

1 SB126
2 115867-1
3 By Senator Barron
4 RFD: Finance and Taxation General Fund
5 First Read: 12-JAN-10

2
3
4
5
6
7
8 SYNOPSIS: Existing law allows counties to contract
9 with each other to establish a regional jail
10 authority and to build a regional jail facility to
11 house county offenders. Existing law also allows
12 municipalities to participate in the regional jail
13 authority to house municipal offenders.

14 This bill would allow the Department of
15 Corrections to contract with a county to create a
16 regional detention facility to house state and
17 county offenders.

18 This bill would provide procedures for the
19 design, construction, maintenance, and operation of
20 the facility.

21 This bill would provide a contract period
22 for the use of the facility by the Department of
23 Corrections and a fee to be paid by the department
24 for each state offender housed in the facility.

25 This bill would make the sheriff of the
26 county where the facility is located responsible
27 for the management of the facility and the care and

1 control of the offenders housed therein, and
2 further provide compensation for the sheriff.

3 This bill would allow the sheriff, under
4 certain conditions, to provide work for offenders
5 housed at the facility and would further provide
6 for the disbursement of any compensation owed the
7 offender and reimbursement of the facility for free
8 labor used by a political subdivision of the state.

9 This bill would require the facility to meet
10 the requirements of the American Correctional
11 Association standards for the housing of offenders.

12
13 A BILL
14 TO BE ENTITLED
15 AN ACT
16

17 Relating to the housing of state and county
18 offenders; to allow the Department of Corrections to contract
19 with a county to create a regional detention facility to house
20 state and county offenders; to provide for the design,
21 construction, maintenance, and operation of the facility; to
22 provide a contract period and fee to be paid by the Department
23 of Corrections for each state offender housed in the facility;
24 to make the sheriff responsible for the management of the
25 facility and allow the sheriff, under certain conditions, to
26 provide work for offenders housed at the facility; and to
27 require the facility to meet the requirements of the American

1 Correctional Association standards for the housing of
2 offenders.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. (a) As used in this act, the term
5 "facility" means any regional detention facility created
6 pursuant to this act.

7 (b) The Department of Corrections may contract with
8 the county commission of a county to provide for the design,
9 construction, operation, and maintenance of a regional
10 detention facility to provide for housing, care, and control
11 of not more than 300 adult male offenders who are in the
12 custody of the State of Alabama and not more than 50 adult
13 male offenders who are in the custody of the county operating
14 the facility.

15 (c) Any facility created pursuant to this act shall
16 be designed, constructed, operated, and maintained in
17 accordance with the American Correctional Association
18 standards, and shall comply with all constitutional standards
19 of the United States, the State of Alabama, and with all court
20 orders that may now or hereinafter be applicable to the
21 facility.

22 Section 2. (a) A contract under Section 1:

23 (1) May not be for a period of more than 20 years.

24 (2) May provide that the Department of Corrections
25 pay a fee of not more than _____ per day for each state
26 offender that is housed in the facility.

1 (3) May include, as an inflation factor, a three
2 percent annual increase in the contract price.

3 (b) The state shall retain responsibility for
4 medical care for state offenders to the extent required by
5 law.

6 Section 3. If a facility experiences a disruption in
7 the housing of state inmates due to a natural disaster in
8 which the Governor has declared a state of emergency under the
9 laws of this state or the President of the United States has
10 declared an emergency or major disaster to exist in this
11 state, notwithstanding the limitation prescribed in Section 2,
12 the term of the contract entered into by the Department of
13 Corrections and the county commission of the involved county
14 may be extended for a period not to exceed five years.

15 Section 4. (a) The sheriff of a county where a
16 facility is located shall assume responsibility for management
17 of the facility and for the provision of the care and control
18 of the state offenders housed therein.

19 (b) The sheriff shall be subject to the direction of
20 the Department of Corrections for management of the facility.

21 (c) In addition to the compensation otherwise
22 provided by general or local law the sheriff shall receive
23 _____ as compensation for the duties specified in this act.

24 Section 5. (a) This act shall be the full and
25 complete authority for the exercise of all powers and
26 authority granted herein and no requirements or restrictions
27 of law which would otherwise be applicable to acts of the

1 county, sheriff, or the Department of Corrections shall be
2 applicable except as expressly provided herein.

3 (b) The sheriff is expressly authorized to employ
4 counsel to represent the facility and the counsel shall be
5 paid a salary within the range allowed for an assistant
6 district attorney with the employment to continue for a period
7 of time not to exceed the duration of any indebtedness
8 incurred for construction of the facility.

9 (c) The county shall pay all costs incurred in the
10 operation of the facility from the proceeds of the funds
11 derived from the financing of the project and the housing of
12 offenders.

13 Section 6. (a) The sheriff, with ratification of the
14 county commission of the county in which a facility
15 established pursuant to this act is located and with the
16 approval of the Commissioner of the Department of Corrections,
17 may enter into agreements to provide work for any state
18 offender housed in the facility.

19 (b) The sheriff shall promulgate rules as may be
20 necessary to govern the work performance of the offenders for
21 the parties to the agreements.

22 (c) Political subdivisions of the State of Alabama
23 shall have free use of the labor of the offenders but are
24 responsible for reimbursing the facility for costs of
25 transportation, guards, meals, and other necessary costs when
26 the inmates are providing work for that political subdivision.

1 (d) Offenders may be compensated for work performed
2 if the agreement so provides.

3 (e) There is created a special fund in the county
4 treasury of any county in which a facility created pursuant to
5 this act is located to be known as the "Offender's
6 Compensation Fund." All compensation paid to offenders shall
7 be placed in the special fund for use by the offenders to
8 purchase certain goods and other items of value for offenders
9 housed in the facility. No cash may be paid to an offender.
10 The agreement shall provide that a certain portion of the
11 compensation shall be used for the welfare of the offenders.

12 (f) All money collected from the jail canteen
13 operations in a facility created pursuant this act shall be
14 placed in a county special fund. Expenditures from that fund
15 may be made by the sheriff for any lawful purpose that is in
16 the best interest and welfare of the offenders.

17 (g) The sheriff, his or her employees, and the
18 county owning the facility shall have the authority necessary
19 to carry out this act.

20 (h) This act shall be supplemental to any other
21 provisions of law regarding offender labor and work programs.

22 Section 7. In addition to housing offenders for the
23 Department of Corrections, the sheriff may house pretrial
24 detainees, county offenders, and other persons legally subject
25 to incarceration by order of a court of competent
26 jurisdiction. All offenders shall be housed in accordance with
27 the American Correctional Association standards.

1 Section 8. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.