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2021 1st Special Session Report

Friday, October 1, 2021

The Alabama Legislature has adjourned *sine die* the 1st Special Session of 2021. They met for five days this week to consider a package of legislation intended to alleviate overcrowding and rebuild its crumbling infrastructure in state correctional facilities, a problem that has plagued the General Fund budget, prompted numerous lawsuits against the state, and spurred the looming threat of U.S. Department of Justice intervention for years. Legislative budget leadership and stakeholders in the executive and the judicial branches met for months leading up to this week to reach consensus and iron out details on the solutions reflected in the measures taken up this week.

Four bills have been sent to Governor Ivey today and she is expected to sign each. They are as follows:

HB 2 by Rep. Jim Hill (R—Springville) — HB 2 was one of two sentencing reform proposals considered during the session. The measure facilitates the supervised release of certain inmates near the end of their sentences by use of electronic monitoring devices administered by the Alabama Board of Pardons and Paroles.

A more controversial proposal would have made retroactive a 2013 law allowing nonviolent offenders to be resentenced based on the state's presumptive sentencing guidelines. That measure, HB 1 by Rep. Hill, failed to advance out of the House. It would have impacted around 700 inmates, though would not necessarily result in a reduced sentence in each instance. Many lawmakers consider it to be a logical change to achieve consistency in the law, while it has been criticized by others as being soft on crime making it a hard bill for some Republicans to vote for in an election cycle with a qualifying deadline still months away.

HB 4 by Rep. Steve Clouse (R—Ozark) and Sen. Greg Albritton (R—Atmore), the Chairmen of the General Fund, sets forth a \$1.3 billion construction plan to build new mega-prisons, and renovate and repurpose a slate of existing facilities. The plan calls for the closure of the Kilby, St. Clair, Staton and Elmore facilities. The House clotured debate on the measure on Wednesday, approving it by a vote of 74-27. Today, the Senate spent a little over two hours on the measure before passing by a vote of 27-2, the dissenters being Sen. Arthur Orr (R—Decatur) and Sen. Billy Beasley (D—Clayton). Beasley, whose district is currently home to three prisons, criticized the proposal due to the potential impact a closure would likely have on the local economy. The \$1.3 billion needed to support the plan will be sourced from federal COVID relief funds (\$400m), the General Fund (\$135m) and a bond issue (up to \$785m).

HB 5 by Rep. Clouse and Sen. Albritton is the appropriation measure authorizing the allocation of \$400m in COVID-relief funds to support the plan outlined in HB 4. There has been an ongoing national debate over the state's intended use of those funds is allowed under federal guidelines. A legislature fiscal officer addressed the Senate Finance and Taxation Committee on the General Fund yesterday following the committee's approval of the bill and advised senators that, while the guidelines do not include express direction on using the funds for prisons, it is permissible to apply the resources to infrastructure and public facilities which, he indicated, include prisons.

HB 6 by Rep. Clouse and Sen. Albritton is the appropriation bill authorizing \$135m from the General Fund budget to be spent on the construction, renovation, acquisition and improvement of facilities.