

1 SB323
2 210429-1
3 By Senator Chambliss
4 RFD: Judiciary
5 First Read: 11-MAR-21

8 SYNOPSIS: Under existing law, a prisoner does not
9 receive a deduction in his or her sentence for the
10 successful completion of academic, vocational,
11 risk-reducing, or apprenticeship programs.

12 This bill would provide a prisoner with a
13 deduction in his or her sentence upon a successful
14 completion of a qualifying academic, vocational,
15 risk-reducing, or apprenticeship program in certain
16 circumstances.

17 This bill would require the Department of
18 Corrections, with the approval of the Joint
19 Legislative Prison Oversight Committee, to adopt
20 rules for the administration of education incentive
21 time.

22
23 A BILL
24 TO BE ENTITLED
25 AN ACT
26

1 Relating to corrections; to add a new Article 4 to
2 Title 14 of the Code of Alabama 1975; to provide for a
3 deduction of a prisoner's sentence upon completion of
4 qualifying programs in certain circumstances; to require the
5 Department of Corrections, with the approval of the Joint
6 Legislative Prison Oversight Committee, to adopt rules for the
7 administration of education incentive time; to amend Section
8 29-2-20, Code of Alabama 1975, to require the Joint
9 Legislative Prison Oversight Committee to approve rules
10 regarding the administration of education incentive time.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. Article 4, beginning with Section
13 14-9-100, is added to Chapter 9 of Title 14 of the Code of
14 Alabama 1975, to read as follows:

15 Article 4.

16 §14-9-100.

17 The Legislature finds and declares that according to
18 2013 RAND Corporation research, offenders who participate in
19 quality education programs are 43 percent less likely to
20 return to prison within three years. The Legislature further
21 finds and declares that providing this group of individuals
22 with skills essential for post-release success is paramount,
23 in that it will reduce recidivism and improve post-release
24 transition for offenders.

25 §14-9-101.

26 This article shall be known as the Alabama Education
27 Incentive Time Act.

1 §14-9-102.

2 As used in this article, the following terms shall
3 have the following meanings:

4 (1) QUALIFYING PROGRAM. An academic, vocational,
5 risk-reducing, or apprenticeship program approved by the
6 Department of Corrections.

7 (2) TERM OF INCARCERATION. A continuous period of
8 time during which a prisoner is in the legal or physical
9 custody of the Department of Corrections pursuant to one or
10 more court-imposed sentences starting on the sentence begins
11 date recorded on the prisoner's conviction transcript and
12 concluding on the prisoner's department calculated end of
13 sentence date.

14 §14-9-103.

15 The Department of Corrections shall adopt rules
16 regarding the administration of education incentive time;
17 provided, however, the department may not propose rules until
18 receiving approval of the rules from the Joint Legislative
19 Prison Oversight Committee, created pursuant to Section
20 29-2-20. For the purposes of this section, approval requires
21 an affirmative vote from a majority of the committee members.
22 The rules shall include, but are not limited to, specifying
23 the maximum amount of time a sentence may be reduced based on
24 the successful completion of a qualifying program, determining
25 the incremental credit awarded depending on the program
26 complexity and length, establishing a revocation provision for
27 disciplinary infractions, and adopting any additional

1 restrictions at the discretion of the commissioner. The final
2 rules shall be certified to the Legislative Services Agency no
3 later than March 1, 2022.

4 §14-9-104.

5 (a) Except as provided in subsections (e) and (f), a
6 prisoner serving a term of incarceration, in a Department of
7 Corrections facility or a facility leased by the department,
8 may earn a deduction from the term of his or her sentence for
9 successfully completing a qualifying program, known as
10 education incentive time.

11 (b) A prisoner may not receive more than a total of
12 12 months of education incentive time during any term of
13 incarceration.

14 (c) Deductions from a prisoner's term of
15 incarceration based on education incentive time shall be in
16 addition to any other available sentence deductions,
17 including, but not limited to, correctional incentive time
18 awarded pursuant to Section 14-9-41.

19 (d) A prisoner may not receive education incentive
20 time for the completion of any qualifying program that was
21 completed prior to the beginning of the term of incarceration.

22 (e) A prisoner may not receive the benefit of
23 education incentive time if he or she has been sentenced to
24 death, a term of life imprisonment, or upon the conviction of
25 a sex offense involving a child as provided in Section
26 15-20A-4.

1 (f) A prisoner may not receive the benefit of
2 education incentive time if he or she is serving a term of
3 confinement pursuant to Section 15-18-8.

4 §14-9-105.

5 (a) Any education incentive time awarded by the
6 department to a prisoner shall be reported by the department
7 to the Board of Pardons and Paroles. The Board of Pardons and
8 Paroles shall apply education incentive time to advance the
9 initial consideration date and any tentative parole review
10 date already established for the prisoner. The board shall
11 consider the education incentive time when making a final
12 parole release decision of the prisoner.

13 (b) The department shall report to the Board of
14 Pardons and Paroles when a prisoner, who is capable of
15 participating in a qualifying program, declines or refuses to
16 participate in a qualifying program.

17 §14-9-106.

18 This article does not create an interest or right
19 for any prisoner to participate in, or receive education
20 incentive time for, any qualifying program, nor does it
21 authorize the commissioner to create an interest or right. No
22 prisoner or class of prisoners may bring a cause of action
23 against any party in any court involving the subject matter of
24 education incentive time under this article. No court has
25 subject matter jurisdiction over challenges to directives,
26 rules, or policies adopted under this article; awards or
27 failures to award education incentive time; decisions related

1 to approving programs for credit; program admission decisions;
2 financial aid eligibility determinations; evaluations or
3 grades; certifications of program completion; or any other
4 acts or omissions arising from or related to the authority
5 granted by this article.

6 §14-9-107.

7 The Board of Pardons and Paroles shall adopt rules
8 to implement and administer this article.

9 Section 2. Section 29-2-20, Code of Alabama 1975, is
10 amended to read as follows:

11 "§29-2-20.

12 "(a) A permanent legislative committee, to be known
13 as the Joint Legislative Prison Oversight Committee, which
14 shall be composed of eight members, two of whom shall be ex
15 officio members and six of whom shall be appointed members,
16 three each to be appointed by the President of the Senate and
17 Speaker of the House, who shall both serve as the ex officio
18 members, shall be formed to ~~assist in realizing the~~
19 ~~recommendations of the Legislative Prison Task Force and~~
20 examine all aspects of the operations of the Department of
21 Corrections. The ~~chairman~~ chair of the committee shall be
22 selected by and from among the membership.

23 "(b) The committee shall ~~make diligent inquiry and a~~
24 ~~full examination of~~ examine Alabama's present and long term
25 prison needs and they shall file reports of their findings and
26 recommendations to the ~~Alabama~~ Legislature not later than the

1 fifteenth legislative day of each regular session ~~that the~~
2 ~~committee continues to exist.~~

3 "~~(b)~~ (c) The committee shall study and address
4 mental health issues for prisoners reentering the community
5 after a term of imprisonment in order to streamline the
6 sharing of critical mental health information and in order to
7 address barriers to accessing mental health treatment for ~~such~~
8 prisoners. The committee shall report ~~such~~ the findings to the
9 Legislature ~~no~~ not later than ~~April 20, 2016~~ the fifteenth
10 legislative day of each regular session, and shall work in
11 conjunction with all of the following in studying and
12 addressing ~~such~~ the issues:

13 "(1) Department of Corrections;

14 "(2) Board of Pardons and Paroles;

15 "(3) Department of Mental Health;

16 "(4) Administrative Office of Courts;

17 "(5) Office of Prosecution Services;

18 "(6) Office of the Attorney General;

19 "(7) Alabama State Law Enforcement Agency;

20 "(8) Association of County Commissions of Alabama;

21 "(9) Alabama Probate Judges Association;

22 "(10) Alabama Sheriffs' Association;

23 "(11) Alabama Criminal Defense Lawyers Association;

24 "(12) Alabama Circuit Judges' Association;

25 "(13) Department of Public Health;

26 "(14) Office of the Governor;

27 "(15) Alabama District Attorneys Association;

1 "(16) Alabama Drug Abuse Task Force ~~and~~.

2 "(17) Any other advocacy groups as determined by the
3 committee.

4 "~~(c)~~ (d) The committee shall study and address
5 issues related to felony restitution collection in order to
6 improve rates of collection for restitution obligations in
7 felony cases and establish best practices relating to a
8 defendant's ability to pay obligations owed. The committee
9 shall report ~~such~~ the findings to the Legislature ~~no~~ not later
10 than ~~April 20, 2016~~ the fifteenth legislative day of each
11 regular session, and shall work in conjunction with all of the
12 following in studying and addressing ~~such~~ the issues:

13 "(1) Department of Corrections~~.~~

14 "(2) Board of Pardons and Paroles~~.~~

15 "(3) Administrative Office of Courts~~.~~

16 "(4) Office of Prosecution Services~~.~~

17 "(5) Office of the Attorney General~~.~~

18 "(6) Alabama State Law Enforcement Agency~~.~~

19 "(7) Alabama Criminal Defense Lawyers Association~~.~~

20 "(8) Alabama Circuit Judges' Association~~.~~

21 "(9) Association of County Commissions of Alabama~~.~~

22 "(10) Alabama Sheriffs' Association~~.~~

23 "(11) Alabama Crime Victims Compensation
24 Commission~~.~~

25 "(12) The Alabama Circuit Clerk's Association~~.~~

26 "(13) Two crime victims' rights advocates designated
27 by the Attorney General~~.~~

1 "(14) Two members from the Alabama District
2 Attorneys Association, of which one shall be from a largely
3 populated metropolitan judicial circuit and the other shall be
4 from a small, rurally populated judicial circuit, ~~and.~~

5 "(15) Any other advocacy groups as determined by the
6 committee.

7 "~~(d)~~ (e) The committee shall study and address
8 capacity issues within the Department of Corrections to
9 include, but not be limited to, the issue of design capacity
10 and operational or functional capacity, as well as the
11 construction of new prison facilities and the renovation of
12 current correctional facilities as they relate to prison
13 overcrowding and public safety. The committee shall report
14 ~~such the~~ findings to the Legislature ~~no not~~ later than ~~April~~
15 ~~20, 2016~~ the fifteenth legislative day of each regular
16 session, and shall work in conjunction with the following in
17 studying and addressing ~~such the~~ issues:

18 "(1) Department of Corrections~~.~~.

19 "(2) Board of Pardons and Paroles~~.~~.

20 "(3) Department of Mental Health~~.~~.

21 "(4) Department of Public Health~~.~~.

22 "(5) Administrative Office of Courts~~.~~.

23 "(6) Office of Prosecution Services~~.~~.

24 "(7) Office of the Attorney General~~.~~.

25 "(8) Alabama State Law Enforcement Agency~~.~~.

26 "(9) Alabama Drug Abuse Task Force~~.~~.

27 "(10) Alabama Criminal Defense Lawyers Association~~.~~.

1 "(11) Alabama Circuit Judges' Association~~7.~~

2 "(12) Association of County Commissions of Alabama~~7.~~

3 "(13) Two members from the Alabama Sheriffs'
4 Association, of which one shall be from a largely populated
5 metropolitan judicial circuit and the other shall be from a
6 small, rurally populated judicial circuit,~~and.~~

7 "(14) Two members from the Alabama District
8 Attorneys Association, of which one shall be from a largely
9 populated metropolitan judicial circuit and the other shall be
10 from a small, rurally populated judicial circuit.

11 "(f) The committee shall examine and approve rules
12 submitted by the Department of Corrections regarding the
13 administration of education incentive time as provided in
14 Section 1 of the act adding this amendatory language.

15 "~~(e)~~ (g) The studies and collaborating partners
16 provided for in this section shall reflect the racial, gender,
17 geographic, urban/rural, and economic diversity of the state."

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