



STATE OF ALABAMA
PROCLAMATION
BY THE GOVERNOR

WHEREAS an extraordinary occasion exists in the State of Alabama which requires the Legislature to convene in special session, *see* Ala. Const. art. V, § 122;

NOW, THEREFORE, I, Kay Ivey, as Governor of the State of Alabama, do hereby proclaim and direct that the Legislature of the State of Alabama shall convene in special session at the seat of government, in the Alabama State House, in Montgomery, Alabama, at 4:00 p.m. on Monday, September 27, 2021, to take up the following specifically described subjects and matters which I, as Governor, deem necessary for the Legislature to consider and act upon to promote the long-term sustainability of our criminal-justice system.

I. Prison infrastructure replacement and modernization

- A. ***Bond bill.*** The Legislature may consider legislation to authorize the Alabama Corrections Institution Finance Authority to issue additional bonds in an amount not to exceed \$785 million to finance and implement a prison modernization plan in a phased approach that would replace existing Department of Corrections bed space through the construction of a new specialized men's facility on state-owned land in Elmore County to provide enhanced medical, mental, and other health care, substance abuse and addiction treatment, and educational and other programming services; the construction of a new prison facility for male inmates on state-owned land in Escambia County; the construction of a new women's facility on state-owned land in Elmore County; and the renovation and improvement of existing state-owned prison facilities in Jefferson County, Limestone County, and an additional existing facility located in Barbour or Bullock Counties to be selected by the authority. Any such legislation may also (1) make legislative findings; (2) revise the membership of the authority; (3) authorize the authority to delegate its administrative or reporting duties and obligations; (4) require the authority to make certain reports to the Legislature and to the Joint Legislative Prison Oversight Committee; (5) provide for capital improvements to, and maintenance of, the facilities to be constructed, renovated, or improved; (6) require and authorize the authority to take certain steps to encourage participation by minority businesses in the construction of any new prison facilities; (7) update existing provisions governing the authority's procedures for issuing of bonds; (8) prescribe a procurement process governing the award of contracts for the design and construction of facilities to be constructed, renovated, or improved; (9) grant the authority additional powers to acquire and dispose of certain property; (10) require certain public disclosures from persons or entities submitting any proposal contemplated by the legislation; and (11) require the state to lease or purchase, upon commercially reasonable terms, the existing prison facility in Perry County using funds appropriated for that purpose from the State General Fund.
- B. ***Supplemental appropriations.*** The Legislature may consider legislation to make appropriations from the State General Fund in an amount not to exceed \$154 million—and from funds received under the federal American Rescue Plan Act of 2021, Pub. L. No. 117-2 (hereinafter "ARPA"), in an amount not to exceed

\$400 million – to support implementation of a prison modernization plan enacted by the Legislature.

II. Specified criminal-justice reform bills

- A. *Retroactivity of 2013 sentencing standards.* The Legislature may consider legislation to allow currently incarcerated individuals who committed nonviolent offenses before the adoption of Alabama’s presumptive and voluntary sentencing standards in 2013 to be resentenced under the sentencing standards in effect at the time a motion seeking such relief is filed – provided that (1) the motion seeking such relief shall be accompanied by evidence that the defendant has demonstrated behavior during incarceration indicating his or her fitness for resentencing; (2) the district attorney shall have a right to be heard on any such motion; (3) the venue for such a motion shall be the criminal division of the circuit court in the county where the defendant was convicted; (4) the court considering such motion shall consider both the underlying offense and the defendant’s conduct while in custody; (5) such a motion may not be entertained if a previous motion made pursuant to such legislation was denied; and (6) the grant of any such relief complies with any other restrictions included in such legislation.
- B. *Mandatory supervision of inmates re-entering society.* The Legislature may consider legislation to make retroactive the provisions of section 9 of Act 2015-185 of the 2015 Regular Session, *codified at* Ala. Code § 15-22-26.2, prescribing periods of supervision by the Board of Pardons and Paroles of certain inmates nearing their release date provided that (1) the level of supervision shall be determined by the Board of Pardons and Paroles based on the results of a validated risk and needs assessment; (2) the effective date of any such legislation shall be contingent upon certification by the Director of Finance that sufficient funds have been appropriated to the Board of Pardons and Paroles to implement the legislation; and (3) victims and other interested parties receive notice before the inmate is released on supervision.

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All other legislation, beyond the legislation specifically described above, is expressly excluded from this proclamation and shall require a two-thirds vote for consideration and passage during this special session. *See* Ala. Const. art. IV, § 76.



IN WITNESS WHEREOF, I have hereunto set my hand as Governor of the State of Alabama and caused this proclamation to be attested by the Secretary of State at the State Capitol, in the City of Montgomery, on this the 23rd day of September 2021.

A handwritten signature in black ink that reads "Kay Ivey".

Kay Ivey
Governor

ATTESTED:

A handwritten signature in black ink that reads "John G. Merrill".

John G. Merrill
Secretary of State