



**House Public Safety and Homeland Security**  
**Engrossed Substitute for HB9**

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A BILL  
TO BE ENTITLED  
AN ACT

Relating to correctional incentive time; to amend Section 14-9-41, as last amended by Act 2022-322, 2022 Regular Session, Code of Alabama 1975, to reduce the amount of correctional incentive time a prisoner receives; to require a prisoner to remain in a certain classification for a longer period of time before moving up to a higher classification; to provide for additional circumstances in which a prisoner may be required to forfeit his or her correctional incentive time; and to require the Department of Corrections to provide annual reports to the Legislature, the Governor, and the Attorney General regarding correctional incentive time.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited as the Deputy Brad Johnson Act.

Section 2. Section 14-9-41, as last amended by Act 2022-322, 2022 Regular Session, Code of Alabama 1975, is amended to read as follows:

"§14-9-41

(a) Except as provided in subsection (e), each prisoner



**House Public Safety and Homeland Security**  
**Engrossed Substitute for HB9**

29 who is convicted of any offense against the laws of the State  
30 of Alabama and is confined, in execution of the judgment or  
31 sentence upon any conviction, in the penitentiary, or at hard  
32 labor for the county jail, or in any municipal jail for a  
33 definite or indeterminate term, whose record of conduct shows  
34 that he or she has faithfully observed the rules for a period  
35 of time to be specified by this article, may earn a deduction  
36 from the term of his or her sentence as follows:

37 (1) ~~Seventy-five~~ Thirty days for each 30 days actually  
38 served while the prisoner is classified as a Class I prisoner.

39 (2) ~~Forty~~ Fifteen days for each 30 days actually served  
40 while the prisoner is a Class II prisoner.

41 (3) ~~Twenty~~ Five days for each 30 days actually served  
42 while the prisoner is a Class III prisoner.

43 (4) No ~~good~~ correctional incentive time shall accrue  
44 during the period the prisoner is classified as a Class IV  
45 prisoner.

46 (b) Within 90 days after May 19, 1980, the Commissioner  
47 of the Department of Corrections shall establish and publish  
48 in appropriate directives certain criteria not in conflict  
49 with this article for Class I, II, III, and IV prisoner  
50 classifications. The classifications shall encompass  
51 consideration of the prisoner's behavior, discipline, and work  
52 practices and job responsibilities.

53 (c) (1) Class I includes prisoners who are considered to  
54 be trustworthy in every respect and who, by virtue of their  
55 work habits, conduct, and attitude of cooperation have proven  
56 their trustworthiness. An example of a Class I inmate would be



**House Public Safety and Homeland Security**  
**Engrossed Substitute for HB9**

57 one who could work without constant supervision by a security  
58 officer.

59 (2) Class II includes prisoners whose jobs will be  
60 under the supervision of a correctional employee at all times.  
61 Any inmate shall remain in this classification for a minimum  
62 period of ~~six~~12 months before being eligible for Class I.

63 (3) Class III includes prisoners with special  
64 assignments. They may not receive any of the privileges of  
65 Class I and Class II prisoners. A prisoner shall remain in  
66 this classification for a minimum period of ~~three~~six months  
67 before being eligible for Class II.

68 (4) Class IV includes prisoners not yet classified~~and~~  
69 ~~for these~~, including all incoming prisoners, prisoners who are  
70 able to work and refuse, prisoners who commit disciplinary  
71 infractions that do not warrant a higher classification, ~~or~~  
72 and prisoners who do not abide by the rules of the  
73 institution. Prisoners who are classified in this earning  
74 class receive no correctional incentive time. This class is  
75 generally referred to as "flat time" or "day-for-day." A  
76 prisoner shall remain in this classification for a minimum  
77 period of ~~30 days~~three months before being eligible for Class  
78 III.

79 (5) No prisoner may reach any class without first  
80 having gone through and meeting the requirements of all lower  
81 classifications.

82 (d) As a prisoner gains a higher classification status  
83 he or she shall not be granted retroactive correctional  
84 incentive time based on the higher classification he or she



**House Public Safety and Homeland Security**  
**Engrossed Substitute for HB9**

85 has reached, but shall only be granted correctional incentive  
86 time based on the classification in which he or she was  
87 serving at the time the correctional incentive time was  
88 earned. Nothing in this article authorizes a prisoner to  
89 receive correctional incentive time based on the highest  
90 classification he or she attains for any period of time in  
91 which he or she was serving in a lower classification or from  
92 the date of his or her sentence.

93 (e) (1) No prisoner may receive correctional incentive  
94 time under any of the following circumstances:

95 a. He or she has been convicted of a Class A felony.

96 b. He or she has been convicted of any crime that  
97 caused the death of another person by means of a deadly  
98 weapon, as defined in Section 13A-1-2.

99 c. He or she has been sentenced to life, sentenced to  
100 death, or has received a sentence for more than 15 years.

101 d. He or she has been convicted of a sex offense  
102 involving a child, as defined in Section 15-20A-4.

103 (2)a. No prisoner may be placed in Class I under either  
104 any of the following circumstances:

105 1. He or she has been convicted of an assault where the  
106 victims of the assault suffered the permanent loss or use or  
107 permanent partial loss or use of any bodily organ or  
108 appendage.

109 2. He or she has been convicted of a crime involving  
110 the perpetration of sexual abuse upon the person of a child  
111 under the age of 17 years.

112 3. He or she has been convicted of a Class B felony



**House Public Safety and Homeland Security**  
**Engrossed Substitute for HB9**

113 that is a violent offense, as defined in Section 12-25-32.

114           b. The court sentencing a person shall note on the  
115 transcript accompanying the prisoner that he or she has been  
116 sentenced to a crime that forbids his or her being classified  
117 as a Class I prisoner.

118           (f) (1) If, during the term of imprisonment, a prisoner  
119 commits an offense or violates a rule of the Department of  
120 Corrections, all or any part of his or her correctional  
121 incentive time accrued pursuant to this section shall be  
122 forfeited.

123           (2) a. The Commissioner of the Department of Corrections  
124 may restore any portion of the correctional incentive time  
125 that has been forfeited by a prisoner for violating any  
126 existing law or department prison rule or regulation, as the  
127 commissioner deems proper, upon recommendation and evidence  
128 provided by the warden in charge.

129           b. This subdivision shall not apply to prisoners who  
130 commit or attempt to commit violations provided in subdivision  
131 (3).

132           (3) If, during the term of imprisonment, a prisoner  
133 commits or attempts to commit by any overt act toward the  
134 commission any of the following in violation as defined by the  
135 department's Administrative Regulation Number 403 as of  
136 January 1, 2023, ~~of Department of Corrections rules or~~  
137 regulations, he or she may no longer receive correctional  
138 incentive time for the term of imprisonment and shall forfeit  
139 all of his or her correctional incentive time accrued pursuant  
140 to this section:



**House Public Safety and Homeland Security  
Engrossed Substitute for HB9**

- 141 a. Homicide.
- 142 b. Escape.
- 143 c. Assault that causes serious physical injury.
- 144 d. Seizing or holding a hostage in any manner.
- 145 e. Sexual assault.
- 146 f. Inciting a riot.
- 147 g. Rioting.
- 148 h. Fighting with a weapon resulting in serious physical
- 149 injury.
- 150 i. Arson.

151 (g) (1) For prisoners receiving correctional incentive

152 time, the term of supervision required pursuant to Section

153 15-22-26.2, shall not further reduce the term of imprisonment

154 except where the minimum required term of supervision would

155 exceed the correctional incentive time accrued.

156 (2) When a prisoner is serving two or more terms of

157 imprisonment and the sentences run consecutively, all

158 sentences shall be combined for the purpose of computing

159 deductions for correctional incentive time and release date.

160 The actual deduction from sentence for correctional incentive

161 time provided by this section shall apply only to sentences to

162 be served.

163 ~~(2)~~ (3) When a prisoner is serving two or more sentences

164 that run concurrently, the sentence that results in the longer

165 period of incarceration shall be used for the purpose of

166 computing deductions for correctional incentive time and

167 release date. When computing the deductions allowed in this

168 section on indeterminate sentences, the maximum sentence shall



**House Public Safety and Homeland Security**  
**Engrossed Substitute for HB9**

169 be the basis for the computation.

170 (h) This section shall be administered by the chief  
171 administrative officer of the penal institution as it applies  
172 to prisoners in any state penal institution, by the sheriff of  
173 the county as it applies to prisoners in any county jail, and  
174 by the chief of police as it applies to prisoners in any  
175 municipal jail.

176 (i) Deductions for good behavior, work habits and  
177 cooperation, or good conduct shall be interpreted to give  
178 authorized ~~good~~ correctional incentive time retroactively to  
179 those offenders convicted of crimes committed after May 19,  
180 1980, except those convicted of crimes of the unlawful sale or  
181 distribution of controlled substances as enumerated in Article  
182 5 of Chapter 12 of Title 13A and for any sex offenses as  
183 enumerated in Articles 4 and 4A of Chapter 6 of Title 13A. The  
184 commissioner shall have the prison records of all prisoners  
185 who become eligible under this article reviewed and shall  
186 disqualify any prisoner from being awarded correctional  
187 incentive time under this article at his or her discretion.

188 (j) The Department of Corrections, by February 15 of  
189 each year, shall submit to the Legislature, the Governor, and  
190 the Attorney General a report including all of the following:

191 (1) The number of prisoners in each classification.

192 (2) The number of prisoners who changed  
193 classifications.

194 (3) The number of prisoners who had their correctional  
195 incentive time forfeited based on a high level violation, as  
196 provided by department guidelines, including the specific kind



**House Public Safety and Homeland Security  
Engrossed Substitute for HB9**

197 and number of the high level violation for each prisoner.

198 (4) The number of prisoners who had their correction  
199 incentive time forfeited based on a violation of subdivision  
200 (f) (3), including the specific reason for each prisoner."

201 Section 3. All amendatory language to Section 14-9-41,  
202 Code of Alabama 1975, regarding the calculation of  
203 correctional incentive time, added pursuant to this amendatory  
204 act shall be applied prospectively, and any adjustment to that  
205 time shall only apply to violations committed after the  
206 effective date of this act. This act shall supersede any  
207 policy, procedure, or rule in place on the effective date of  
208 this act, with the exception of the Department of Corrections'  
209 Administrative Regulation Number 403.

210 Section 4. This act shall become effective immediately  
211 following its passage and approval by the Governor, or its  
212 otherwise becoming law.