

1 HB55
2 214814-2
3 By Representative Hill
4 RFD: Ways and Means General Fund
5 First Read: 11-JAN-22
6 PFD: 01/06/2022

1 provided ~~herein~~ in this section. The program shall establish
2 the maximum number of offenders who may participate in the
3 program and participation shall be limited to space
4 availability; provided that the limit is sufficient to cover
5 the need as determined by the authority or the presiding
6 circuit judge. No offenders may be sentenced or assigned to
7 the program in excess of the maximum number established for
8 the program. No county is obligated to fund any activities of
9 a community corrections program established under this article
10 without an affirmative vote of the affected county commission.

11 "(b) The department ~~may~~ shall contract with ~~such~~ the
12 counties, authorities, or other nonprofit entities as provided
13 ~~herein~~ in this section concerning start-up costs and the costs
14 of maintenance, including medical expenses, of state inmates
15 participating in any program authorized under this article or
16 under any county program functioning pursuant to any state or
17 local act.

18 "(c) The department shall ~~promulgate~~ adopt rules and
19 ~~regulations~~ pursuant to the Alabama Administrative Procedure
20 Act establishing conditions for state inmates' participation
21 in the community punishment and corrections program, the
22 observance of which may be a condition to ~~such~~ the
23 participation.

24 "(d) A state inmate incarcerated in a state facility
25 may be approved by the department for participation in a
26 community punishment and corrections program established under
27 this article ~~and~~. A state inmate may be assigned to a program

1 in the county from which the inmate was sentenced if a
2 community punishment and corrections program under this
3 article has been established in that county and if the
4 sentencing judge of the county authorizes the inmate to
5 participate in the program. If no program exists in the county
6 where the inmate was sentenced, he or she may be assigned to a
7 community punishment and corrections program located in the
8 sentencing circuit, if the sentencing judge authorizes the
9 inmate to participate in the program. An inmate may be
10 assigned to a community punishment and corrections program in
11 another county if the presiding judge of the other county and
12 the sentencing judge agree to the assignment and if the county
13 has agreed in the contract to accept inmates originally
14 sentenced in other counties. In the event the sentencing judge
15 is unavailable due to death, retirement, or any other reason,
16 the presiding judge from the sentencing circuit shall act in
17 the sentencing judge's ~~stead~~ absence. An inmate assigned to a
18 community punishment and corrections program pursuant to this
19 article shall not be eligible for parole consideration.

20 "(e) The department shall annually identify
21 alternatives to community punishment and corrections programs
22 for those counties which have not established a community
23 punishment and corrections program under this article. The
24 department shall publish a list of ~~such~~ alternatives on its
25 website and shall provide a list of ~~such~~ alternatives to each
26 district and circuit court annually. The department shall
27 include a list of referral services available for veterans and

1 servicemen, and, when available and appropriate, shall include
2 any Veterans Treatment Court in operation in the appropriate
3 county or circuit as an alternative.

4 ~~"(f) The department shall pay a community punishment
5 and corrections program 75 percent of the per diem paid by the
6 department to counties for the housing of state inmates,
7 pursuant to Section 14-1-21.~~

8 "(f) The department shall pay a community punishment
9 and corrections program a per diem, based on the results of a
10 validated risk and needs assessment, at a rate of no less than
11 fifteen dollars (\$15) per day for a low-risk offender, no less
12 than seventeen dollars fifty cents (\$17.50) per day for a
13 medium-risk offender, and no less than twenty dollars (\$20)
14 per day for a high-risk offender, per state inmate serving his
15 or her sentence, or a portion of the sentence, in a community
16 punishment and corrections program.

17 "§15-18-176.

18 "(a) A community punishment and corrections plan
19 shall be developed and submitted to the department which
20 sufficiently documents the local need and support for the
21 proposed program. The community punishment and corrections
22 plan shall have the approval of the county commission in the
23 affected counties prior to submission to the department. Any
24 plan shall specifically state the maximum number of inmates
25 eligible to participate in the program.

26 "(b) The format for any community punishment and
27 corrections plan shall be specified by the division in its

1 application process and procedures as defined in Section
2 15-18-171. Funding and grant evaluation criteria shall be
3 outlined in the application process and procedures to be
4 developed by the division as defined in Section 15-18-171 in
5 order that each applicant may know the basis upon which funds
6 will be granted. The department shall adopt rules pursuant to
7 the Administrative Procedure Act outlining the application
8 process and procedures.

9 "(c) The application process and procedures ~~should~~
10 may include a performance-based reimbursement funding plan,
11 developed by the department, for funding community punishment
12 and corrections plans that utilize evidence-based practices as
13 defined in Section 12-25-32 in the treatment and supervision
14 of community punishment and corrections program participants
15 and that meet specified treatment and supervision targets as
16 outlined in the application. The performance-based
17 reimbursement plan outlined in the application process and
18 procedures ~~should~~ may also include higher reimbursement rates
19 for community punishment and corrections plans that include
20 behavioral health assessment and treatment referral, to
21 include behavioral and substance abuse treatment, for
22 community punishment and corrections program participants, as
23 well as for local probationers and parolees under the
24 supervision of the Board of Pardons and Paroles. The
25 ~~reimbursement rate shall not be less than 75 percent of the~~
26 ~~per diem paid by the department to counties for the housing of~~
27 ~~state inmates, pursuant to Section 14-1-21. The Department of~~

1 reimbursement rate shall not be less than the rate provided
2 Section 15-18-172. The Department of Corrections, along with
3 the Board of Pardons and Paroles, the Department of Veterans
4 Affairs, the Department of Public Health, and the Department
5 of Mental Health, shall collaborate with the Office of the
6 Governor to implement the provisions of this subsection
7 relating to behavioral health treatment and substance abuse
8 treatment services. The Office of the Governor shall ensure
9 that treatment services that receive funding from the state or
10 through court-ordered monies utilize ~~such~~ the funding and
11 monies for programs reasonably expected to reduce recidivism
12 among community corrections offenders.

13 "(d) The application process and procedures ~~should~~
14 may include a requirement that each community punishment and
15 corrections plan establish guidelines to ensure that the
16 supervision and treatment of offenders participating in a
17 community punishment and corrections program is, to the extent
18 practicable, individualized based on the offender's risk of
19 reoffending, as determined through a validated risk and needs
20 assessment as defined in Section 12-25-32, administered by the
21 community punishment and corrections program, and that
22 treatment and supervision resources, as well as behavioral
23 health assessment and treatment referral services, are, within
24 the resources available, prioritized based on those offenders
25 who have the highest risk of reoffending. The plan shall
26 include a list of services available for veterans and ~~7~~
27 ~~servicemen~~ service members, and, when appropriate, shall

1 include any Veterans Treatment Court in operation in the
2 appropriate county or circuit as a possible alternative for
3 mentoring and supervision.

4 "(e) (1) Participation in the programs set forth in
5 this article is voluntary. Any participating authority, county
6 commission, or other nonprofit entity may notify the director
7 of the division of its intention to withdraw from
8 participation in the community punishment and corrections
9 program contract. The withdrawal ~~will~~ shall become effective
10 on the last day of the grant year.

11 "(2) If a participating authority, county
12 commission, or other nonprofit entity is the only community
13 punishment and corrections program in a judicial circuit, that
14 program must provide at least 120 days notice prior to
15 withdrawal to allow another program to be established and
16 operational. At least one program must be established and
17 operational prior to the withdrawal of the former program."

18 Section 2. Section 15-18-187 is added to the Code of
19 Alabama 1975, to read as follows:

20 §15-18-187.

21 (a) Notwithstanding any other provision in this
22 article, beginning January 1, 2023, there shall be a community
23 punishment and corrections program in each judicial circuit in
24 this state to serve all the counties within the judicial
25 circuit.

26 (b) Notwithstanding the requirements in this article
27 regarding adoption of a resolution by the county commissions

1 for the formation of a community punishment and corrections
2 program, if a judicial circuit does not have a community
3 punishment and corrections program on January 1, 2023, the
4 presiding judge, in consultation with the county commission or
5 commissions in the circuit, shall select a county for the
6 establishment of a community punishment and corrections
7 program. Nothing in this article shall require a county
8 commission to provide funding for a community punishment and
9 corrections program. This subsection does not preclude the
10 establishment of a community punishment and corrections
11 program by a nonprofit entity as provided in Section
12 15-18-178.

13 (c) Nothing in this section may be construed to
14 authorize the termination of any community punishment and
15 corrections program in operation pursuant to this article
16 prior to January 1, 2023. Any community punishment and
17 corrections program formed prior to January 1, 2023, may
18 satisfy the requirement for a community punishment and
19 corrections program in each judicial circuit as required in
20 this section.

21 (d) Except as expressly provided otherwise by this
22 section, community punishment and corrections programs formed
23 pursuant to this section shall comply with all of the
24 provisions of this article.

25 Section 3. Section 15-18-188 is added to the Code of
26 Alabama 1975, to read as follows:

27 §15-18-188.

1 So long as the diversion and treatment programs in
2 place on January 1, 2023, in Baldwin and Lee Counties are
3 operating and continue to operate in a manner that satisfies
4 the requirements of this article, Baldwin and Lee Counties are
5 exempt from the requirements of this article.

6 Section 4. This act shall become effective January
7 1, 2023, following its passage and approval by the Governor,
8 or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Ways and Means
General Fund..... 11-JAN-22

Read for the second time and placed
on the calendar 2 amendments 23-FEB-22

Read for the third time and passed
as amended..... 09-MAR-22

Yeas 101, Nays 0, Abstains 0

Jeff Woodard
Clerk