

1 HB393
2 206240-1
3 By Representative Sorrell (Constitutional Amendment)
4 RFD: Local Legislation
5 First Read: 05-MAR-20

SYNOPSIS: Under existing law, there is no requirement that a person who operates a program helping released inmates reenter into the community be licensed by the local government authority prior to operation of the program.

This bill would propose a local amendment to the Constitution of Alabama of 1901, to require a person to obtain a permit from the Colbert County Commission prior to operating a community reentry program in Colbert County; authorize the Colbert County Commission to establish requirements for the operation of the program and authorize the commission to charge a permit fee; and establish a community reentry committee for the purpose of providing for the permitting requirements of a community reentry program and for the investigation of those programs.

A BILL
TO BE ENTITLED

1 AN ACT

2
3 Relating to Colbert County; to propose an amendment
4 to the Constitution of Alabama of 1901, to require a person to
5 obtain a permit from the Colbert County Commission prior to
6 operating a community reentry program in Colbert County;
7 authorize the Colbert County Commission to establish
8 requirements for the operation of the program and authorize
9 the commission to charge a permit fee; and establish a
10 community reentry committee for the purpose of providing for
11 the permitting requirements of a community reentry program and
12 for the investigation of those programs.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. The following amendment to the
15 Constitution of Alabama of 1901, is proposed and shall become
16 valid as a part of the Constitution when all requirements of
17 this act are fulfilled:

18 PROPOSED AMENDMENT

19 (a) This amendment shall be known and may be cited
20 as Reagan's Reentry Program for Sex Offenders Child
21 Protection.

22 (b) As used in this amendment, the following terms
23 shall have the following meanings:

24 (1) COLBERT COUNTY. Includes the incorporated and
25 unincorporated areas of Colbert County.

26 (2) COMMUNITY REENTRY PROGRAM. A program, including
27 a faith-based program, that does either of the following:

1 a. Provides reentry preparation services, including
2 job training, drug treatment, or other related services, for
3 one or more individuals who have been convicted of a sex
4 offense, as described under Section 15-20A-5, Code of Alabama
5 1975, as amended, and who have been released on parole or
6 otherwise released from incarceration.

7 b. Provides transitional or temporary housing for
8 one or more individuals who have been convicted of a sex
9 offense, as described under Section 15-20A-5, Code of Alabama
10 1975, as amended, and who have been released on parole or
11 otherwise released from incarceration.

12 (3) COUNTY COMMISSION. The Colbert County
13 Commission.

14 (c) The county commission shall adopt an ordinance
15 or resolution providing for the issuance of a permit to a
16 person for the operation of a community reentry program in the
17 county.

18 (d) Upon the adoption of an ordinance or resolution
19 under subsection (c), it shall be unlawful to operate a
20 community reentry program in Colbert County unless the person
21 possesses a valid permit issued by the county commission for
22 the operating of a community reentry program.

23 (e) (1) Any person desiring to operate a community
24 reentry program in Colbert County shall do all of the
25 following:

26 a. Submit an application to the county commission on
27 a form provided by the county commission. The application for

1 a permit shall be accompanied by a fee. The fee shall be a
2 minimum of five hundred dollars (\$500) and shall be set by the
3 county commission.

4 b. Submit to and pass a criminal history background
5 check based on criteria established by the county commission
6 and pay a fee for the criminal history check. The fee shall be
7 set by the county commission.

8 c. Provide proof of a surety bond in an amount set
9 by the county commission of not less than two million, five
10 hundred thousand dollars (\$2,500,000) to cover the costs of
11 any liability related to the operation of the program or any
12 other damages caused by participants in the program.

13 d. Meet all other requirements set by the county
14 commission.

15 (2) Every facility used for the operation of a
16 community reentry program in Colbert County shall be subject
17 to the same residence restrictions to which adult sex
18 offenders are subject, as provided under Section 15-20A-11,
19 Code of Alabama 1975, as amended.

20 (3) A community reentry program may not be permitted
21 for operation in Colbert County if the facility is located or
22 the activities of the program take place within 2,000 feet of
23 any of the following:

24 a. A residential area containing single-family or
25 multi-family dwellings.

26 b. A church or other facility regularly used for
27 spiritual worship.

1 c. A park or playground.

2 d. A school.

3 e. A business providing recreational or athletic
4 activities for minors.

5 (4) Every permittee, on or before January 1 of each
6 year, shall pay the county commission an annual fee for
7 renewal of the permit for the succeeding calendar year. The
8 annual fee shall be a minimum of five hundred dollars (\$500)
9 and shall be set by the county commission. The permit shall
10 expire if the annual fee remains unpaid 14 days after written
11 notice of delinquency has been given to the permittee. Written
12 notice is deemed to have been given to the permittee five days
13 after its deposit in the United States mail, as evidenced by
14 the postmark, if mailed postage prepaid and correctly
15 addressed.

16 (5) A new permit or an application to transfer an
17 existing permit is required upon any change in the ownership
18 of a permitted program and the application shall be made to
19 the county commission in accordance with this amendment.

20 (f) The Colbert County Community Reentry Committee
21 is created. The committee shall recommend permitting
22 requirements that shall be considered by the county commission
23 for the permitting of community reentry programs and, from
24 time to time, shall inspect any community reentry program in
25 the county to determine compliance with any permitting
26 requirements adopted by the county commission. The community
27 reentry committee shall be composed of the Sheriff of Colbert

1 County and four individuals appointed by the county
2 commission. One appointee shall serve for a one-year term; one
3 appointee shall serve for a two-year term; one appointee shall
4 serve for a three-year term; and one appointee for a four-year
5 term. Upon completion of the initial staggered terms, all
6 subsequent appointments by the county commission shall be for
7 terms of four years. Appointees shall continue to serve after
8 expiration of their term until a successor is appointed by the
9 county commission. The committee shall select a chair from
10 among its membership and shall meet from time to time at the
11 call of the chair or a majority of the members of the
12 committee. Members of the committee may not be compensated for
13 their service on the committee.

14 (g) Community reentry programs shall be inspected at
15 least two times per year. Additional inspections of community
16 reentry programs shall be performed as often as necessary for
17 the enforcement of this amendment.

18 (h) A member of the Colbert County Community Reentry
19 Committee, or a designee of the committee, after proper
20 identification, shall be permitted to enter any community
21 reentry program at any reasonable time for the purpose of
22 making inspections to determine compliance with this
23 amendment. The member of the committee or designee shall be
24 permitted to examine the records of the community reentry
25 program and any information necessary to determine compliance
26 with this amendment.

1 (i) When an investigation has been completed, the
2 Colbert County Community Reentry Committee may report its
3 findings to the county commission. The county commission may
4 take any appropriate action, including suspending or revoking
5 the permit to operate the community reentry program, upon a
6 finding that the program fails to meet the requirements set by
7 the county commission. Upon the suspension or revocation of a
8 permit, the county commission may petition the Colbert County
9 Circuit Court for an order of closure of the facilities of the
10 community reentry program.

11 (j) The holder of a permit for a community reentry
12 program, following the close of the program's fiscal year,
13 shall cause an audit of the program's books and accounts, to
14 be conducted by a certified public accountant, disclosing
15 receipts, disbursements, expenditures, and other related
16 information. A copy of the audit shall be forwarded to the
17 county commission and the Colbert County Community Reentry
18 Committee.

19 (k) This amendment applies to every community
20 reentry program operating in Colbert County. The amendment may
21 not be interpreted or construed to exempt a community reentry
22 program in operation prior to the ratification of this
23 amendment from the requirements of this amendment.

24 END OF PROPOSED AMENDMENT.

25 Section 2. An election upon the proposed amendment
26 shall be held in accordance with Sections 284 and 284.01 of
27 the Constitution of Alabama of 1901, now appearing as Sections

1 284 and 284.01 of the Official ReCompilation of the
2 Constitution of Alabama of 1901, as amended, and the election
3 laws of this state.

4 Section 3. The appropriate election official shall
5 assign a ballot number for the proposed constitutional
6 amendment on the election ballot and shall set forth the
7 following description of the substance or subject matter of
8 the proposed constitutional amendment:

9 "Relating to Colbert County, proposing an amendment
10 to the Constitution of Alabama of 1901, to require a person to
11 obtain a permit from the Colbert County Commission prior to
12 operating a community reentry program in Colbert County; to
13 authorize the Colbert County Commission to establish
14 requirements for the operation of the program and authorize
15 the county commission to charge a permit fee; and to establish
16 a community reentry committee, which shall provide for the
17 permitting requirements of a community reentry program and
18 investigate any community reentry program in the county.

19 "Proposed by Act _____"

20 This description shall be followed by the following
21 language:

22 "Yes () No ()."