners
180 who become eligible under this article reviewed and shall
181 disqualify any prisoner from being awarded correctional
182 incentive time under this article at his or her discretion.

183 (j) The Department of Corrections, by February 15 of
184 each year, shall submit to the Legislature, the Governor, and
185 the Attorney General a report including all of the following:

186 (1) The number of prisoners in each classification.

187 (2) The number of prisoners who changed
188 classifications.

189 (3) The number of prisoners who had their correctional
190 incentive time forfeited based on a high level violation, as
191 provided by department guidelines, including the specific kind
192 and number of the high level violation for each prisoner.

193 (4) The number of prisoners who had their correction
194 incentive time forfeited based on a violation of subdivision
195 (f) (3), including the cumulative number of days that were
196 forfeited."



SB1 Enrolled

197 Section 3. All amendatory language to Section 14-9-41,
198 Code of Alabama 1975, regarding the calculation as to
199 correctional incentive time, added pursuant to this amendatory
200 act shall be applied prospectively, and any adjustment to that
201 time shall only apply to violations committed after the
202 effective date of this act. This act shall supersede any
203 policy, procedure, or rule in place on the effective date of
204 this act, with exception of the Department of Corrections'
205 Administrative Regulation Number 403.

206 Section 4. This act shall become effective immediately
207 following its passage and approval by the Governor, or its
208 otherwise becoming law.



SB1 Enrolled

209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247

President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB1
Senate 23-Mar-23
I hereby certify that the within Act originated in and passed
the Senate.

Patrick Harris,
Secretary.

House of Representatives
Passed: 11-Apr-23

By: Senator Weaver