

1 SB345
2 207115-1
3 By Senator Sanders-Fortier
4 RFD: Judiciary
5 First Read: 05-MAY-20

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8 SYNOPSIS: This bill would require the Commissioner of
9 the Department of Corrections to review the inmate
10 population and determine inmates that are at high
11 risk for severe complications from COVID-19 and
12 release certain inmates from physical custody to
13 community supervision or home detention.

14 This bill would also provide guidance to the
15 commissioner on which inmates may be released.

16 Under existing law, the Department of
17 Corrections is required to provide information to
18 the Joint Legislative Prison Oversight Committee.

19 This bill would also require the
20 commissioner to provide information to the Joint
21 Legislative Prison Oversight Committee regarding
22 which inmates are considered for release and which
23 inmates are released.

24
25 A BILL
26 TO BE ENTITLED
27 AN ACT

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2 Relating to the Department of Corrections; to
3 require the Commissioner of the Department of Corrections to
4 review the inmate population and determine if an inmate is at
5 high risk for severe complications from COVID-19; to require
6 the commissioner to release certain inmates to community
7 supervision or home detention in certain circumstances; and to
8 require the commissioner to report monthly to the Joint
9 Legislative Prison Oversight Committee the number of inmates
10 identified and released as being at high risk for
11 complications from COVID-19.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. (a) The Legislature finds and declares
14 the existing pandemic, COVID-19, creates an unusual risk to
15 certain inmates in the prison population. Based on this
16 pandemic, it is necessary to identify those most at risk and
17 to implement reasonable measures to ensure their safety.

18 (b) By June 1, 2020, the Commissioner of the
19 Department of Corrections shall review the inmate population
20 and determine those inmates that are at high risk for severe
21 complications from COVID-19. Factors to be considered in this
22 determination shall include, but are not limited to, all of
23 the following:

- 24 (1) Inmates who are pregnant.
25 (2) Inmates who have a chronic lung disease or
26 asthma.

1 (3) Inmates with congestive heart failure or
2 coronary artery disease.

3 (4) Inmates with diabetes.

4 (5) Inmates with any other condition related to a
5 weakened immune system.

6 (6) Inmates who are 50 years of age or older.

7 (7) Inmates who have 12 months or less to serve on
8 their sentence.

9 (c) Notwithstanding any other provision of law,
10 inmates identified by the commissioner as being at high risk
11 for severe complications from COVID-19, by June 30, 2020,
12 shall be released and placed on community supervision or home
13 detention, unless there is clear and convincing evidence that
14 the inmate is likely to pose a specific and substantial risk
15 of causing bodily injury or using violent force against
16 another individual.

17 (d) The commissioner shall implement
18 low-in-person-contact community supervision and shall
19 implement ways of monitoring inmates on home detention using
20 social distancing.

21 (e) By July 1, 2020, the commissioner shall provide
22 a report to the Joint Legislative Prison Oversight Committee
23 that contains the number of inmates identified by the
24 Commissioner as being at high risk and the number of inmates
25 released, broken down by the demographic information of those
26 inmates.

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