

1 HB323
2 205266-1
3 By Representatives England and Hill
4 RFD: State Government
5 First Read: 25-FEB-20

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8 SYNOPSIS: Under existing law, the Department of
9 Corrections is required to provide information to
10 the Joint Legislative Prison Oversight Committee.

11 This bill would require the department to
12 provide additional information to the Joint
13 Legislative Prison Oversight Committee.

14 Under existing law, an officer or guard is
15 required to take an oath prior to performing his or
16 her duties of the office.

17 This bill would require all correctional
18 officers to take an oath prior to performing his or
19 her duties of the office.

20
21 A BILL
22 TO BE ENTITLED
23 AN ACT

24
25 Relating to the Department of Corrections; to add
26 section 14-1-21 to the Code of Alabama 1975, to require the
27 department to make quarterly reports to the Joint Legislative

1 Prison Oversight Committee and to provide for additional
2 reporting requirements; and to amend Section 14-3-13, Code of
3 Alabama 1975, to revise the correctional officer oath of
4 office.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. Section 14-1-21 is added to the Code of
7 Alabama 1975, to read as follows:

8 §14-1-21.

9 (a) In addition to any reporting requirements under
10 existing law, the Alabama Department of Corrections shall
11 provide to the Joint Legislative Prison Oversight Committee
12 quarterly reports that include all of the following:

13 (1) A report containing statistical data that would
14 allow the Legislature to assess the size or composition of the
15 inmate population.

16 (2) A report containing statistical data that would
17 allow the Legislature to assess the general status of
18 correctional officer staffing levels.

19 (3) A report containing statistical data, by sex, of
20 inmate participation in educational, vocational, religious, or
21 reentry programs.

22 (4) A list of all litigation filed during the
23 quarter involving the department, or any of its employees that
24 relates to performance of his or her employment, to include
25 the case style, case number, court, and date of filing.

26 (5) A report containing statistical data of all
27 sexual abuse and sexual victimization of inmates occurring in

1 a correctional facility that are reported to the department.
2 For each incident, the department shall designate whether the
3 investigation is pending or complete. If the investigation is
4 complete, the department shall provide whether the incident
5 was found to be substantiated, unsubstantiated, or unfounded.

6 (6) A report containing statistical data on the
7 number, manner, and cause of inmate deaths occurring in a
8 correctional facility, including the results of any autopsy
9 provided to the department by a third party.

10 (7) A report containing statistical data of cell
11 phones or other electronic devices, weapons, and controlled
12 substances recovered within a correctional facility.

13 (b) Nothing in this section shall require the
14 department to disclose sensitive security information,
15 information from open criminal investigative files, material
16 protected by attorney-client privilege, executive privilege,
17 work product doctrine, or that reveals legal strategy in
18 pending litigation, information prepared for or filed under
19 seal in any court proceeding, or information otherwise
20 protected from disclosure by law.

21 Section 2. Section 14-3-13, Code of Alabama 1975, is
22 amended to read as follows:

23 "§14-3-13.

24 "Every correctional officer ~~and guard~~ shall, before
25 ~~entering on~~ performing the duties of his or her office, take
26 and subscribe before ~~some~~ an officer authorized to administer
27 oaths, the following oath:

1 "I, _____, do solemnly swear (or affirm, as the
2 case may be) that I will support the Constitution of the
3 United States and the Constitution of the State of Alabama, so
4 long as I remain a citizen thereof; that I will faithfully
5 execute and discharge all the duties required of me as _____
6 (designating the office), and observe all the ~~rules and~~
7 regulations ~~prescribed~~ of the department for the ~~government~~
8 care and rehabilitation of ~~convicts~~ prisoners, so far as
9 concerns my office; and will, in no case, ill treat or abuse
10 any ~~convict~~ prisoner under my charge or control, nor inflict
11 upon him or her any other or greater punishment than may be
12 prescribed by ~~said rules and~~ the law of the regulations of the
13 department. So help me God."

14 Section 3. Section 1 of this act shall become
15 effective on the first day of the third month following its
16 passage and approval by the Governor, or its otherwise
17 becoming law; Section 2 of this act shall become effective
18 immediately following its passage and approval by the
19 Governor, or its otherwise becoming law.