

SB322 ENROLLED



1 SB322
2 7F97EEV-2
3 By Senator Chambliss
4 RFD: County and Municipal Government
5 First Read: 11-Apr-24



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1 Enrolled, An Act,

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4 Relating to the Department of Corrections; to amend
5 Sections 14-1-1.5 and 14-1-4, Code of Alabama 1975, to rename
6 the position of Deputy Commissioner for Prisoner
7 Rehabilitation; to increase the number of deputy commissioners
8 that may be appointed; to add Section 14-1-1.7 to the Code of
9 Alabama 1975, to provide that the Commissioner of the
10 Department of Corrections may appoint exempt employees
11 necessary to carry out the operations of the department and
12 for constituent services; and to amend Section 29-2-20, Code
13 of Alabama 1975, to further provide for the responsibilities
14 of the Joint Prison Oversight Committee; and to require the
15 Department of Examiners of Public Accounts, in consultation
16 with the Joint Prison Oversight Committee, to employ an
17 individual to assist the committee in its operations.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. Sections 14-1-1.5 and 14-1-4, Code of
20 Alabama 1975, are amended to read as follows:

21 "§14-1-1.5

22 (a) The commissioner may appoint no more than ~~three~~
23 five deputy commissioners, who shall serve at his or her
24 pleasure, and the commissioner shall define their duties. The
25 deputy commissioners shall be individuals of good character,
26 with good business, educational, or administrative experience,
27 shall have no financial interest in any partnership,
28 corporation, or association with which the department has any



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29 financial dealings, shall devote their full time to their
30 official position, and shall have no other lucrative position
31 while employed. Their salaries shall be set by the
32 commissioner, but shall not exceed the salary paid the
33 commissioner.

34 (b) One deputy commissioner shall be known as the
35 Deputy Commissioner for ~~Prisoner~~ Inmate Rehabilitation. The
36 Deputy Commissioner for ~~Prisoner~~ Inmate Rehabilitation shall
37 be responsible for the development, implementation, and
38 improvement of programs designed to reduce recidivism."

39 "§14-1-4

40 (a) The department may appoint officers and employees
41 as it may require for the performance of its duties and shall
42 fix and determine their qualifications, duties, and authority.
43 The employees of the department, except the ~~Commissioner of~~
44 ~~Corrections and~~ commissioner, the deputy commissioners ~~of~~
45 ~~corrections, not to exceed three, appointed administrators,~~
46 and other exempt positions allowed by law shall be subject to
47 the law with respect to the method, selection, classification,
48 and compensation of state employees on a basis of merit.

49 (b) The ~~Department of Corrections~~ department shall not
50 rescind any employee position with the classification of
51 "correctional officer" and replace them with an employee of a
52 lower classification or pay.

53 (c) The rules and regulations of the State Personnel
54 Department shall not be applicable to the appointment, tenure,
55 or compensation of physicians, surgeons, psychiatrists,
56 psychologists, dentists, or allied professional supportive



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57 personnel employed by the department.

58 (d) The deputy commissioners and all other appointed
59 personnel shall serve at the pleasure of the ~~Commissioner of~~
60 ~~the Department of Corrections~~commissioner."

61 Section 2. Section 14-1-1.7 is added to the Code of
62 Alabama 1975, to read as follows:

63 (a) (1) The Commissioner of the Department of
64 Corrections may appoint administrators to carry out the
65 operations and management of correctional facilities,
66 including facilities defined in Section 14-2-1, who: (i) shall
67 serve at his or her pleasure; (ii) shall be deemed exempt
68 employees under Section 36-26-10; and (iii) shall not be
69 required to be certified as either a corrections officer or a
70 law enforcement officer by the Alabama Peace Officers'
71 Standards and Training Commission.

72 (2) The commissioner, as the appointing authority,
73 shall establish the positions, set the qualification
74 requirements, define duties and personnel policies, and set
75 salaries not to exceed the salary of the commissioner.

76 (b) (1) By March 1, 2025, the commissioner may appoint
77 15 employees for constituent services, who: (i) shall serve at
78 his or her pleasure; (ii) shall be deemed exempt employees
79 under Section 36-26-10; and (iii) shall not be required to be
80 certified as either a corrections officer or a law enforcement
81 officer by the Alabama Peace Officers' Standards and Training
82 Commission.

83 (2) One employee shall oversee departmental constituent
84 services and shall serve as a liaison to the Joint Prison



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85 Oversight Committee, created by Section 29-2-20, for the
86 purposes of studying and addressing services provided by the
87 department to constituents and the families of inmates and
88 victims.

89 (3) The other 14 employees shall oversee constituent
90 services for all department facilities.

91 (4) The commissioner, as the appointing authority,
92 shall consider information from the Joint Prison Oversight
93 Committee, created pursuant to Section 29-2-20, in
94 establishing qualification requirements and duties of the
95 employees. The commissioner shall also set salaries not to
96 exceed the salary of the commissioner.

97 (5) At a minimum, employees appointed in constituent
98 services shall:

99 a. Create a standardized form to be used by the
100 department for inquiries and complaints received by
101 constituents and families of incarcerated individuals and
102 victims. The form shall contain a central physical address and
103 email address to be used for submittal of the form;

104 b. Provide the electronic form on the department's
105 website;

106 c. Review inquiries and complaints received by the
107 department via the electronic form. Every inquiry and
108 complaint form shall be assigned to a constituent services
109 employee and shall be provided to the Joint Prison Oversight
110 Committee's liaison; and

111 d. Respond to every inquiry and complaint form,
112 following the department's procedures, and provide the



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113 responses to the Joint Prison Oversight Committee's liaison.

114 Section 3. Section 29-2-20, Code of Alabama 1975, is
115 amended to read as follows:

116 "§29-2-20

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

126 (b) The committee shall examine Alabama's present and
127 ~~long term prison long-term correctional needs and they~~. Upon
128 request of the chair, or by a majority vote of the members,
129 the committee shall file reports of their report its findings
130 and recommendations to the Legislature not later than the
131 fifteenth legislative day of 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 Upon request of the chair, or by a
138 majority vote of the members, the committee shall report the
139 its findings to the Legislature not later than the fifteenth
140 legislative day of each regular session, and shall work in



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141 conjunction with all of the following in studying and
142 addressing the issues:

- 143 (1) Department of Corrections.
- 144 (2) Board of Pardons and Paroles.
- 145 (3) Department of Mental Health.
- 146 (4) Administrative Office of Courts.
- 147 (5) Office of Prosecution Services.
- 148 (6) Office of the Attorney General.
- 149 (7) Alabama State Law Enforcement Agency.
- 150 (8) Association of County Commissions of Alabama.
- 151 (9) Alabama Probate Judges Association.
- 152 (10) Alabama Sheriffs' Association.
- 153 (11) Alabama Criminal Defense Lawyers Association.
- 154 (12) Alabama Circuit Judges' Association.
- 155 (13) Department of Public Health.
- 156 (14) Office of the Governor.
- 157 (15) Alabama District Attorneys Association.
- 158 (16) Alabama Drug Abuse Task Force.
- 159 (17) Alabama Department of Senior Services.
- 160 ~~(17)~~ (18) Any other advocacy groups as determined by the
161 committee.

162 (d) The committee shall study and address issues
163 related to felony restitution collection in order to improve
164 rates of collection for restitution obligations in felony
165 cases and establish best practices relating to a defendant's
166 ability to pay obligations owed. ~~The~~ Upon request of the
167 chair, or by a majority vote of the members, the committee
168 shall report ~~the~~ its findings to the Legislature ~~not later~~



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169 ~~than the fifteenth legislative day of each regular session,~~
170 and shall work in conjunction with all of the following in
171 studying and addressing the issues:

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



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197 renovation of current correctional facilities as they relate
198 to ~~prison~~ overcrowding and public safety. ~~The~~ Upon request of
199 the chair, or by a majority vote of the members, the committee
200 shall report ~~the~~ its findings to the Legislature ~~not later~~
201 ~~than the fifteenth legislative day of each regular session,~~
202 and shall work in conjunction with the following in studying
203 and addressing the issues:

- 204 (1) Department of Corrections.
- 205 (2) Board of Pardons and Paroles.
- 206 (3) Department of Mental Health.
- 207 (4) Department of Public Health.
- 208 (5) Administrative Office of Courts.
- 209 (6) Office of Prosecution Services.
- 210 (7) Office of the Attorney General.
- 211 (8) Alabama State Law Enforcement Agency.
- 212 (9) Alabama Drug Abuse Task Force.
- 213 (10) Alabama Criminal Defense Lawyers Association.
- 214 (11) Alabama Circuit Judges' Association.
- 215 (12) Association of County Commissions of Alabama.
- 216 (13) Two members from the Alabama Sheriffs⁺
217 Association, of which one shall be from a largely populated
218 metropolitan judicial circuit and the other shall be from a
219 small, rurally populated judicial circuit.
- 220 (14) Two members from the Alabama District Attorneys
221 Association, of which one shall be from a largely populated
222 metropolitan judicial circuit and the other shall be from a
223 small, rurally populated judicial circuit.
- 224 (f) The committee shall study and address issues



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225 related to services provided by the Department of Corrections
226 to constituents and the families of inmates. Upon request of
227 the chair, or by a majority vote of the members, the committee
228 may report its findings to the Legislature and may work in
229 conjunction with all of the following in studying and
230 addressing the issues:

231 (1) Department of Corrections.

232 (2) Board of Pardons and Paroles.

233 (3) Department of Mental Health.

234 (4) Alabama Criminal Defense Lawyers Association.

235 (g) By September 1, 2024, the Department of Examiners
236 of Public Accounts, in consultation with the committee, shall
237 employ an individual, who shall be an exempt employee under
238 Section 36-26-10, to assist in the operations of the
239 committee.

240 ~~(f)~~ (h) The studies and collaborating partners provided
241 for in this section shall reflect the racial, gender,
242 geographic, ~~urban/rural~~ urban, rural, and economic diversity of
243 the state."

244 Section 4. This act shall become effective on June 1,
245 2024.



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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB322

Senate 23-Apr-24

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives
Amended and passed: 02-May-24

Senate concurred in House amendment 02-May-24

By: Senator Chambliss