

1 HB73
2 207890-1
3 By Representative Hill
4 RFD: Judiciary
5 First Read: 02-FEB-21
6 PFD: 11/30/2020

SYNOPSIS: Under existing law, counties or nonprofit entities may establish community punishment and corrections programs.

This bill would require every judicial circuit to establish a community punishment and corrections program in at least one county in the circuit.

This bill would also make nonsubstantive, technical revisions to update the existing code language to current style.

A BILL
TO BE ENTITLED
AN ACT

Relating community punishment and corrections programs; to amend Sections 15-18-172 and 15-18-176, Code of Alabama 1975, to require each judicial circuit to establish a community punishment and corrections program in at least one county in the circuit; to add Section 15-18-187 to the Code of

1 Alabama 1975, to provide for the implementation of a community
2 punishment and corrections program in each circuit; and to
3 make nonsubstantive, technical revisions to update the
4 existing code language to current style.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. Sections 15-18-172 and 15-18-176, Code of
7 Alabama 1975, are amended to read as follows:

8 "§15-18-172.

9 "(a) A county or group of counties may establish a
10 community punishment and corrections program for state and
11 county inmates or youthful offenders in custody of the county.
12 The program shall be established by a county by resolution
13 adopted by the county commission, ~~or~~ by community punishment
14 and corrections authorities, ~~or~~ by other nonprofit entities as
15 provided ~~herein~~ in this section. The program shall establish
16 the maximum number of offenders who may participate in the
17 program and participation shall be limited to space
18 availability. No offenders may be sentenced or assigned to the
19 program in excess of the maximum number established for the
20 program. No county is obligated to fund any activities of a
21 community corrections program established under this article
22 without an affirmative vote of the affected county commission.

23 "(b) The department ~~may~~ shall contract with ~~such~~ the
24 counties, authorities, or other nonprofit entities as provided
25 ~~herein~~ in this section concerning start-up costs and the costs
26 of maintenance, including medical expenses, of state inmates
27 participating in any program authorized under this article or

1 under any county program functioning pursuant to any state or
2 local act.

3 "(c) The department shall ~~promulgate~~ adopt rules and
4 ~~regulations~~ pursuant to the Alabama Administrative Procedure
5 Act establishing conditions for state inmates' participation
6 in the community punishment and corrections program, the
7 observance of which may be a condition to ~~such~~ the
8 participation.

9 "(d) A state inmate incarcerated in a state facility
10 may be approved by the department for participation in a
11 community punishment and corrections program established under
12 this article ~~and~~. A state inmate may be assigned to a program
13 in the county from which the inmate was sentenced if a
14 community punishment and corrections program under this
15 article has been established in that county and if the
16 sentencing judge of the county authorizes the inmate to
17 participate in the program. If no program exists in the county
18 where the inmate was sentenced, he or she may be assigned to a
19 community punishment and corrections program located in the
20 sentencing circuit, if the sentencing judge authorizes the
21 inmate to participate in the program. An inmate may be
22 assigned to a community punishment and corrections program in
23 another county if the presiding judge of the other county and
24 the sentencing judge agree to the assignment and if the county
25 has agreed in the contract to accept inmates originally
26 sentenced in other counties. In the event the sentencing judge
27 is unavailable due to death, retirement, or any other reason,

1 the presiding judge from the sentencing circuit shall act in
2 the sentencing judge's ~~stead~~ absence. An inmate assigned to a
3 community punishment and corrections program pursuant to this
4 article shall not be eligible for parole consideration.

5 "(e) The department shall annually identify
6 alternatives to community punishment and corrections programs
7 for those counties which have not established a community
8 punishment and corrections program under this article. The
9 department shall publish a list of ~~such~~ alternatives on its
10 website and shall provide a list of ~~such~~ alternatives to each
11 district and circuit court annually. The department shall
12 include a list of referral services available for veterans and
13 servicemen, and, when available and appropriate, shall include
14 any Veterans Treatment Court in operation in the appropriate
15 county or circuit as an alternative.

16 "§15-18-176.

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

25 "(b) The format for any community punishment and
26 corrections plan shall be specified by the division in its
27 application process and procedures as defined in Section

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

8 "(c) The application process and procedures ~~should~~
9 may include a performance-based reimbursement funding plan,
10 developed by the department, for funding community punishment
11 and corrections plans that utilize evidence-based practices as
12 defined in Section 12-25-32 in the treatment and supervision
13 of community punishment and corrections program participants
14 and that meet specified treatment and supervision targets as
15 outlined in the application. The performance-based
16 reimbursement plan outlined in the application process and
17 procedures should also include higher reimbursement rates for
18 community punishment and corrections plans that include
19 behavioral health assessment and treatment referral, to
20 include behavioral and substance abuse treatment, for
21 community punishment and corrections program participants, as
22 well as for local probationers and parolees under the
23 supervision of the Board of Pardons and Paroles. The
24 Department of Corrections, along with the Board of Pardons and
25 Paroles, the Department of Veterans Affairs, the Department of
26 Public Health, and the Department of Mental Health, shall
27 collaborate with the Office of the Governor to implement the

1 provisions of this subsection relating to behavioral health
2 treatment and substance abuse treatment services. The Office
3 of the Governor shall ensure that treatment services that
4 receive funding from the state or through court-ordered monies
5 utilize ~~such~~ the funding and monies for programs reasonably
6 expected to reduce recidivism among community corrections
7 offenders.

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

26 "~~Participation~~ Provided each judicial circuit
27 has a community punishment and corrections program in

1 operation in the circuit as required in Section 15-18-187,
2 participation in the programs set forth in this article is
3 voluntary. Any participating authority, county commission, or
4 other nonprofit entity may notify the director of the division
5 of its intention to withdraw from participation in the
6 community punishment and corrections program contract. The
7 withdrawal will become effective on the last day of the grant
8 year."

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

11 §15-18-187.

12 (a) Notwithstanding any other provision in this
13 article, beginning January 1, 2022, there shall be a community
14 punishment and corrections program in each judicial circuit in
15 this state.

16 (b) Notwithstanding the requirements in this article
17 regarding adoption of a resolution by the county commissions
18 for the formation of a community punishment and corrections
19 program, if a judicial circuit does not have a community
20 punishment and corrections program on the effective date of
21 the act adding this amendatory language, the presiding judge,
22 in consultation with the county commission or commissions in
23 the circuit, shall select a county for the establishment of a
24 community punishment and corrections program. Nothing in this
25 article shall require a county commission to provide funding
26 for a community punishment and corrections program. This
27 subsection does not preclude the establishment of a community

1 punishment and corrections program by a nonprofit entity as
2 provided in Section 15-18-178.

3 (c) Nothing in this section may be construed to
4 authorize the termination of any community punishment and
5 corrections program in operation pursuant to this article
6 prior to the effective date of the act adding this section.
7 Any community punishment and corrections program formed prior
8 to the effective date of the act adding this section may
9 satisfy the requirement for a community punishment and
10 corrections program in each judicial circuit as required in
11 this section.

12 (d) Except as expressly provided otherwise by this
13 section, community punishment and corrections programs formed
14 pursuant to this section shall comply with all of the
15 provisions of this article.

16 Section 3. This act shall become effective January
17 1, 2022, following its passage and approval by the Governor,
18 or its otherwise becoming law.