

1 SB570
2 121882-2
3 By Senator Smitherman
4 RFD: Judiciary
5 First Read: 25-MAR-10

1 SB570

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4 ENROLLED, An Act,

5 To amend Sections 15-18-171 and 15-18-184, Code of
6 Alabama 1975, of the Community Punishment and Corrections Act;
7 to broaden the scope of certain provisions to include
8 nonprofit entities; to delete the exclusion of offenders
9 convicted of selling controlled substances from participation
10 in programs; and to further authorize county commissions to
11 provide liability insurance to authorities and nonprofit
12 entities.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. Sections 15-18-171 and 15-18-184, Code of
15 Alabama 1975, are amended to read as follows:

16 "§15-18-171.

17 "As used in this article, the following terms shall
18 have the following meanings, respectively, unless the context
19 otherwise requires:

20 "(1) APPLICATION PROCESS AND PROCEDURES. The
21 criteria and guidelines developed by the Department of
22 Corrections for the establishment of community punishment and
23 corrections programs, the granting of funds for programs
24 authorized herein, and the monitoring, evaluation, and review
25 of programs funded herein.

1 "(2) BOARD. The Board of Directors of the authority
2 or the board of directors of a nonprofit entity.

3 "(3) COMMISSIONER. The Commissioner of the
4 Department of Corrections.

5 "(4) COMMUNITY. The county or counties comprising
6 one or more judicial circuits.

7 "(5) COMMUNITY PUNISHMENT AND CORRECTIONS AUTHORITY.
8 A public corporation organized pursuant to the provisions of
9 this article.

10 "(6) COMMUNITY PUNISHMENT AND CORRECTIONS PROGRAM.
11 Any program designed as an alternative to incarceration and
12 maintained by a county commission or an authority or nonprofit
13 entity for the purpose of punishing and for correcting a
14 person convicted of a felony or misdemeanor or adjudicated a
15 youthful offender and which may be imposed as part of a
16 sanction, including, but not limited to confinement, work
17 release, day reporting, home detention, restitution programs,
18 community service, education and intervention programs, and
19 substance abuse programs.

20 "(7) COMMUNITY PUNISHMENT AND CORRECTIONS PLAN. A
21 document prepared by the county commission or an authority, or
22 nonprofit entity, and submitted to the Department of
23 Corrections in accordance with the requirements set forth in
24 the application process and procedure, which identifies
25 proposed community-based programs to be implemented within the

1 county in accordance with the terms of this article and
2 justifies the funding of such programs with regard to local
3 need and community support.

4 "(8) COUNTY COMMISSION CHAIRPERSON. The chair of the
5 county commission or his or her representative.

6 "(9) COUNTY INMATE. A person convicted of a
7 misdemeanor.

8 "(10) COURT. The trial judge exercising sentencing
9 jurisdiction over an eligible offender under this article and
10 includes any successor of the trial judge.

11 "(11) DEPARTMENT. The Department of Corrections.

12 "(12) DIVISION. The Community Corrections Division
13 of the department.

14 "(13) ELIGIBLE. A person who has committed an
15 offense not excluded by subdivision (14) and who meets the
16 criteria of Section 15-18-175.

17 "(14) EXCLUDED FELONY OFFENDERS. One who is
18 convicted of any of the following felony offenses: Murder,
19 kidnapping in the first degree, rape in the first degree,
20 sodomy in the first degree, arson in the first degree,
21 trafficking in controlled substances, robbery in the first
22 degree, sexual abuse in the first degree, forcible sex crimes,
23 lewd and lascivious acts upon a child, or assault in the first
24 degree if the assault leaves the victim permanently disfigured
25 or disabled.

1 "(15) GOVERNING BODY. With respect to a county, its
2 county commission or other like governing body exercising the
3 legislative functions of a county.

4 "(16) INCORPORATORS. The persons forming a public
5 corporation pursuant to this article.

6 "(17) NONPROFIT ENTITY. Any not-for-profit
7 organization, agency, or other entity other than a community
8 punishment and corrections authority that provides treatment,
9 guidance, training, or other rehabilitation services to
10 individuals, families, or groups in such areas as health,
11 education, vocational training, special education, social
12 services, psychological counseling, and alcohol and drug
13 treatment.

14 "(18) PLAN. The community punishment and corrections
15 plan defined in subdivision (7).

16 "(19) RECIPIENT. Any entity receiving directly or
17 indirectly any financial grant or contractual remuneration
18 under this article.

19 "(20) RENOVATION. The repair, remodeling,
20 alteration, or expansion of existing buildings or structures
21 to make them habitable or suitable for community punishment
22 and corrections program operations, and includes the
23 acquisition and installation of necessary equipment.

24 "(21) RESTITUTION. Payment to the victim who has
25 suffered financial losses as a result of a crime. Restitution

1 shall include, but not be limited to, payment in cash or in
2 kind for the value of stolen or damaged property; for medical
3 expenses due to physical, emotional or psychological trauma;
4 wages lost as a result of time absent from work; and value of
5 property lost or transferred through theft or exercise of
6 control by deception or fraud.

7 "(22) STATE INMATE. A person convicted of a felony.

8 "(23) USER FEES. Fees assessed against an offender
9 under a community punishment and corrections program to help
10 defray the costs of such programs.

11 "(24) VICTIM SERVICE OFFICER. A person employed to
12 directly assist crime victims and their families with court
13 attendance, restitution, compensation, property return, victim
14 impact statements, and other needs expressed.

15 "(25) YOUTHFUL OFFENDER. A person adjudicated as a
16 youthful offender.

17 "§15-18-184.

18 "An authority or nonprofit entity contracting with
19 the department under this article shall maintain appropriate
20 liability insurance in an amount sufficient to insure against
21 loss resulting from bodily injury, death or property damage,
22 subject to the limitations on recovery of damages contained in
23 this article and any other immunities from civil liability or
24 defenses established under the Constitution of Alabama or any
25 other section of the code or common law, to which said

1 entities might be entitled. The insurance may be obtained
2 through any source available to an approving county
3 commission."

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

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB570

Senate 06-APR-10

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

McDowell Lee
Secretary

House of Representatives
Amended and passed 21-APR-10

Senate concurred in House amendment 22-APR-10

By: Senator Smitherman