

1 HB519  
2 117978-2  
3 By Representatives Boyd, Thomas (J), Warren, Kennedy, Guin,  
4 Newton (D), Graham, Beech, Robinson (O), Scott, Payne,  
5 Hubbard, McClurkin, Wood, Todd, Canfield, Moore (P), Drake,  
6 Irons and White  
7 RFD: Boards and Commissions  
8 First Read: 09-FEB-10

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ENROLLED, An Act,

Creating the Commission on Girls and Women in the Criminal Justice System and specifying its composition, duties, compensation, and operation.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) The Commission on Girls and Women in the Criminal Justice System is created.

(b) The commission shall be composed of all of the following members:

(1) Three members of each house, to be appointed by the presiding officer in each house. One member of each house shall be designated the co-chairperson of the commission.

(2) The Director of the Board of Pardons and Paroles or his or her designee.

(3) The Commissioner of the Department of Corrections or his or her designee.

(4) The Executive Director of the Alabama Department of Youth Services or his or her designee.

(5) The Commissioner of the Department of Human Resources or his or her designee.

(6) The Commissioner of the Department of Mental Health and Mental Retardation or his or her designee.

(7) The Executive Director of the Alabama Sentencing Commission or his or her designee.

1           (8) The State Health Officer of the Alabama  
2 Department of Public Health or his or her designee.

3           (9) The Chancellor of Postsecondary Education or his  
4 or her designee.

5           (10) The President of the Alabama Association of  
6 Community Corrections or his or her designee.

7           (11) The Deputy Commissioner of the Substance Abuse  
8 Division of the Department of Mental Health and Mental  
9 Retardation or his or her designee.

10           (12) The Executive Director of the Association of  
11 County Commissions of Alabama or his or her designee.

12           (13) A circuit court judge appointed by the Chief  
13 Justice of the Supreme Court of Alabama.

14           (14) The Chief Justice of the Supreme Court of  
15 Alabama.

16           (15) A representative from the Alabama Coalition  
17 Against Domestic Violence.

18           (16) A representative from Aid to Inmate Mothers.

19           (17) A re-entry professional appointed by the  
20 Governor.

21           (18) Two members of the Alabama State Bar  
22 Association with experience relating to women's legal issues,  
23 juvenile justice, or criminal justice appointed by the  
24 association president.

1           (19) An attorney specializing in criminal defense,  
2 appointed by the Alabama Association of Criminal Defense  
3 Lawyers.

4           (20) A district attorney, appointed by the District  
5 Attorney's Association.

6           (21) A representative of the Alabama's Women's  
7 Resource Network.

8           (22) An adult recipient or family member of  
9 programs/services of the Criminal or Juvenile Justice System  
10 appointed by the chair.

11           (23) The Executive Director of the Alabama Sheriff's  
12 Association or his or her designee.

13           (24) The Executive Director of the Fraternal Order  
14 of Police or his or her designee.

15           (25) The Chairman of the Alabama Juvenile Court  
16 Judges Association or his or her designee.

17           (26) The President of the Chief Juvenile Probation  
18 Officers Association or his or her designee.

19           (27) The State Superintendent of Education or his or  
20 her designee.

21           (c) The membership of the commission shall be  
22 inclusive and reflect the racial, gender, geographic, urban  
23 and rural, and economic diversity of the state.

24           (d) Citizen members of the commission shall serve at  
25 the pleasure of the appointing authority.

1           (e) Initial legislative members of the commission  
 2 shall be appointed after the effective date of this act.  
 3 Thereafter, legislative members of the commission shall be  
 4 appointed by the incoming President of the Senate and the  
 5 incoming Speaker of the House of Representatives after the  
 6 election of such officers for each legislative term.  
 7 Legislative members shall serve a term concurrent with the  
 8 legislative term of office.

9           (f) Legislative members of the commission may serve  
 10 on the commission during the term which appointed, and if  
 11 reelected to the same house without break in service to that  
 12 house, during the succeeding legislative term until a  
 13 successor on the commission is appointed.

14           (g) Legislative vacancies shall be filled by the  
 15 appointing authority who appointed the vacating member for the  
 16 remainder of the vacated term.

17           (h) The commission shall meet for the purpose of  
 18 organizing and electing such officers as it deems advisable,  
 19 determining a quorum, adopting procedures for operations, and  
 20 attending to such other matters as it deems appropriate within  
 21 45 days of the effective date of this act. The date, time, and  
 22 place of the first meeting shall be determined by the Speaker  
 23 of the House of Representatives.

24           Section 2. (a) The commission shall study the  
 25 conditions, needs, issues, and problems of the criminal

1 justice system in Alabama as it affects girls and women by  
2 conducting walk through inspections of each of the women's  
3 correctional facilities and female youth facilities and have  
4 unimpeded access to all documents of public record produced,  
5 used, and maintained by entities of the criminal justice  
6 system to assess the needs of the beneficiary population and  
7 to assess the impact of the commission's recommendations.

8 (b) The commission shall conduct beneficiary panels  
9 and focus groups to assess needs of the beneficiary population  
10 to ensure the responsiveness and accountability of the  
11 criminal justice system.

12 (c) In conducting such study, the commission shall  
13 study best practices regarding women victims and offenders in  
14 Alabama and other states and shall elicit views from experts  
15 in the field of criminal justice, drug treatment, and domestic  
16 violence.

17 (d) The commission shall review the range of  
18 services or sanctions that are needed by the criminal and  
19 juvenile justice, public health, and mental health systems to  
20 best serve the needs of the community, family, women victims,  
21 women offenders, and adjudicated female youth.

22 (e) Based on such research, investigation, and  
23 review, the commission shall develop comprehensive,  
24 evidence-based recommendations through all of the following:

1           (1) The generation of savings from the elimination  
2 of redundant administrative, management, and programmatic  
3 functions, and the reinvestment of those savings into  
4 community-based services.

5           (2) The development, establishment, and  
6 implementation of gender-specific risk assessments to ensure  
7 gender equity in public risk assessment.

8           (3) The establishment of reporting procedures  
9 between criminal justice system entities and the commission to  
10 ensure incarcerated girls and women are fairly afforded access  
11 to and are involved in the planning and evaluation of programs  
12 and services, including domestic violence services,  
13 educational services, work release, mental health services,  
14 rehabilitative programming, and supportive services for  
15 re-entry.

16           (4) The establishment and implementation of  
17 gender-specific risk assessments.

18           (5) The development of other policies, standards, or  
19 licensing procedures that will enhance gender responsiveness  
20 and/or gender equity in the criminal justice system.

21           (f) The commission may solicit the input of other  
22 government, provider, community, and consumer representatives  
23 not otherwise specified in this section, by appointing an  
24 advisory council, and by other means as it deems appropriate.

1           (g) The commission shall create such partnerships  
2 and tools as necessary to ensure that female offenders and  
3 female adjudicated youth in Alabama are provided a continuum  
4 of supervision strategies and program services reflecting best  
5 practices for female probationers, prisoners, parolees, and  
6 detainees in areas including, but not limited to,  
7 classification, diagnostic processes, facilities, medical and  
8 mental health care, child custody and visitation.

9           (h) The commission may enter into agreements with  
10 other state agencies and public or private organizations for  
11 such additional staff or support as the commission may  
12 determine to be necessary. Any and all private funding shall  
13 be accepted only upon clear designation that such funding  
14 place no conditions on the findings or recommendations of the  
15 commission.

16           (i) The commission shall make recommendations for  
17 legislative or administrative rule changes that can safely  
18 reduce the women's prison population and/or increase the  
19 well-being of Alabama's women prisoners and criminal justice  
20 involved female youth.

21           (j) The commission shall submit an annual report to  
22 the Legislature and the Governor no later than 20 days before  
23 the convening of each regular session. The report shall detail  
24 the development of the comprehensive continuum of care to  
25 address the gender-responsive needs of Alabama's female

1 offenders and female adjudicated youth. The report shall  
2 highlight the existing gaps in the system and include  
3 recommendations for resources needed to reach a seamless  
4 continuum of care and other relevant information concerning  
5 the creation of a gender-responsive environment for female  
6 offenders and female adjudicated youth. The report may also  
7 include gender impact statements that provide a cost-benefit  
8 analysis comparing the costs and effectiveness of high  
9 security residential facilities, community corrections  
10 programs, community treatment programs, transitional  
11 facilities, and other alternatives to incarceration and/or  
12 high security correctional facilities.

13           Section 3. Each citizen member of the commission  
14 shall receive the same daily expense, mileage, and travel  
15 allowance for each day he or she attends a commission meeting  
16 as authorized for state employees attending state business.  
17 Each legislator serving on the commission shall receive his or  
18 her regular legislative compensation, per diem, and travel  
19 expenses for each day he or she attends a meeting of the  
20 commission. Upon requisitions signed by the chair of the  
21 commission, these payments shall be paid out of any funds  
22 appropriated to the use of the commission by means of warrants  
23 drawn by the state Comptroller on the State Treasury.  
24 Notwithstanding the foregoing, no legislative member shall  
25 receive additional compensation or per diem for a meeting day

1 on the commission when he or she attends a regular or special  
2 legislative session meeting day or legislative committee  
3 meeting day, or if a member is being paid any other payments  
4 on the same dates for attendance on other state business.  
5 Members of the commission who are state officials, other than  
6 legislative members, shall receive no compensation for their  
7 service on the commission, but may be reimbursed for expenses  
8 from funds appropriated to or otherwise available to their  
9 respective departments or agencies.

10 Section 4. This act shall become effective on the  
11 first day of the third month following its passage and  
12 approval by the 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 11-MAR-10.

Greg Pappas  
Clerk

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Senate

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14-APR-10

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Passed