SB345

207115-1

By Senator Sanders-Fortier

RFD: Judiciary

First Read: 05-MAY-20
SYNOPSIS: This bill would require the Commissioner of the Department of Corrections to review the inmate population and determine inmates that are at high risk for severe complications from COVID-19 and release certain inmates from physical custody to community supervision or home detention.

This bill would also provide guidance to the commissioner on which inmates may be released.

Under existing law, the Department of Corrections is required to provide information to the Joint Legislative Prison Oversight Committee.

This bill would also require the commissioner to provide information to the Joint Legislative Prison Oversight Committee regarding which inmates are considered for release and which inmates are released.

A BILL
TO BE ENTITLED
AN ACT
Relating to the Department of Corrections; to require the Commissioner of the Department of Corrections to review the inmate population and determine if an inmate is at high risk for severe complications from COVID-19; to require the commissioner to release certain inmates to community supervision or home detention in certain circumstances; and to require the commissioner to report monthly to the Joint Legislative Prison Oversight Committee the number of inmates identified and released as being at high risk for complications from COVID-19.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) The Legislature finds and declares the existing pandemic, COVID-19, creates an unusual risk to certain inmates in the prison population. Based on this pandemic, it is necessary to identify those most at risk and to implement reasonable measures to ensure their safety.

(b) By June 1, 2020, the Commissioner of the Department of Corrections shall review the inmate population and determine those inmates that are at high risk for severe complications from COVID-19. Factors to be considered in this determination shall include, but are not limited to, all of the following:

(1) Inmates who are pregnant.
(2) Inmates who have a chronic lung disease or asthma.
Inmates with congestive heart failure or coronary artery disease.

(4) Inmates with diabetes.

(5) Inmates with any other condition related to a weakened immune system.

(6) Inmates who are 50 years of age or older.

(7) Inmates who have 12 months or less to serve on their sentence.

(c) Notwithstanding any other provision of law, inmates identified by the commissioner as being at high risk for severe complications from COVID-19, by June 30, 2020, shall be released and placed on community supervision or home detention, unless there is clear and convincing evidence that the inmate is likely to pose a specific and substantial risk of causing bodily injury or using violent force against another individual.

(d) The commissioner shall implement low-in-person-contact community supervision and shall implement ways of monitoring inmates on home detention using social distancing.

(e) By July 1, 2020, the commissioner shall provide a report to the Joint Legislative Prison Oversight Committee that contains the number of inmates identified by the Commissioner as being at high risk and the number of inmates released, broken down by the demographic information of those inmates.
Section 2. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law.