

1 HB508
2 208680-1
3 By Representative Robertson
4 RFD: State Government
5 First Read: 09-MAR-21

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8 SYNOPSIS: Under existing law, the Investigation and
9 Intelligence Division of the Department of
10 Corrections investigates violations of law relating
11 to correctional facilities and employees and
12 prisoners.

13 This bill would change the name from the
14 Investigation and Intelligence Division to the Law
15 Enforcement Services Division of the Department of
16 Corrections.

17 Under existing law, correctional
18 investigative services officers are responsible for
19 performing criminal investigations for the
20 department.

21 This bill would change the name of a
22 correctional investigative services officer to a
23 correctional investigative agent.

24 This bill would further provide that
25 correctional police officers would be responsible
26 for performing criminal investigative duties for
27 the department.

1 Under existing law, an officer or guard is
2 required to take an oath prior to performing his or
3 her duties of the office.

4 This bill would update the oath of office
5 that all correctional officers are required to take
6 prior to performing his or her duties of the
7 office.

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

11
12 A BILL
13 TO BE ENTITLED
14 AN ACT

15
16 Relating to the Department of Corrections; to amend
17 Sections 14-3-2, 14-3-3, 14-3-4, 14-3-5, 14-3-9, 14-3-12,
18 14-3-13, 14-3-14, 14-3-15, 14-3-30, 14-3-31, 14-3-32, 14-3-34,
19 14-3-35, 14-3-36, 14-3-37, 14-3-38, 14-3-40, 14-3-43, 14-3-45,
20 14-3-47, 14-3-54, 14-3-55, 14-3-57, and 14-3-58, as last
21 amended by Act 2019-485, 2019 Regular Session, Code of Alabama
22 1975, to rename the Investigation and Intelligence Division;
23 to rename the correction investigative services officer; to
24 require all correctional officers to take an oath prior to
25 performing his or her duties of office; to repeal Section
26 14-3-38; and to make nonsubstantive, technical revisions to
27 update the existing code language to current style.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. Sections 14-3-2, 14-3-3, 14-3-4, 14-3-5,
3 14-3-9, 14-3-12, 14-3-13, 14-3-14, 14-3-15, 14-3-30, 14-3-31,
4 14-3-32, 14-3-34, 14-3-35, 14-3-36, 14-3-37, 14-3-38, 14-3-40,
5 14-3-43, 14-3-45, 14-3-47, 14-3-54, 14-3-55, 14-3-57, and
6 14-3-58, as last amended by Act 2019-485, 2019 Regular
7 Session, Code of Alabama 1975, are amended to read as follows:

8 "§14-3-2.

9 "(a) The ~~Board of Corrections~~ Department of
10 Corrections may sell any, or all, of the lands now used by the
11 state in working ~~convicts~~ prisoners for cash or on credit, as
12 may seem best, and purchase lands superior in quality to be
13 used by the ~~board~~ department in working ~~convicts~~ prisoners.

14 "(b) So much of the funds earned by the ~~board~~
15 department as may be necessary is appropriated and authorized
16 to be paid for such lands as may be purchased under subsection
17 (a) ~~of this section~~, and the Comptroller, upon the application
18 of the ~~board~~ department, shall draw his or her warrant for
19 ~~such the~~ sum, or sums, as may be necessary for such purchase
20 of ~~such the~~ lands and the payment thereof.

21 "§14-3-3.

22 "The ~~Board of Corrections~~ Department of Corrections
23 may ~~cause to be made such~~ make improvement ~~on to~~ any of the
24 land owned by the state ~~as may tend to the~~ that will benefit
25 ~~of~~ the prison system and enable it to work ~~such convicts~~
26 prisoners as it may think proper at farming or other
27 employments.

1 "§14-3-4.

2 "~~Such of the lands~~ Any land owned by the state ~~as~~
3 ~~are not~~ that is not needed for the use of the prison system
4 may be rented out by the ~~Board of Corrections~~ Department of
5 Corrections.

6 "§14-3-5.

7 "Any part of the net income from the labor of state
8 ~~convicts may~~ prisoners, with the approval of the ~~Board of~~
9 ~~Corrections~~ Department of Corrections, may be applied to
10 permanent improvements or manufacturing at the prisons, or
11 looking to the more permanent employment of the ~~convicts~~
12 prisoners of different classes.

13 "§14-3-9.

14 "(a) ~~It shall be the duty of all~~ All employees of
15 the Department of Corrections ~~to~~ shall report all violations
16 of the law relating to prisons, correctional facilities, and
17 employees and ~~inmates~~ prisoners of the Department of
18 Corrections ~~that may come to their knowledge~~ to the
19 ~~Investigation and Intelligence~~ Law Enforcement Services
20 Division of the Department of Corrections. Correctional
21 investigative ~~services~~ agents and correctional police officers
22 of the division shall investigate all reported and discovered
23 violations ~~and those violations otherwise discovered~~ and,
24 where applicable, refer the violations to the proper district
25 attorney. All indictments for violations shall be tried in the
26 circuit court of the county where the offense was committed.

1 "(b) Employees of the Department of Corrections
2 classified as "correctional investigative ~~services officers~~
3 agents," "correctional police officers," and their
4 supervisors, performing criminal investigative duties, are
5 ~~hereby constituted~~ considered law enforcement officers of the
6 State of Alabama, as defined in Section 36-21-40 with
7 Correctional investigative agents, correctional police
8 officers, and their supervisors have full and unlimited police
9 powers and jurisdiction, as any other state police officers in
10 this state, to investigate violations of the law relating to
11 prisons, correctional facilities, and employees and ~~inmates~~
12 prisoners of the Department of Corrections and to enforce the
13 law. Whenever ~~these~~ "correctional investigative services
14 agents or correctional police officers" are effecting an
15 arrest, they shall properly display a badge.

16 ~~"The powers vested in correctional investigative~~
17 ~~services officers under this section shall be limited to~~
18 ~~investigations and arrests involving inmates or employees of~~
19 ~~the Department of Corrections and associates of inmates or~~
20 ~~employees of the department, including, but not limited to,~~
21 ~~family members of inmates, employees, and contractors of the~~
22 ~~department related to investigations originated by the~~
23 ~~department.~~

24 "(c) All correctional investigative ~~services agents,~~
25 correctional police officers, and their supervisors given
26 police ~~power~~ powers by this section shall be required to

1 comply with the minimum standards now in effect relating to
2 state law enforcement officers.

3 "§14-3-12.

4 "Chaplains shall be appointed by the ~~Board of~~
5 ~~Corrections~~ Department of Corrections, ~~which~~ and once
6 appointed chaplains shall ~~in turn~~ appoint assistant chaplains
7 with the approval of the ~~board~~ department. The chaplains shall
8 devote their entire time to moral improvement and religious
9 instruction of the ~~convicts~~ prisoners. The term of office
10 shall be at the will of the ~~board~~ department.

11 "§14-3-13.

12 "Every correctional officer ~~and guard shall~~, before
13 ~~entering on~~ performing the duties of his or her office, shall
14 take and subscribe before ~~some~~ an officer authorized to
15 administer oaths, the following oath:

16 ""I, _____, do solemnly swear (or affirm, as the
17 case may be) that I will support the Constitution of the
18 United States and the Constitution of the State of Alabama, so
19 long as I remain a citizen thereof; that I will faithfully
20 execute and discharge all the duties required of me as _____
21 (designating the office), and observe all the ~~rules and~~
22 regulations ~~prescribed~~ of the department for the ~~government~~
23 care and rehabilitation of ~~convicts~~ prisoners, so far as
24 concerns my office; and will, in no case, ill treat or abuse
25 any ~~convict~~ prisoner under my charge or control, nor inflict
26 upon him or her any other or greater punishment than may be

1 prescribed by ~~said rules and~~ the law or the regulations of the
2 department. So help me God."

3 "§14-3-14.

4 "Every correctional officer ~~and guard~~ at any prison
5 has the power of a ~~policeman and may~~ police officer to arrest
6 any person who intrudes upon the premises or makes a
7 disturbance near the prison and may take him or her before any
8 magistrate of the county, ~~by whom he~~. Any person in violation
9 of this section may be fined ten dollars (\$10) ~~\$10~~ and the
10 costs.

11 "§14-3-15.

12 "Every correctional officer ~~and guard~~, regularly
13 sworn, shall have power to pursue and arrest any escaped
14 ~~convict~~ prisoner in any county of this state without a
15 warrant. He or she may use ~~such~~ any force or means as may be
16 required under the circumstances to prevent the ~~convict's~~
17 prisoner's escape by flight or to overcome his or her
18 resistance. He or she shall have the same authority as a
19 sheriff to summon persons to assist in making ~~such~~ the arrest
20 or to protect ~~such convict~~ the prisoner from any violence
21 after arrest.

22 "§14-3-30.

23 "(a) When ~~any convict~~ a prisoner is sentenced to the
24 penitentiary, the judge of the court in which the sentence is
25 rendered shall order the ~~inmate~~ prisoner to be confined in the
26 nearest secure jail. The clerk of the court shall ~~at once~~
27 immediately notify the Department of Corrections ~~as to the~~

1 ~~jail~~ where the ~~inmate~~ prisoner is confined, forward to the
2 department a copy of the ~~judgment entry and~~ transcript of the
3 sentence in the case, and inform the department if any special
4 care is necessary to guard the ~~inmate~~. ~~Thereupon~~ prisoner.
5 Upon receipt of the transcript of the sentence, the department
6 shall direct where the ~~inmate~~ prisoner shall be taken for
7 confinement or hard labor.

8 "(b) (1) When an inmate the department has received
9 an approved transcript of the sentence of a prisoner sentenced
10 to the its custody of the department and the department is in
11 receipt of a transcript of such sentence, and the prisoner is
12 being housed in a county jail, and if the inmate prisoner
13 develops a medical condition which that requires immediate
14 treatment at a medical-care facility outside the county jail,
15 the department shall be financially responsible for the cost
16 of the treatment of the ~~inmate~~ prisoner. The department shall
17 receive any contractual discounts the medical-care facility
18 has agreed to grant for the treatment of ~~inmates~~ prisoners
19 housed in state correctional facilities.

20 "(2) When an inmate the department has received an
21 approved transcript of the sentence of a prisoner sentenced to
22 the its custody of the department and the department is in
23 receipt of a transcript of such sentence, and the prisoner is
24 being housed in a county jail, and if the inmate prisoner
25 develops a medical condition or has been diagnosed as having a
26 medical condition which that, in the opinion of a physician
27 licensed in Alabama, would require treatment ~~or,~~ a medical

1 procedure, or both, involving a cost of more than two thousand
2 dollars (\$2,000), the ~~inmate~~ prisoner shall be transferred
3 within three business days of the notification of the
4 condition, to a state owned or operated correctional facility
5 or to the physical custody of the department as determined by
6 the Commissioner of the Department of Corrections. The ~~inmate~~
7 prisoner shall receive treatment in the same manner as other
8 state ~~inmates~~ prisoners.

9 "(3) Nothing in this subsection shall be interpreted
10 to relieve the department of its responsibility for the
11 maintenance and upkeep, including the payment of medical
12 costs, of ~~an inmate~~ a prisoner sentenced to the custody of the
13 department, nor shall this subsection be interpreted as
14 conferring any additional responsibility upon a county for the
15 maintenance and upkeep, or the payment of medical costs, of
16 any ~~inmate~~ prisoner sentenced to the custody of the
17 department.

18 "§14-3-31.

19 "~~The Board of Corrections must~~ Department of
20 Corrections shall receive into the penitentiary, on the
21 written order of the Governor, any ~~convict~~ prisoner whose
22 sentence has been commuted, according to law, to imprisonment
23 in the penitentiary, and ~~must shall~~ confine such person the
24 prisoner according to the terms of the commutation and the
25 rules and regulations of the department established by law,
26 ~~and, if.~~ If the Governor ~~shall so direct~~ directs, the cost of
27 conviction in ~~such the~~ case must shall be paid as ~~in case of~~

1 ~~sentence~~ if the prisoner was sentenced to imprisonment in the
2 penitentiary.

3 "§14-3-32.

4 "The ~~Board of Corrections must~~ Department of
5 Corrections shall receive into the penitentiary all ~~convicts~~
6 prisoners sentenced to imprisonment ~~therein~~ by any court of
7 the United States held in this state, and ~~must~~ shall safely
8 keep and employ them according to the rules and regulations of
9 the ~~institution~~ department until the expiration of the term
10 for which they are sentenced or until they are otherwise
11 discharged by law, ~~and it must.~~ The department shall account
12 to the Department of Finance for all moneys received for the
13 support of ~~such~~ the prisoners.

14 "§14-3-34.

15 "It is the duty of all jailers, on demand of the
16 officer in charge of any ~~convict~~ prisoner being conveyed to
17 the penitentiary, to receive and safely keep ~~such convict~~ the
18 prisoner for the legal charge of feeding prisoners whenever
19 ~~such~~ the officer may deem it necessary to have him or her
20 secured for the night or for any longer time ~~they~~ he or she
21 may be necessarily detained.

22 "§14-3-35.

23 "(a) It is the duty of the ~~Board of Corrections~~
24 Department of Corrections, upon the reception of any ~~convict~~
25 prisoner into the penitentiary, to take his or her height,
26 name, age, ~~complexion~~ race, color of his or her hair and eyes,
27 fingerprints, photograph, the place of his birth, the county

1 in which he or she was convicted, the nature of the crime, and
2 the period of imprisonment, ~~all of which, together with the.~~
3 Additionally, a statement of the time when ~~such convict~~ the
4 prisoner was received, ~~must~~ shall be entered ~~upon a~~ on the
5 prisoner's permanent record.

6 "(b) The baggage and person of every ~~convict must~~
7 prisoner shall be carefully searched, and every instrument ~~by~~
8 ~~which he may effect his escape~~ that may be used to escape
9 shall be taken ~~therefrom~~ from the prisoner.

10 "§14-3-36.

11 "The officer in charge of any prison or camp ~~must~~
12 ~~take in charge~~ shall take possession of any property, money,
13 or other thing of value in the possession of any ~~convict~~
14 prisoner at the time ~~of the delivery of such convict to him~~
15 ~~and~~ prisoner enters the prison or camp. The officer in charge
16 shall pay or deliver the same to ~~such~~ the person ~~as the~~
17 ~~convict may in writing direct~~ the prisoner designates in
18 writing, to the ~~convict on his~~ prisoner upon discharge, or to
19 his or her personal representative in case of his or her death
20 ~~previous thereto, and should~~ prior to release. If no personal
21 representative ~~be~~ is appointed within six months after his or
22 her death, ~~then into~~ the property, money, or other thing of
23 value shall be delivered to the State Treasury.

24 "§14-3-37.

25 "When any judgment of conviction is reversed and the
26 case is remanded after the ~~convict~~ prisoner has been ~~conveyed~~
27 transported to the penitentiary, he or she may be removed to

1 the county ~~in which~~ where he or she was tried by the sheriff
2 of that county, or his or her deputy, in the same manner in
3 which he or she was ~~conveyed~~ transported to the penitentiary,
4 ~~and all~~. All the provisions of this code in respect to
5 authority, duty, and compensation of officers and escapes, or
6 attempts to escape, by ~~convicts~~ prisoners are applicable to
7 ~~such~~ the removal.

8 "§14-3-40.

9 "It shall be unlawful to chain together or to
10 confine together in the same room or compartment male and
11 female ~~convicts~~ prisoners.

12 "§14-3-43.

13 "~~The Board of Corrections~~ Department of Corrections
14 ~~may cause the convicts to be removed to such place of security~~
15 remove prisoners to a secure place within the state as they
16 ~~may deem expedient whenever the~~ if there is the prevalence of
17 any epidemic, infectious or contagious disease, or for any
18 other ~~urgent necessity may render such removal proper~~ reason
19 the department deems removal necessary, taking all necessary
20 precautions to insure the safekeeping of the ~~convicts~~
21 prisoners and to prevent escape when removed.

22 "§14-3-45.

23 "~~The~~ Department of Corrections shall establish the
24 diet of ~~convicts in quantity and quality must be such as may~~
25 ~~be directed by the Board of Corrections~~, prisoners and the
26 diet shall be sound and wholesome.

27 "§14-3-47.

1 "(a) (1) State inmates shall The Department of
2 Corrections may direct prisoners to be employed at such labor,
3 in such places determined by the department, and ~~under such~~
4 pursuant to the department's policies and regulations within
5 ~~the state as may be determined by the Department of~~
6 ~~Corrections. The Department of Corrections is expressly~~
7 ~~authorized to establish posts, camps or stations in~~
8 ~~conjunction with labor, discipline or rehabilitation programs.~~
9 ~~The Department of Corrections is authorized to direct inmates~~
10 ~~to work at any labor and at any site except as provided~~
11 ~~otherwise by law.~~

12 (2) The Department of Corrections is further
13 authorized to department may direct inmates prisoners to
14 participate in programs designed to improve their physical or,
15 mental, or psychological well-being, or programs designed to
16 instill discipline and a sense of responsibility in state
17 ~~inmates and the Department of Corrections is expressly~~
18 ~~authorized to themselves.~~

19 "(3) The department may establish posts, camps, or
20 stations to implement such the programs in this subsection.

21 "~~(b) The Department of Corrections is expressly~~
22 ~~authorized to department may~~ adopt rules and regulations to
23 expend funds, to enter contracts and to do any other activity
24 reasonably necessary to establish, regulate, and control the
25 programs as outlined provided for in subsection (a) above.

26 "~~(c) The Department of Corrections department~~ shall
27 establish rules and regulations for the operation of these the

1 programs ~~as outlined~~ provided for in subsection (a) ~~above to~~
2 and shall ensure that all reasonable steps are taken to
3 protect the public; ~~and in no case shall an inmate.~~ No
4 prisoner convicted of capital murder~~;~~, rape in the first
5 degree~~;~~, or sodomy in the first degree may be placed in a
6 program ~~as outlined~~ as provided in subsection (a) ~~above.~~

7 "(d) Participation in the programs ~~as outlined~~
8 provided for in subsection (a) ~~above~~ shall not create any
9 legal cause of action or theory of recovery except as
10 expressly provided for by the constitution of the United
11 States or of Alabama~~;~~ or by the statutes of the United States
12 or of Alabama.

13 "§14-3-54.

14 "~~The Board of Corrections shall have authority to~~
15 Department of Corrections may summon, swear~~,~~, and examine
16 witnesses ~~as to any matter concerning,~~ including correctional
17 officers and employees, regarding the management and treatment
18 of convicts; ~~and the board may administer the oath of office~~
19 ~~to guards and employees and may administer oaths as to the~~
20 ~~correctness of any account or statement in regard to the~~
21 prison system prisoners.

22 "§14-3-55.

23 "~~No~~ A correctional officer or ~~person holding any~~
24 ~~appointment, the duties of which are discharged in connection~~
25 ~~with the prison system, must say anything in relation to a~~
26 Department of Corrections employee may not reference the
27 management of any prison in the presence of any ~~convict~~

1 prisoner except to ~~direct him in his duty~~ give a prisoner a
2 command or to admonish him or her for delinquency.

3 "§14-3-57.

4 "~~On the trial of any convict for any offense~~ During
5 the trial for any offense committed by a prisoner while he or
6 she was within the penitentiary ~~or other convict prison or~~
7 ~~convict camp~~, the fact of confinement in the penitentiary
8 shall be presumptive evidence of a legal conviction and
9 sentence of imprisonment, ~~and a.~~ A copy of the approved
10 transcript of the conviction and sentence filed with the ~~Board~~
11 ~~of Corrections~~ Department of Corrections and certified by it
12 to be correct shall be received as evidence of ~~such~~ the
13 conviction.

14 "§14-3-58.

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

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

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

3 "(1) The Governor.

4 "(2) The Alabama State Law Enforcement Agency.

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

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

9 "(5) The sheriff and district attorney of ~~the~~ any
10 county ~~where the last conviction of the escapee occurred, if~~
11 ~~known~~ in which the escapee was convicted and was under
12 sentence for that conviction at the time of the escape.

13 "(6) The chief of police ~~where the last conviction~~
14 ~~of the escapee occurred, if the conviction occurred within a~~
15 ~~municipality and if known~~ of any municipality in which the
16 offense conduct occurred which led to the escapee's conviction
17 for which he was under sentence at the time of the escape.

18 "(7) The sheriff of the county where the ~~convict's~~
19 prisoner's home of record is located, if known.

20 "(8) The chief of police where the ~~convict's~~
21 prisoner's home of record is located, if the location is
22 within a municipality ~~and,~~ if known.

23 "(9) All ~~electronic~~ media outlets ~~broadcasting which~~
24 ~~are known by the department or agency, which have expressed an~~
25 ~~interest in being notified of the escape, and which broadcast~~
26 whose broadcasts are within a radius of 75 miles from where

1 the escape occurred, including ~~all~~, but not limited to, radio
2 and television stations.

3 "(c) The notification required in subsection (b)
4 shall include ~~the~~ all of the following:

5 "(1) The time when and the location of the escape.

6 "(2) The circumstances under which of the escape was
7 effected, together with a particular.

8 "(3) A detailed description of the inmate prisoner,
9 including a copy of the ~~inmate's~~ prisoner's most recent mug
10 shot, ~~and in what county convicted and for what offense and~~
11 ~~when.~~

12 "(4) The county or counties in which the prisoner
13 was convicted.

14 "(5) The offense or offenses for which the prisoner
15 was convicted and when they occurred.

16 "(d) In addition to the requirements ~~set forth in of~~
17 subsections (b) and (c), the department or other agency shall
18 post a notification on its website, if a website is available,
19 within a reasonable time of the escape. The notification shall
20 include ~~the time when and the circumstances under which the~~
21 ~~escape or absconding was effected, together with a particular~~
22 ~~description of the inmate, including a copy of the inmate's~~
23 ~~most recent mug shot, and in what county convicted and for~~
24 ~~what offense and when~~ all of the requirement of subsection
25 (c).

26 "(e) The department or other agency shall enter the
27 ~~inmate~~ prisoner, probationer, or parolee into the National

1 Crime Information Center within 12 hours of the ~~inmate's~~
2 prisoner's escape.

3 "(f) The Department of Corrections shall offer a
4 reward, not exceeding four hundred dollars (\$400), for the
5 apprehension of the ~~state inmate~~ prisoner, to be paid out of
6 the proceeds of the labor of ~~inmates~~ prisoners in the State
7 Treasury. But no warrant shall be issued for the payment of
8 any ~~such~~ reward unless there is filed in the office of the
9 Department of Finance the certificate of the Department of
10 Corrections that the ~~inmate~~ prisoner has been recaptured and
11 restored to custody."

12 Section 2. Section 14-3-38 of the Code of Alabama
13 1975, relating to sentencing, is specifically repealed.

14 Section 3. This act shall become effective on the
15 first day of the third month following its passage and
16 approval by the Governor, or its otherwise becoming law.