

## SB316 INTRODUCED



1 SB316  
2 NRVQ1T8-1  
3 By Senators Stutts, Figures, Beasley, Smitherman, Singleton,  
4 Woods, Kitchens, Coleman-Madison  
5 RFD: Judiciary  
6 First Read: 19-Feb-26



## SYNOPSIS:

This bill would establish the position of Prison Oversight Coordinator in the Alabama Department of Examiners of Public Accounts to monitor and inspect the activities and treatment of inmates in correctional facilities of the Department of Corrections.

This bill would prohibit discrimination or retaliation against any person for cooperating with the prison oversight coordinator.

This bill would provide for the investigation and special prosecution of criminal activity in correctional facilities.

This bill would also establish the Corrections Oversight Board and would provide for its appointment, powers, and duties.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to prisons; to establish the position of Prison Oversight Coordinator in the Alabama Department of Examiners of Public Accounts; to establish the powers and duties of the prison oversight coordinator; to require the



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prison oversight coordinator to inspect correctional facilities of the Department of Corrections; to prohibit discrimination or retaliation; to establish the Corrections Oversight Board and provide for its powers and duties; and to provide for the criminal investigation and prosecution of criminal cases arising in correctional facilities.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For purposes of this act, the following terms have the following meanings:

(1) FACILITY. A criminal correctional and detention facility.

(2) INMATE. An individual convicted of a crime and sentenced to a term of confinement of more than a one-year duration.

(3) OVERSIGHT BOARD. The Corrections Oversight Board created by the Legislature to oversee the prison oversight coordinator.

(4) PERMANENTLY INCAPACITATED INMATE. A state inmate who possesses a permanent, irreversible physical or mental health condition that prevents him or her from being able to perpetrate a violent physical action upon another person or self or initiate or participate in a criminal act. The medical or mental health treatment or need for assistance of such individual requires daily assistance from a caretaker or a long-term skilled medical or rehabilitation center to perform or assist with activities of daily living, such as ambulation, dressing, and bathing, or requires medications or treatments, such as hemodialysis, to sustain life which require regular



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diagnostic tests to monitor therapeutic effectiveness.

(5) PRISON OVERSIGHT COORDINATOR. The individual employed within the Department of Examiners of Public Accounts to assist in the coordination of the operations of the Joint Prison Oversight Committee and its staff.

Section 2. (a) The Office of Prison Oversight Coordinator is created within the Alabama Department of Examiners of Public Accounts to assist the Joint Prison Oversight Committee. The office shall be under the supervision of the Prison Oversight Coordinator who shall be appointed by the Chief Examiner of the Department of Public Accounts. The chief examiner may employ up to two additional employees to assist performing the duties of the office.

(b) The Office of Prison Oversight Coordinator shall do all of the following:

(1) Monitor the occurrence of systemic issues within the Department of Corrections which negatively impact the health, safety, welfare, and rehabilitation of individuals in the custody of the department.

(2) Monitor the safety and retention of correctional officers and staff.

(3) Provide recommendations to effectively reduce the department's risk of exposure to litigation.

(4) Report all findings to the Corrections Oversight Board and the Joint Legislative Prison Oversight Committee along with recommendations for improved outcomes.

(c) The Alabama Department of Examiners of Public Accounts shall designate permanent office space for the use of



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the office of prison oversight coordinator. The permanent office space shall not be located within the Department of Corrections.

(d) The warden or other administrator of each correctional facility of the Department of Corrections shall designate suitable temporary workspace within the facility for the prison oversight coordinator to freely conduct work or meet with staff and inmates.

Section 3. (a) The prison oversight coordinator shall conduct an initial inspection of all close and medium correctional facilities of the department within 18 months of the effective date of this act and all other correctional facilities of the department within 24 months of the effective date of this act. The prison oversight coordinator shall conduct subsequent inspections of each such correctional facility on a staggered basis as determined by the correctional facility's safety and compliance classification to assess all of the following:

(1) A summary of and compliance indicators for all current facility policies and procedures governing inmate care.

(2) Conditions of confinement.

(3) Availability of educational, rehabilitative and reentry programming, drug and mental health treatment, and inmate job and vocational training.

(4) All inmate visitation policies and procedures.

(5) All facilities designated to provide medical care and the medical procedures and policies.



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(6) All current facility lockdown procedures and data, and during initial assessment, the lockdown procedures and data covering the previous three years.

(7) All the facility staffing plans, including, but not limited to, the total number of jobs assigned to each correctional staff, the ratio of staff to inmates at the facility, the post charts for each facility, and the total number of staff vacancies.

(8) All data for physical assaults, sexual assaults, and use of force by correctional officers.

(9) All data for criminal charges or civil lawsuits against correctional officers and staff, disciplinary action, and any subsequent actions taken by the department, local district attorney, and any other relevant party.

(10) During initial assessment, inmate and staff deaths which occurred during the previous three years.

(11) The number of inmates who qualify as permanently incapacitated.

(12) The number of submissions received by the department's Constituent Services Unit from the facility and how many were resolved.

(13) Any other facility operations the prison oversight coordinator deems necessary.

(b) Within 90 days of completion of an inspection, the prison oversight coordinator shall assign the facility a safety and compliance classification. This classification shall be divided into three tiers as follows:

(1) Tier 1 requires a subsequent inspection within 12



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months and is used to classify maximum security facilities and facilities that present clear violations of rights, risks to the safety of inmates or staff, or severe lack of quality programming for the successful rehabilitation of inmates.

(2) Tier 2 requires a subsequent inspection within 18 to 24 months and is used to classify facilities that may have violations of rights, substandard conditions of confinement, or substandard programming options.

(3) Tier 3 requires a subsequent inspection within 18 to 36 months and is used to classify facilities that have adequate confinement conditions and appropriate programming options.

(c) Within 90 days after the completion of an inspection and designation of a safety and compliance classification for a correctional facility, the prison oversight coordinator shall produce a report to the Governor, Corrections Oversight Board, and Joint Prison Oversight Committee accurately describing inspection findings, the safety and compliance classification designation, and recommendations for remedial actions. The prison oversight coordinator shall also provide a copy of the report to the Commissioner of the Department of Corrections, Attorney General, Senate Judiciary Committee, and House Judiciary Committee. The prison oversight coordinator shall make the report public by posting it on the publicly accessible website of the Department of Examiners of Public Accounts after redacting all personally identifiable information.

(d) The prison oversight coordinator's report shall



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include all of the following with respect to the correctional facility:

(1) A summary of and a compliance indicator for each facility's inmate care policies and procedures.

(2) A description of conditions of confinement.

(3) A catalog of available education and rehabilitative programming, drug and mental health treatment, and inmate jobs and vocational training.

(4) A summary of lockdown data.

(5) A summary of visitation policies and procedures.

(6) A list of available medical facilities and a summary of the policies and procedures for each.

(7) The number of available staff for each facility and a summary of existing policies regarding staff recruitment, training, supervision, and discipline.

(8) A summary of physical assaults, sexual assaults, and use of force incidents reviewed by the office.

(9) A summary of inmate and staff deaths that occurred at the facility.

(10) The number of the population of permanently incapacitated inmates pursuant to the Alabama Medical Furlough Act, Section 14-14-2.

(11) A summary of any State Bureau of Investigations (SBI) investigations of the facility.

(12) Recommendations for the improvement of safety and facility conditions, rehabilitative and educational programs and services, or ability of inmates to communicate with their families.





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(13) The recommended safety and compliance classification for the facility and a timeline for the next inspection.

(e) The Department of Corrections shall respond in writing to each report issued by the prison oversight coordinator within 30 days of issuance of the report, and the response shall include a corrective action plan. The prison oversight coordinator may conduct subsequent monitoring visits as necessary.

(f) The Commissioner of the Department of Corrections shall take any necessary actions to ensure the prison oversight coordinator has access to enter any correctional facility at any reasonable time to perform official duties pursuant to this act. For purposes of this subsection, the commissioner shall ensure the prison oversight coordinator may do all of the following:

(1) Enter any correctional facility and confidentially interview any inmate, department employee, department contractor, or employees of other organizations or groups who visit the facilities or conduct business at the facilities.

(2)a. Have the opportunity to regularly meet and communicate privately and confidentially with inmates and staff, including by private and confidential calls and mail.

b. The prison oversight coordinator shall have the sole discretion to determine the appropriate method of communication with inmates.

(3) Have reasonable access to all correctional facilities of the department, including, but not limited to,



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all areas used by inmates, all areas accessible to inmates, and inmate program areas at reasonable times, which at a minimum must include normal business hours and visiting hours.

(4) Inform inmates of their rights and provide them with information available through the office of prison oversight coordinator.

(5) Monitor compliance with state and federal laws governing the rights and safety of inmates.

(6)a. Inspect, view, photograph, and video record all areas of the facility which are used by inmates or are accessible to inmates.

b. All photographs taken and video recordings made by the prison oversight coordinator which contain information that identifies an incarcerated individual shall be treated as confidential and exempt from public disclosure.

(7)a. Access, inspect, and copy all relevant information, records, and documents in the possession and control of the department.

b. The department shall assist in obtaining the necessary releases for restricted confidential or privileged documents. Upon receipt of a written request for access or copies of department records, the department must provide the access to or copies of the requested documentation by no later than 10 business days from receipt of the request. For any requested record regarding an inmate's death, threats of bodily harm, including, but not limited to, sexual or physical assaults or the denial of necessary medical treatment, the department shall produce the records within three days unless



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the position consents to an extension of time.

(g) When taking any action authorized pursuant to subsection (f), the prison oversight coordinator shall collaborate with the department to minimize disruptions to the operations of the department and shall comply with the department's security clearance protocols to the extent those protocols do not unreasonably impede the activities outlined in this section.

(h) The prison oversight coordinator shall consult with the Alabama Department of Examiners of Public Accounts to assist in the interpretation of the financial records of the Department of Corrections. The prison oversight coordinator may also request the Alabama Department of Examiners of Public Accounts to perform an audit of the Department of Corrections upon a reasonable belief that financial waste, fraud, or impropriety has occurred.

(i) All correspondence and communication to or from the prison oversight coordinator shall be deemed confidential and shall be provided the same protection as privileged and legal correspondence or communication.

(j) Members of the Legislature may consult with the office of prison oversight coordinator regarding communications received from constituents about conditions within correctional facilities.

(1) The office of prison oversight coordinator shall establish confidentiality rules and procedures for all information received and maintained.

(2) The office of prison oversight coordinator shall



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281 treat all matters under review, including identities of  
282 recipients of monitor services, complaints, and identities of  
283 individuals from whom information is acquired, as  
284 confidential, except to the extent disclosure may be necessary  
285 to facilitate the performance of the prison oversight  
286 coordinator's duties.

287 (3) Upon receipt of confidential or privileged  
288 information protected from disclosure by state or federal law,  
289 the office of prison oversight coordinator shall maintain the  
290 confidentiality of the information and shall not further  
291 disclose or disseminate the information except as authorized  
292 by law. All records exchanged and communications between the  
293 office of prison oversight coordinator and the Department of  
294 Corrections are confidential and exempt from public  
295 disclosure.

296 (4) Notwithstanding any provision of law to the  
297 contrary, the prison oversight coordinator reasonably may  
298 disclose to the appropriate department official confidential  
299 information if necessary, and only to the extent required, to  
300 reduce, stop, or prevent imminent danger or harm to an inmate,  
301 staff member, or third party.

302 Section 4. (a) The prison oversight coordinator may  
303 initiate and attempt to resolve an investigation upon its own  
304 initiative, or upon receipt of a complaint from an  
305 incarcerated person, a family member, a representative of an  
306 incarcerated person, a Department of Corrections employee or  
307 contractor, or others, regarding any of the following that may  
308 adversely affect the health, safety, welfare, and rights of



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309 incarcerated people or correctional staff:

310 (1) Abuse or neglect.

311 (2) Conditions of confinement.

312 (3) Department of Corrections decisions or  
313 administrative actions.

314 (4) Department of Corrections inactions or omissions.

315 (5) Department of Corrections policies, rules, or  
316 procedures.

317 (6) Alleged violations of law by Department of  
318 Corrections employees or contractors that may adversely affect  
319 the health, safety, welfare, and rights of incarcerated  
320 people.

321 (b) The prison oversight coordinator shall have  
322 discretion whether to investigate or decline to investigate  
323 any complaint. If the prison oversight coordinator does not  
324 investigate a complaint, the prison oversight coordinator  
325 shall notify the complainant in writing of the decision not to  
326 investigate the reasons for the decision.

327 (c) The prison oversight coordinator may not  
328 investigate any complaints relating to an inmate's underlying  
329 criminal conviction.

330 (d) The prison oversight coordinator may not  
331 investigate a complaint from a Department of Corrections  
332 employee or contractor that relates to the employee or  
333 contractor's employment relationship with the department  
334 unless the complaint is related to the health, safety,  
335 welfare, and rehabilitation of inmates or correctional staff.

336 (e) The prison oversight coordinator may refer a



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complaint to the appropriate resources or state agencies.

(f) The prison oversight coordinator may not levy any fees for the submission or investigation of complaints.

(g) At the conclusion of an investigation of a complaint, the prison oversight coordinator shall render a public decision on the merits of the complaint, except that the documents supporting the decision are subject to the confidentiality provision of this section. The prison oversight coordinator must communicate the decision to the complainant, if any, and to the Department of Corrections. The prison oversight coordinator must state its recommendations and provide reasoning if, in the prison oversight coordinator's opinion, the department or any employee or contractor thereof should do any of the following:

(1) Consider the matter further.

(2) Modify or cancel any action.

(3) Alter a rule, practice, or ruling.

(4) Explain in detail the administrative action in question.

(5) Rectify an omission.

(h) If the prison oversight coordinator so requests, the department must, within the time specified, inform the prison oversight coordinator in writing about any action taken on the recommendations or the reasons for not complying with the recommendations.

(i) If the prison oversight coordinator believes, based on the investigation, that there has been or continues to be a significant health, safety, welfare, or rehabilitative issue,



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the prison oversight coordinator must report the finding to the Governor, the Attorney General, the Joint Prison Oversight Committee, and the Commissioner of the Department of Corrections.

(j) In the event that the department conducts an internal disciplinary investigation and review of one or more of its staff members as a result of an office investigation, the department's disciplinary review may be subject to additional review and investigation by the prison oversight coordinator to ensure a fair and objective process.

(k) Before announcing a conclusion or recommendation that directly or indirectly criticizes an individual or the department, the prison oversight coordinator shall consult with that individual or the department. The prison oversight coordinator may request to be notified by the department, within a specified time, of any action taken on any recommendation presented.

(1) The department and its employees and contractors shall not discharge, retaliate against, or in any manner discriminate against any individual because the individual has filed any complaint or instituted or caused to be instituted any proceeding under or related to this subsection.

(1) Any alleged discharge, retaliation against, or discrimination against a complainant may be considered by the prison oversight coordinator as an appropriate subject of an investigation.

(2) Any department employee or contractor who believes that he or she has been discharged or otherwise discriminated



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393 against by any individual in violation of this subsection,  
394 within 30 days after the violation occurs, shall be eligible  
395 to file a wrongful termination action in the circuit court.

396 Section 5. (a) An employee or contractor of the  
397 department shall not discriminate or retaliate in any manner  
398 against any agency, institution, employee, subcontractor,  
399 inmate or inmate's family member, volunteer, or other  
400 individual who provides information in good faith to the  
401 prison oversight coordinator or willfully interfere with the  
402 prison oversight coordinator in the performance of its  
403 official duties.

404 (b) The department, an agency, or an individual may not  
405 bring a civil action against the prison oversight coordinator  
406 or any employee of the office of prison oversight coordinator  
407 for the good faith performance of responsibilities under this  
408 section.

409 (c) This section shall not affect the rights of the  
410 department to supervise, discipline, or terminate an employee  
411 for other justifiable reasons.

412 Section 6. (a) Not later than 180 days from the  
413 effective date of this act, the Corrections Oversight Board  
414 shall be established, consisting of the following members:

415 (1) Two members of the Senate, one of whom shall be  
416 appointed by the President Pro Tempore of the Senate, and one  
417 of whom shall be appointed by the Minority Leader of the  
418 Senate. The President Pro Tempore shall select one of these  
419 members to serve as co-chair.

420 (2) Two members of the House of Representatives one of





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whom shall be appointed by the Speaker of the House of Representatives, and one of whom shall be appointed by the Minority Leader of the House of Representatives. The Speaker of the House of Representatives shall select one of these members to serve as co-chair.

(3) The following members appointed by the Legislative Prison Oversight Committee:

a. One representative of an inmate advocacy organization.

b. One representative of an organization that provides training or rehabilitation programs for incarcerated inmates.

c. One representative of a victim advocacy organization.

d. One male who was formerly incarcerated in the Department of Corrections.

e. One female who was formerly incarcerated in the Department of Corrections.

f. One physician currently or previously holding a license to practice medicine in the state.

g. One mental health or behavioral health professional currently or previously holding a license in mental health counseling, and has a background of providing mental health services or counseling to incarcerated adults.

h. One individual who is a parent, grandparent, child, sibling, or spouse of a currently incarcerated inmate of the department.

(b) Members appointed pursuant to this section shall serve three-year terms.



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(c) The appointing authorities shall coordinate their appointments to assure the oversight board's membership is inclusive and reflects the racial, gender, geographic, urban, rural, and economic diversity of the state.

(d) Members appointed pursuant to this subsection shall not be current employees or contractors of the department; shall not have parents, children, spouses, or domestic partners who are current employees or contractors of the department; and shall not have been an employee or contractor of the department at any time during the 10 years prior to their appointment to the board.

(e) The board shall convene upon any of the following occurring:

- (1) A majority of the members call for a meeting.
- (2) One of the co-chairs call for a meeting.
- (3) The board has an annual public hearing.

(f) Board members shall not be entitled to compensation but shall be entitled to reimbursement of actual expenses incurred that are directly related to the duties of serving as a member of the board.

(g) The board shall hold at least one annual public hearing each year to present, review, and discuss the office of prison oversight coordinator's inspections, findings, reports, and recommendations set forth in reports and shall hold quarterly public hearings to present, review, and discuss any other data, reports, or findings of the position the oversight board deems relevant. There shall be made available to the public an online comment submission form and



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477 opportunity to testify at any quarterly public hearings held  
478 by the board.

479         Section 7. Employees of the Department of Corrections  
480 shall report all violations of the law relating to prisons,  
481 correctional facilities, and employees and inmates of the  
482 Department of Corrections to the State Bureau of  
483 Investigations. The bureau shall investigate all reported and  
484 discovered violations and, where applicable, refer the  
485 violations to the appropriate district attorney. All  
486 indictments for violations shall be tried in the circuit court  
487 of the county where the offense was committed.

488         Section 8. Each district attorney's office with a close  
489 or medium security correctional facility in its circuit shall  
490 be provided one special prosecutor to investigate and  
491 prosecute criminal cases directed to the office.

492         Section 9. This act shall become effective on October  
493 1, 2026.