

HB429 INTRODUCED



1 HB429
2 IDDH6WZ-1
3 By Representative Yarbrough (N & P)
4 RFD: Local Legislation
5 First Read: 09-Apr-24



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A BILL
TO BE ENTITLED
AN ACT

Relating to Lawrence County; to establish a temporary release program where certain prisoners may be released from custody for the purpose of rehabilitation both before and after sentencing; to provide for penalties for any prisoner who fails to return to the jail under the terms of the prisoner's release; to require fees for participation in programs and to provide for distribution; to set standards for pretrial release; to provide for bond forfeiture for a prisoner's failure to appear; to establish the Lawrence County Community Corrections and Court Services Fund for collection of a prisoner's earnings and proceeds accruing to the fund; to create the Lawrence County Community Corrections and Court Services Commission to administer the fund and operate the program; and to provide for the commission's membership duties.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Any individual who has been committed to the custody of the Alabama Department of Corrections or the Lawrence County Sheriff may be released therefrom by the court having jurisdiction, either on its own motion or upon the



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29 motion of the defendant, at any time before sentencing or
30 during the term of sentence, for the purpose of obtaining and
31 working at gainful employment or for such other purpose as the
32 court may deem conducive to his or her rehabilitation. The
33 release shall be for a specified period of time and under
34 terms and conditions ordered by the court. A defendant shall
35 receive one day's credit toward his or her sentence for each
36 day spent outside of jail under a release order unless
37 otherwise provided by the court. If an individual violates any
38 term or condition of his or her release, including conditions
39 of employment, he or she shall be subject to having his or her
40 release revoked or the terms and conditions thereof modified
41 by the court having jurisdiction.

42 Section 2. Any individual committed to the custody of
43 the Lawrence County Sheriff may be required, as a condition of
44 release, probation, or sentence, to serve weekends or other
45 times or intervals of time as directed by the court having
46 jurisdiction. While in custody, the individual shall be the
47 responsibility of the Lawrence County Sheriff and shall be
48 subject to the rules and regulations of the Lawrence County
49 jail. A defendant shall receive one day's credit for each 24
50 hours of confinement in the jail. If a defendant spends part
51 of a 24-hour period released and a part of that 24-hour period
52 confined, then he or she shall receive one day's credit toward
53 his or her sentence.

54 Section 3. Any individual released under Section 1 or
55 ordered confined under Section 2, who willfully fails to
56 remain within the extended limits of his or her confinement or



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57 to return to the place of confinement as ordered, shall be
58 subject to conviction and punishment for escape as provided in
59 Section 14-8-42, Code of Alabama 1975.

60 Section 4. Any individual sentenced to participate in a
61 work release program pursuant to this act shall pay 25 percent
62 of gross earnings from his or her work release employment to
63 the Lawrence County Community Corrections and Court Services
64 Commission established by Section 10. The amount designated
65 and collected, whether by payroll deduction or otherwise,
66 shall be deposited by the commission to a separate fund to be
67 known as the Lawrence County Community Corrections and Court
68 Services Fund. No less than quarterly, the commission shall
69 distribute 20 percent of the revenues collected from the work
70 release program to the Sheriff of Lawrence County to be used
71 by the sheriff for law enforcement purposes. The court having
72 jurisdiction of the case, as a condition of release,
73 probation, or participation in work release or any other
74 program implemented and administered pursuant to this act, may
75 require the defendant to establish a payroll deduction with
76 his or her employer for the payment of any amount due pursuant
77 to this act.

78 Section 5. If the court having jurisdiction of the case
79 determines the collection and payment of the amounts provided
80 for in Section 4 will impose a definite and significant
81 financial hardship on the dependents of the defendant, the
82 court may waive the collection and payment of the same or any
83 portion thereof.

84 Section 6. All amounts collected and deposited in the



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85 Lawrence County Community Corrections and Court Services Fund
86 shall be expended for the implementation of this act,
87 including, but not limited to (i) paying salaries and other
88 expenses involved in conducting investigations and studies
89 necessary to determine whether particular defendants will be
90 granted the benefits of this act; (ii) administration required
91 to carry out this act; (iii) transportation of defendants to
92 and from their places of employment; (iv) matching any federal
93 and state grants that may be available in relation to the
94 purposes of this act; and (v) implementation and
95 administration of the treatment, rehabilitation, education,
96 intervention, and pretrial diversion programs created pursuant
97 to Section 10 as determined to be required by law or
98 consistent with the purposes of this act. If at the end of any
99 calendar year there remains a surplus in the Lawrence County
100 Community Corrections and Court Services Fund, the surplus
101 shall be paid over to the General Fund of Lawrence County if a
102 majority of the commission members, by affirmative vote,
103 decide at a duly convened meeting of the commission that the
104 surplus, or any portion thereof, is in excess of an amount
105 necessary to carry out this act.

106 Section 7. The provisions of this act pertaining to
107 pretrial release shall be applied in conformity with the
108 principles and guidelines set forth in Rules 7.2(a) and (b),
109 7.3, 7.4, and 7.5 of the Alabama Rules of Criminal Procedure.

110 Section 8. (a) Any individual in Lawrence County
111 charged with a non-capital, bailable offense, as a matter of
112 right, may be released pending trial on his or her personal



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113 recognizance or upon the execution of an appearance bond.
114 However, if a judge having jurisdiction determines, in his or
115 her discretion, that a release will not reasonably assure the
116 defendant's appearance as required or that a defendant's being
117 at-large will pose a real and present danger to others or the
118 public in general, the judge, either in lieu of or in addition
119 to the methods and conditions of release specified in Rules
120 7.2(a) and 7.3 of the Alabama Rules of Criminal Procedure,
121 may:

122 (1) Require the defendant execute an appearance bond in
123 a specified amount with 10 percent of the amount to be
124 deposited with the clerk of the court, in cash or other
125 security as directed, and 10 percent of the deposit shall be
126 remitted within 10 days after the deposit to the Lawrence
127 County Commission for deposit to the fund established by
128 Section 4, and that the remainder of the deposit shall be
129 returned by the clerk to the defendant after he or she is
130 discharged upon dismissal of the pending charges or the
131 imposition of sentence after conviction; or

132 (2) Impose any additional condition deemed reasonably
133 necessary to assure appearance as required, including a
134 condition requiring the defendant return to custody after
135 specified hours.

136 (b) In determining which methods and conditions of
137 release will reasonably assure the appearance of a defendant
138 as required or protect certain persons or the general public
139 from a defendant who poses a real and present danger, the
140 judge or magistrate, in addition to considering the principles



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141 and guidelines set forth in Rules 7.2(a) and 7.3 of the
142 Alabama Rules of Criminal Procedure, shall bear in mind that
143 the purposes of this act are not only to assure the presence
144 of the defendant at trial, but also to assure that all
145 defendants, regardless of financial or social status, shall
146 not needlessly be detained pending appearance to answer
147 charges, or pending appeal, when detention serves neither the
148 ends of justice nor the public interest.

149 (c) All amounts collected under this section shall be
150 paid into the Lawrence County Community Corrections and Court
151 Services Fund, unless payment is otherwise directed by general
152 law.

153 Section 9. (a) A defendant who is released on an
154 appearance bond or other security pursuant to this act and who
155 knowingly fails to appear before any court or judicial officer
156 as required shall incur a forfeiture of the bond or any
157 security that was given or pledged for his or her release and,
158 in addition, may be guilty of bail jumping and punished as
159 provided in Title 13A of the Code of Alabama 1975.

160 (b) A defendant's bond or other security may be
161 forfeited under this section, even if he or she has not
162 received actual notice of the appearance date, if: (i)
163 reasonable efforts to notify the defendant have been made; and
164 (ii) the defendant, by his or her own actions, has frustrated
165 the receipt of actual notice.

166 (c) Except as otherwise provided by general law, all
167 forfeitures of cash or other security deposited with the clerk
168 of any court, and all deposits otherwise made and retained



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169 pursuant to this act, shall be paid over to the Lawrence
170 County Community Corrections and Court Services Fund used to
171 implement this act.

172 Section 10. (a) The Lawrence County Community
173 Corrections and Court Services Commission is created. The
174 commission shall be comprised of 9 members as follows: the
175 Chair of the Lawrence County Commission; the Sheriff of
176 Lawrence County; the District Attorney of the Thirty-Sixth
177 Judicial Circuit; a circuit judge from the Thirty-Sixth
178 Judicial Circuit appointed by the presiding judge of the
179 circuit; a district judge of Lawrence County to be appointed
180 by the presiding judge of the Thirty-Sixth Judicial Circuit;
181 an individual appointed by the City Council of the City of
182 Moulton; an individual appointed by the City Council of the
183 City of Courtland; the officer in charge of the Alabama
184 Probation and Parole Office in Lawrence County; and the
185 Circuit Court Clerk of Lawrence County.

186 (b) The commission may implement this act and generally
187 superintend all administrative functions pursuant to the same,
188 subject to rules adopted by the circuit and district judges of
189 Lawrence County. The commission may not direct any judicial
190 officer in the exercise of his or her judicial functions. The
191 commission, subject to any applicable laws pertaining to the
192 employment and dismissal of county employees, may employ and
193 dismiss personnel, except judicial officers, and may direct
194 and supervise the personnel. All personnel employed by the
195 commission who have been certified by the Alabama Peace
196 Officers' Standards and Training Commission shall have the



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197 same authority and powers as are vested in deputy sheriffs and
198 all other peace officers of this state. The personnel shall be
199 responsible to the commission and shall perform all duties
200 assigned by the commission.

201 (c) The commission may contract with one or more
202 individuals or nonprofit corporations to serve as executive
203 director for purposes of administering this act. The
204 contractor shall serve at the pleasure of the commission and
205 shall operate all of the programs authorized by the commission
206 in accordance with the fiscal procedures generally applicable
207 to the operation of instrumentalities of this state with full
208 public disclosure and accountability. The commission shall be
209 subject to periodic audits in accordance with applicable
210 requirements of law and shall comply with all laws and rules
211 relating to the disbursement and expenditure of public funds.

212 (d) The commission shall continually review all
213 activities conducted under its purview and shall recommend to
214 the Legislature any changes that it deems to be appropriate
215 under the law to carry out the purposes of this act.

216 (e) No agreement for the merger of the work release
217 program with any similar program operated by the Department of
218 Corrections or any other department, agency, or bureau of the
219 state shall be effective without the approval of the
220 commission.

221 (f) The commission may apply for, receive, and
222 administer any grants or funds from the United States
223 government or any agency thereof; the State of Alabama or any
224 agency thereof; or any private or quasi governmental



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225 foundation, corporation, firm, or agency if the grants or
226 funds are available for the uses and purposes for which the
227 commission is organized. All funds received by the commission
228 shall be deposited to the Lawrence County Community
229 Corrections and Court Services Fund, and shall be disbursed by
230 the Lawrence County Commission upon vouchers submitted by the
231 commission's chair or the executive director designated by the
232 commission.

233 (g) The commission shall elect a chair from among its
234 membership and shall adopt rules for conducting its affairs.
235 All meetings of the commission shall be in the Lawrence County
236 Courthouse and shall be held at the call of the elected chair.
237 The chair shall be required to call a meeting of the
238 commission upon the request in writing of any four members of
239 the commission.

240 (h) The commission may establish, operate, and fund
241 alternative sentencing programs, education programs,
242 intervention programs, and treatment programs such as pretrial
243 release programs, supervised electronic detention programs,
244 domestic violence offender programs, court referral programs,
245 driver safety programs, and other programs to serve the courts
246 of the Thirty-Sixth Judicial Circuit and may collect fees from
247 any defendant ordered by the courts to complete a program
248 administered by the commission. The authority to establish the
249 fees to fund the programs shall rest exclusively with the
250 commission. All fees collected shall be transmitted to the
251 Lawrence County Commission for deposit into the Lawrence
252 County Community Corrections and Court Services Fund and shall



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253 be expended in accordance with this act. Notwithstanding the
254 establishment of the fees, any judge of the Thirty-Sixth
255 Judicial Circuit may waive the payment or collection of any
256 administrative fee, or any portion thereof, associated with a
257 defendant's assignment to a program administered by the
258 commission. Any defendant who, upon court order, enrolls in
259 any education program, intervention program, or treatment
260 program administered by the commission, at the time of
261 enrollment, shall be notified of any fees associated with the
262 program and shall be notified of the location and cost of any
263 equivalent program offered in Lawrence County. Any program
264 that meets applicable certification criteria and fully
265 satisfies the order of the court shall be deemed equivalent.
266 Enrollment in equivalent programs in lieu of programs
267 administered by the commission shall be at the discretion of
268 the defendant.

269 Section 11. The Lawrence County Commission and any
270 municipality in Lawrence County may appropriate public funds
271 and other public property and to make the same available,
272 either by loan, grant, or otherwise, to the Lawrence County
273 Community Corrections and Court Services Commission to assist
274 the commission and its employees in carrying out the purposes
275 of this act.

276 Section 12. Any municipality in Lawrence County may
277 elect to participate in the programs authorized by this act.
278 The election shall be evidenced by a resolution adopted by the
279 governing body of the municipality by which the municipality
280 agrees to participate in the programs authorized by this act



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281 and to contribute any revenue arising from work release
282 programs authorized by this act to the Lawrence County
283 Community Corrections and Court Services Fund. A certified
284 copy of the resolution shall be sent to the Lawrence County
285 Community Corrections and Court Services Fund and the election
286 shall be effective on the first day of the calendar quarter
287 next following delivery of the resolution to the commission.

288 Section 13. Nothing in this act shall interfere with or
289 prevent the exercise by any court of Alabama of its power to
290 punish for contempt or any crime committed under the laws of
291 Alabama.

292 Section 14. The procedures prescribed in this act shall
293 be cumulative and in addition to all other bail and release
294 procedures provided by law.

295 Section 15. This act shall become effective on October
296 1, 2024.