

1 HB819  
2 115819-3  
3 By Representative Gipson (N & P)  
4 RFD: Local Legislation  
5 First Read: 06-APR-10

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ENROLLED, An Act,

Relating to Autauga County; to provide for the Autauga County Work Release Board to supervise and administer the provisions of this act; to establish the Autauga County Work Release Program; to provide for the carrying out of the provisions of this act; and to repeal all laws or parts of laws which conflict with this act, including Act 419 of the 1975 Regular Session (Acts 1975, p. 1014).

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall apply only to Autauga County.

Section 2. For purposes of this act, the following terms shall have the following meanings:

(1) BOARD. The Autauga County Work Release Board, which shall be composed of the following members: The circuit clerk of the county, the chief jailer of the county, and the sheriff of the county.

(2) FUND. The Autauga County Work Release Fund.

(3) INMATE. Anyone housed in the Autauga County Metro Jail, regardless of reason for the housing.

(4) PROGRAM. The Autauga County Work Release Program.

Section 3. The Autauga County Work Release Board is established to develop, promulgate, and adopt rules for the

1 operation and maintenance of the Autauga County Work Release  
2 Program established by this act. The rules shall include, but  
3 are not limited to, the eligibility requirements of inmates  
4 who may be considered for the program.

5 Section 4. Any inmate qualified and eligible to  
6 participate in the program may be released from housing at the  
7 Autauga County Metro Jail during the hours of his or her  
8 employment, including sufficient time to travel to and from  
9 the employment.

10 Section 5. (a) The sheriff may establish the Autauga  
11 County Work Release Fund at a bank selected by the sheriff  
12 located in Autauga County, Alabama. The employer of an inmate  
13 involved in work release shall pay the wages of the inmate  
14 directly to the board. All wages received by the board under  
15 this act shall be deposited by the board into the fund. The  
16 fund shall be administered by the board, or by the sheriff as  
17 designee of the board, in accordance with the rules  
18 established by the board.

19 (b) The board shall adopt rules concerning the  
20 disbursement of any wages of the inmate involved in the  
21 program.

22 (c) The board may apply from the wages of the inmate  
23 received by the board up to 40 percent of the gross wages of  
24 the inmate for the payment of costs incident to the

1 confinement of the inmate, as well as for any law enforcement  
2 purposes deemed appropriate by the board.

3 (d) The board may adopt policies to allow the monies  
4 to be spent exclusively for the betterment of law enforcement  
5 in the interest of the public as the sheriff sees fit in  
6 addition to operation of the jail.

7 (e) After application of the wages of the inmate as  
8 provided by this act, the remainder shall be applied by the  
9 board to the payment of court-ordered child support.

10 (f) After deduction from the gross pay of the inmate  
11 as provided by this act, the remainder of the wages of the  
12 inmate shall be credited to the account of the inmate in the  
13 Autauga County Work Release Fund and upon his or her release  
14 from confinement shall be turned over to the inmate.

15 (g) The board is authorized to turn over the  
16 remainder of the wages of the inmate to the family of the  
17 inmate for its support while the inmate is confined, provided  
18 the inmate gives written consent prior to his or her release  
19 into the program.

20 Section 6. The willful failure of an inmate to  
21 remain within the extended limits of his or her confinement or  
22 to return within the time prescribed by the sheriff to the  
23 county jail shall be deemed as an escape from the custody of  
24 the sheriff and shall be punishable as provided by law for  
25 escaped prisoners.

1           Section 7. Employees of the board, or its designees,  
2 may make investigations and recommendations pertaining to the  
3 validity of requests for job opportunities for inmates and to  
4 otherwise assist the sheriff in the implementation of the  
5 program.

6           Section 8. The board, or its designee, shall  
7 endeavor to secure employment for eligible inmates under this  
8 act, subject to all of the following:

9           (1) Employment must be at a wage at least as high as  
10 the prevailing wage for similar work in the area or community  
11 where the work is performed in accordance with the prevailing  
12 working conditions in the area.

13           (2) Employment shall not result in displacement of  
14 employed workers.

15           (3) Inmates eligible for work release shall not be  
16 employed as strike-breakers or in impairing any existing  
17 contracts.

18           (4) Exploitation of eligible inmates in any form is  
19 prohibited.

20           Section 9. No inmate granted privileges under this  
21 act shall be deemed to be an agent, employee, or involuntary  
22 servant of the board, state, county, or municipality while  
23 involved in the free community or while going to and from  
24 employment, or other specified areas, or while on furlough.

1           Section 10. Autauga County, its commission, sheriff,  
2 and board members or their designated agents shall be immune  
3 from any claims of negligence that may be made against them by  
4 any inmate or employer participating in the program and shall  
5 additionally be immune from any claims of negligence made by  
6 any third party.

7           Section 11. The sheriff shall keep an account of all  
8 fund transactions for audit by the Department of Examiners of  
9 Public Accounts. The fund shall be audited at the same time  
10 other accounts of the sheriff are audited. The Department of  
11 Examiners of Public Accounts shall submit a copy of the audit  
12 to the sheriff within 30 days of its completion.

13           Section 12. Any actions relating to the operation of  
14 the program prior to the effective date of this act are  
15 ratified and confirmed. Any existing proceeds derived from the  
16 operation of the program prior to the effective date of this  
17 act shall be deposited into the fund created by this act.

18           Section 13. The provisions of this act are  
19 severable. If any part of this act is declared invalid or  
20 unconstitutional, that declaration shall not affect the part  
21 which remains.

22           Section 14. All laws or parts of laws which conflict  
23 with this act are repealed, and Act 419 of the 1975 Regular  
24 Session (Acts 1975, p. 1014), is specifically repealed.

1                   Section 15. This act shall become effective  
2 immediately following its passage and approval by the  
3 Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

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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 13-APR-10.

Greg Pappas  
Clerk

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Senate

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21-APR-10

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Passed