

1 SB92
2 197152-1
3 By Senators Chambliss and Holley
4 RFD: Governmental Affairs
5 First Read: 19-MAR-19

2
3
4
5
6
7
8 SYNOPSIS: Under existing law, when an inmate escapes
9 from a penal facility, it is the duty of the
10 Department of Corrections or other agency having
11 custody of the prisoner to take all proper measures
12 for his or her apprehension, including notification
13 to the Governor, certain law enforcement officials
14 and agencies, and certain electronic media outlets.

15 This bill would expand the notification
16 requirement under existing law to require the
17 department or other agency having custody of a
18 probationer or parolee who absconds from a
19 residential facility, and has a prior conviction
20 for a Class A felony or a crime in which the victim
21 was a child less than 12 years of age, or is
22 serving a life sentence, to notify the Governor,
23 certain law enforcement officials and agencies, and
24 certain electronic media outlets.

25
26 A BILL
27 TO BE ENTITLED

1 AN ACT

2
3 Relating to inmate escapes; to expand the
4 notification requirement under existing law to require the
5 Department of Corrections or other agency having custody of a
6 probationer or parolee who has absconded from a residential
7 facility, and has a prior conviction for a Class A felony or a
8 crime in which the victim was a child less than 12 years of
9 age, or is serving a life sentence, to notify the Governor,
10 certain law enforcement officials and agencies, and certain
11 electronic media outlets.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. Section 14-3-58, Code of Alabama 1975, is
14 amended to read as follows:

15 "§14-3-58.

16 "(a) This section shall be known as the "Joel
17 Willmore Act."

18 "(b) Whenever an inmate escapes from a penal
19 facility, as defined in subdivision (3) of subsection (b) of
20 Section 13A-10-30, or when a probationer or parolee, who has a
21 prior conviction for a Class A felony or a crime in which the
22 victim was a child less than 12 years of age, or is serving a
23 life sentence, absconds from a residential facility, it shall
24 be the duty of the department or other agency having custody
25 of the prisoner to take all proper measures for his or her
26 apprehension, and for that purpose, it shall notify the

1 following as soon as possible, but not later than 12 hours
2 after the escape:

3 "(1) The Governor.

4 "(2) The ~~Department of Public Safety~~ Alabama State
5 Law Enforcement Agency.

6 "(3) The sheriff and district attorney of the county
7 where the escape occurred.

8 "(4) The chief of police where the escape occurred,
9 if the escape occurred within a municipality.

10 "(5) The sheriff and district attorney of the county
11 where the last conviction of the escapee occurred, if known.

12 "(6) The chief of police where the last conviction
13 of the escapee occurred, if the conviction occurred within a
14 municipality and if known.

15 "(7) The sheriff of the county where the convict's
16 home of record is located, if known.

17 "(8) The chief of police where the convict's home of
18 record is located, if the location is within a municipality
19 and if known.

20 "(9) All electronic media outlets broadcasting which
21 are known by the department or agency, which have expressed an
22 interest in being notified of the escape, and which broadcast
23 within a radius of 75 miles from where the escape occurred,
24 including all radio and television stations.

25 "(c) The notification required in subsection (b)
26 shall include the time when and the circumstances under which
27 the escape was effected, together with a particular

1 description of the inmate, including a copy of the inmate's
2 most recent mug shot, and in what county convicted and for
3 what offense and when.

4 "(d) In addition to the requirements set forth in
5 subsections (b) and (c), the department or other agency shall
6 post a notification on its website, if a website is available,
7 within a reasonable time of the escape. The notification shall
8 include the time when and the circumstances under which the
9 escape or absconding was effected, together with a particular
10 description of the inmate, including a copy of the inmate's
11 most recent mug shot, and in what county convicted and for
12 what offense and when.

13 "(e) The department or other agency shall enter the
14 inmate, probationer, or parolee into the National Crime
15 Information Center within 12 hours of the inmate's escape.

16 "(f) The Department of Corrections shall offer a
17 reward, not exceeding four hundred dollars (\$400), for the
18 apprehension of the state inmate, to be paid out of the
19 proceeds of the labor of inmates in the State Treasury. But no
20 warrant shall be issued for the payment of any such reward
21 unless there is filed in the office of the Department of
22 Finance the certificate of the Department of Corrections that
23 the inmate has been recaptured and restored to custody."

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