

1 HB455  
2 189938-1  
3 By Representative South (N & P)  
4 RFD: Local Legislation  
5 First Read: 27-FEB-18

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9 A BILL  
10 TO BE ENTITLED  
11 AN ACT  
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13 Relating to Fayette County, to amend Section  
14 45-29-231.20, Code of Alabama 1975, relating to the Fayette  
15 County Inmate Work Release Board; to increase the percentage  
16 withheld from earnings from 25 to 40 percent.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. Section 45-29-231.20, Code of Alabama  
19 1975, is amended to read as follows:

20 "§45-29-231.20.

21 "(a) This section shall apply to Fayette County.

22 "(b) The following terms shall have the following  
23 meanings:

24 "(1) BOARD. For the purposes of this section, the  
25 term board means the Sheriff of Fayette County in consultation  
26 with the Chief Deputy of the Fayette County Sheriff's  
27 Department.

1           "(2) INMATE. Any person, male or female, convicted  
2 of a crime and sentenced to the county jail.

3           "(c) The employer of an inmate involved in work  
4 release shall pay the inmate's wages directly to the board.  
5 The board may adopt regulations concerning the disbursement of  
6 any earnings of the inmates involved in the work release  
7 program. The board shall be authorized to withhold from the  
8 inmate's earnings ~~25~~ 40 percent of his or her gross earnings  
9 to pay such cost incident to the inmate's confinement as the  
10 board shall deem appropriate. The board may adopt policies to  
11 allow such monies to be spent exclusively for law enforcement  
12 and operation of the jail. After ~~25~~ 40 percent has been  
13 deducted from the inmate's gross pay, the remainder of the  
14 inmate's earnings shall be credited to his or her account in a  
15 local bank, and upon his or her release from confinement shall  
16 be turned over to the inmate. The board is authorized,  
17 however, to turn the ~~remaining 75 percent~~ remainder of the  
18 inmate's earnings over to his or her family to be used by them  
19 in their support while the inmate is confined, provided the  
20 inmate gives written consent to this procedure prior to the  
21 inmate's release into the work release program.

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

1           "(e) Employees of the board or persons designated by  
2 the board are authorized to make investigations and  
3 recommendations pertaining to the validity of requests for job  
4 opportunities for inmates and to otherwise assist the sheriff  
5 in the implementation of the program herein authorized.

6           "(f) The board or members of the board shall  
7 endeavor to secure employment for eligible inmates under this  
8 section subject to the following:

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

13           "(2) Such employment shall not result in  
14 displacement of employed workers.

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

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

20           "(g) No inmate granted privileges under this section  
21 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.

25           "(h) The sheriff or person or persons designated by  
26 the board shall jointly prepare an annual report to be filed  
27 not later than 60 days from the close of each fiscal year, a

1 copy of the report shall be filed with each of the following  
2 persons or agencies: The board; the governing bodies to which  
3 this section applies; and to the circuit judge or judges  
4 serving Fayette County.

5 "(i) Anyone violating this section shall be guilty  
6 of a misdemeanor."

7 Section 2. This act shall become effective  
8 immediately following its passage and approval by the  
9 Governor, or its otherwise becoming law.