

1 HB426
2 203848-2
3 By Representative Sorrells (N & P)
4 RFD: Local Legislation
5 First Read: 10-MAR-20

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ENROLLED, An Act,

Relating to Geneva County; to provide for the rehabilitation of certain persons convicted of any type crime and sentenced to a term of confinement in the Geneva County jail; and to provide for a rehabilitation board to supervise and administer the rehabilitation processes of this act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) This act shall apply to Geneva County.

(b) The following words shall have the following meanings:

(1) BOARD. The Geneva County Rehabilitation Board, which shall be composed of the sheriff, the district attorney, the senior circuit judge, the senior district judge, and a fifth person to be selected by the Geneva County Commission.

(2) INMATE. A person convicted of a crime and sentenced to the county jail and are county inmates. This term does not include a state inmate held in a county jail.

(c) (1) The board shall adopt written procedures of operation and administration and shall elect one of its members as chair on an annual basis. Meetings shall generally be conducted in accordance with Robert's Rules of Order.

(2) Any rules, regulations, or policies promulgated by the board shall be written upon the minutes of the board,

1 and shall be acknowledged and signed by each member of the
2 board a minimum of 30 days before the rules, regulations, or
3 policies are implemented or utilized for any inmate pursuant
4 to this section.

5 (3) Inmates may participate in paid employment at
6 the discretion of the board, but shall obtain approval of the
7 court in writing or by court order prior to engaging in the
8 employment.

9 (d) The board shall adopt written regulations and
10 policies permitting the sheriff to extend the limits of the
11 place of confinement of an inmate, if there is reasonable
12 cause to believe his or her suitability, by authorizing him or
13 her under prescribed conditions to leave the confines of the
14 county jail unaccompanied by a custodial agent for a
15 prescribed period of time to work at paid employment while
16 continuing as an inmate in the jail in which he or she shall
17 be confined except during the hours of his or her employment
18 and transportation to and from the place of employment.

19 (e) (1) The employer of an inmate involved in work
20 release shall pay the wages of the inmate to the board or an
21 agent designated by the board to administer the accounting and
22 disposition of the wages of the inmate. This designation will
23 be renewed annually or can be terminated by agreement of the
24 board and the employer. The disposition of the net wages of
25 the inmate shall be in the following amounts and priority:

1 a. 30 percent shall be withheld for the costs of the
2 confinement of the inmate and paid to the county monthly. The
3 county commission may use these funds to pay any costs
4 associated with the administration and operation of the jail
5 including, but not limited to, salaries for necessary staff,
6 equipment, and administrative costs for purposes of this
7 section.

8 b. The amount ordered by the circuit or juvenile or
9 district court to be paid for child support shall be paid
10 monthly to the appropriate court or agency.

11 c. An amount as ordered by the circuit or district
12 court to be paid monthly to the clerk of the court for court
13 costs, fines, restitution, and other costs up to 25 percent of
14 the net wages of the inmate.

15 d. An amount as agreed to in writing by the inmate
16 to be paid monthly to the family of the inmate.

17 e. Any remaining amount each month will be deposited
18 in the Geneva County Jail Inmate Trust Fund, to be paid to the
19 inmate for his or her personal use as prescribed by jail rules
20 or held until the inmate's release.

21 (2) Any legal encumbrances upon the wages of the
22 inmate may preclude participation of the inmate in the
23 program.

24 (f) The willful failure of an inmate to remain
25 within the extended limits of his or her confinement or to

1 return within the time prescribed by the sheriff to the county
2 jail shall be deemed an escape from the custody of the sheriff
3 and shall be punishable as provided by law for escaped
4 prisoners.

5 (g) The board, its employees, or an agency
6 designated by the board are authorized to make investigations
7 and recommendations pertaining to the validity of requests by
8 inmates to be considered for this work release program. The
9 investigations shall include, but not be limited to, actual
10 employment of the inmate, reliability of transportation to and
11 from work, knowledge by the employer of the status of the
12 inmate, the agreement of the employer to send the inmate's pay
13 checks to the agency, and the inmate's signed agreement to
14 abide by the conditions governing his or her participation in
15 the program. A nonrefundable investigation application fee of
16 fifty dollars (\$50) shall be paid to the designated agent by
17 the inmate in applying for this program. This fee may be
18 changed at the discretion of the board.

19 (h) A primary consideration for inmates to
20 participate in the program is that they already have a source
21 of employment. However, the board may endeavor to secure
22 employment for eligible inmates under this section subject to
23 the following:

24 (1) Wages shall be at least as high as the
25 prevailing wage for similar work in the area.

1 (2) The employment shall not result in displacement
2 of currently employed workers.

3 (3) Inmates eligible for work release shall not be
4 employed as strike breakers or in impairment of any existing
5 contract.

6 (4) Exploitation of eligible inmates in any form is
7 prohibited.

8 (i) No inmate granted privileges pursuant to this
9 section shall be deemed to be an agent, employee, or
10 involuntary servant of the board, state, county, or
11 municipality while working in the community or while going to
12 and from employment or other specified areas, or while on
13 furlough.

14 (j) The sheriff shall prepare an annual report to be
15 filed not later than 60 days from the close of each fiscal
16 year, a copy of the report shall be filed with each of the
17 following persons or agencies: The board, the governing bodies
18 to which this section applies, and to the circuit and district
19 judges serving Geneva County. This report shall include, but
20 not be limited to, the prior year activities including number
21 of inmates participating in the program, monies earned and
22 disposition thereof, general effectiveness of the program, and
23 any recommendation for the activities of the current year and
24 other pertinent information. Supporting documentation for this
25 report will be supplied to the sheriff by the organization

1 making investigations or background checks for work release
2 within 30 days of the end of the fiscal year.

3 Section 2. This act shall become effective on the
4 first day of the third month following its passage and
5 approval by the Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 04-MAY-20.

Jeff Woodard
Clerk

Senate 06-MAY-20 Passed