

Be it ENACTED INTO LAW that every citizen of the State of Alabama shall have the right to vote, and this Right shall not be denied to any person on account of a criminal conviction.

The right to vote is a fundamental civil and human right, and a criminal conviction has no bearing on this right to vote. Civil offenses have their own punishment, and conviction of a criminal offense shall not affect civil rights.

There simply is no logical or reasonable reason why any citizen should lose their civil right to vote because they have been convicted of a criminal offense.

#### PART 7 SECTION 1

##### OPEN MEDIA ACCESS TO ALABAMA DEPARTMENT OF CORRECTIONS

BE IT ENACTED as the Law of this State and the policy of the Alabama Department of Corrections to allow unlimited access of the news media into any and all State prisons at least 3 times per month upon a regularly posted schedule, which shall be posted in each institution and made available to the media.

Such access shall be permitted for at least 4 hours on the designated media-day at any prison where permission from a member of the media is requested. When media is on site no restrictions are to be placed on areas where they may go.

Any media request to interview any person of interest to the media who is incarcerated in an Alabama prison shall be conducted on this designated media-day also. Such interview request shall be made at least one week in advance and shall take place on the visitation yard.

No person incarcerated in ADOC shall be denied access to the media, and the normal rules of visitation shall apply, except that the media shall not be required to be on an incarcerated person's visitation list. The media shall not be restricted in any way from using audio, video or other recording equipment on media-day.

In cases of emergency, such as rape, death, quarantine due to outbreak of disease, or other matter of importance to the public, the media shall be allowed access within 48 hours of the declared emergency situation. Lockdowns, assault by officers and other issues shall not be grounds to deny emergency or general media access.

For more questions, comments, or suggestions concerning this "FREEDOM BILL", please email us at:

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\*ALABAMA FREEDOM BILL ~ A BILL PRESENTED BY FREE ALABAMA MOVEMENT TITLED, ALABAMA'S EDUCATION, REHABILITATION, AND RE-ENTRY PREPAREDNESS BILL.\*

#### PART 1 Section 1

Be it ENACTED A LAW that by January 1, 2018, Alabama's Department of Corrections (ADOC) will reduce its prison population down to its designed capacity of app. 13,500; Alabama's Department of Corrections currently has over 29,000 people incarcerated in a system designed to hold less than the 14,000, making this State's prison population occupancy rate of approx. 200% the \*highest\* in the nation. As recent as 2012, California's prisons were declared unconstitutional by U.S. federal court for exceeding 160% of its occupancy rate.

Due to the ill effects of mass incarceration and prison slavery in Alabama, including having the third highest incarcerate rate in the world of 650 per 100,000 residents. Alabama's ADOC is now running a multi-billion dollar free/cheap labor corporation by targeting black and other poor citizens for incarceration, while committing other civil and human rights abuses in the living conditions, sentences imposed, release, and excessive fines, costs, and other exploitive practices that are all beyond recourses of law.

For these obvious reasons, the Commissioner of ADOC is ordered by this law to release no less than 400 persons per month (4800) per year, beginning January 31, 2015, until the prison population is reduced to its current design capacity

#### Section 2

Be it also Enacted that the Commissioner of the Alabama Department of Corrections shall not allow the prison population of the ADOC to exceed 10,000 by the year 2020, where several Alabama prisons are over 40 years old and constituted waste and serve no purpose towards education or rehabilitation, and that if the Commissioner shall violate this decree, anyone incarcerated in ADOC subject to such overcrowding shall have to right to sue the Commissioner in any State court and receive as compensation \$1,000 from the ADOC budget for each day that this law is violated:

#### Section 3

Be it also enacted that a moratorium shall issue upon the passage of this Bill stating that no person convicted of a crime in the state of Alabama shall be transferred to any out of state facility. In order to address the ill effects of mass incarceration for private financial motives, no other public or private prisons either within or without of the State of Alabama shall be built to house any person convicted of any crime within the State of Alabama. However, if an old prison currently existing within the State of Alabama is closed, condemned or shutdown, a new prison may be built but shall not exceed 110% of the original design capacity of the prison that such new prison shall replace;

#### PART 2 Section 1

Be it also ENACTED that upon the passage of this Bill, the Commissioner of the ADOC shall implement a program within the ADOC titled the Education, Rehabilitation, and Re-Entry Preparedness program, and the Commissioner shall designate all bed-space with the ADOC for this program. Such program shall be made available to all people incarcerated within the ADOC, irrespective of sentence, including sentences of Life Without Parole and Death, which sentences shall be abolished in the state of Alabama.

Once enrolled into the E.R.Re-E.P. program, a new social/psychological evaluation will be performed, along with a case review of the person's convicted offense. Thereafter, an

Education/Rehabilitation curriculum will be made based on the individual needs of the person being evaluated, and a base parole date will be set within 30 days.

#### CAPITAL MURDER CASES:

Capital Murder cases will be classified into two (2) Levels:

##### LEVEL 1 CAPITAL MURDER CASES

Level 1: Level one capital murder cases will consist of those people currently convicted of a capital offense and sentenced to Death or LWOP with two or more victims, murder of a police officer, or a child. These people, though eligible for parole, will require Special Review before parole is granted. Review will be by the Governor, a classification specialist and psychologist within the ADOC, and members of a Citizens Committee selected by Free Alabama Movement Executive Committee.

This person, after serving 15 to 20 years, and upon completion of the Education/Rehabilitation program, will then be eligible for review to be placed in the Re-Entry Preparedness phase of the program. Upon successful completion of the Re-Entry preparedness phase, this person would then be eligible for parole upon Special Review.

##### LEVEL 2 CAPITAL MURDER CASES

Level 2 offenders consist of those people convicted of a capital offense with one victim and who are currently sentenced to LWOP. These people will not require special review and will become parole eligible upon successful completion of the curriculum and after serving the full base minimum.

Those Level 2 offenders convicted under sections §13A-5-40 (16,17,18), Code 1975, after serving 10 to 12 years, and all the other Level 2 Capital Murder offenders, after serving 10 to 15 years, and upon completion of the EDUCATION/REHABILITATION/RE-ENTRY Curriculum, shall then be paroled back to society.

\*Any jury finding of future dangerousness automatically requires the offender to seek SPECIAL REVIEW PAROLE.

#### MURDER CONVICTIONS:

All other persons convicted of murder under 13A-6-2 and sentenced to 15 to 99 to life, will receive a base parole range of 7-10 years upon completion of their initial review, and will be paroled upon completion of the EDUCATION/REHABILITATION/RE-ENTRY PREPAREDNESS Program.

Any person convicted for murder and sentenced to LWOP pursuant to the Habitual Felony Offender Act, will start with a base parole minimum of 10 years, with enhancements available for each valid prior felony conviction (a prior felony used to enhance but later ruled invalid will be retroactively deducted from the parole date).

#### PRIOR FELONY CONVICTIONS:

##### CAPITAL OFFENSES AND MURDER:

Any non-violent felony conviction (non-violent being defined as no serious physical injury suffered by the victim), can increase a parole base by 1 year per prior conviction, with a maximum of 3 years.

Be it ENACTED that no citizen or laborer in the State of Alabama shall be required to work any job in this State without compensation of less than the prevailing minimum wage in Alabama, including those citizens incarcerated in the ADOC, and that no restrictions on forming a labor union shall apply to any person performing labor within or for the Alabama Department of Corrections.

After over 400 years, it is time to remove Any exception, practices, or provision of law that permits slavery or involuntary servitude from the 1901 Constitution of Alabama, including ART. 1, SEC. 32, which reads:

##### SECTION 2

Slavery prohibited; involuntary servitude.

That no form of slavery shall exist in this state; and there shall not be any involuntary servitude, otherwise than for the punishment of crime, of which the party shall have been duly convicted.

##### PART 4 SECTION 2

##### WELFARE COMMITTEE

Be it also ENACTED that the Commissioner of the ADOC shall create a Welfare Committee at each prison, composed of the men and women incarcerated, and elected by their peers, and that such Committee shall have authority and ownership over all prison stores, canteens, and incentive package programs, with the ability to negotiate with their own suppliers.

The Welfare Committee shall be permitted use the profits from these businesses that they and their families are the exclusive customers of, for Education, Rehabilitation and Re-Entry Preparedness Programs, recreational supplies, and infrastructure needs like computers, irons, ice coolers, coffee pots, televisions, and incentive packages for elderly, disabled, and destitute prisoners.

##### FAMILY AND COMMUNITY ORIENTED REHABILITATION

##### PART 5 SECTION 1

##### CONJUGAL VISITS

Be it also Enacted that upon the passage of this Bill, there shall be allowed within the Department of Corrections conjugal visits, which shall be allowed no less than every 14 days for any person who has served 2 or more consecutive years within the ADOC, and that every person, upon marriage, shall be able to consummate such Marriage with a conjugal visits.

##### PART 5 SECTION 2

##### VISITATION

Be it also Enacted that the visitation policy in Alabama shall be that every person confined in the ADOC shall enjoy a four hour visit every weekend, and that there shall be no restrictions placed on who may visit, and a minimum of 20 people shall be permitted on each person's approved visitation.

##### PART 6 SECTION 1

##### VOTING RIGHTS

Such offender shall be ineligible of being charged with a capital offense or sentenced to life, life without parole or death.

With the recent decisions issued by the United States Supreme Court, including its decision in Miller v. Alabama, concerning juvenile prosecutions for crime committed when they were as young as 14, it SHOULD now be obvious to the criminal justice system that modern science debunks all theories that these children can be effectively prosecuted as adults. Modern science shows that these children simply lack mental development to sufficiently appreciate the magnitude of their conduct, and that they are simply too young to make such decisions without taking into account external influences.

Therefore, upon passage of this law, no child under the age of 18 may be prosecuted as an adult in the State of Alabama for violation of any law of this State where they would be sentenced to a prison designed to house adults.

Children under the age of 18 shall be prosecuted under the laws designated for juveniles and may be held in a juvenile facility until their 22 birthday, at which time they will be released.

Children age 18 and above, but under the age of 22, may be prosecuted in adult court, but only under the laws designated for Youthful Offenders. This law will become retroactive upon passage of this Bill.

All provisions of his law will become retroactive upon passage of this Bill.

### PART 3 SECTION 3

#### JOINT HOUSE RESOLUTION

Be it ENACTED that the provisions set out in House Joint Resolution 575, sponsored by Robinson(J) and Black(M), SHALL be declared the law of this State, amending Sections 13A-5-9 (16, 17, and 18), and that any person indicted-pursuant to these provisions, said Indictment must charge that such offense was gang-related and that a vehicle was used as an instrument to commit the offense.

The amendment and all provisions herein shall be retroactive upon passage of this Bill.

### PART 3 SECTION 4

#### PROTECTION OF THE MENTALLY ILL:

It shall be the policy of the State of Alabama that no person suffering from a mental illness shall be incarcerated in a prison designed for persons convicted of a crime.

Mentally ill people, who now compose appx. 50% of all people in prison, need professional treatment in a mental health facility, not punishment. Within 24 months of the passage of this Bill, the ADOC and the Governor of the State of Alabama, in conjunction with the Executive Committee of Free Alabama Movement, shall draft standard procedures which must be unanimously approved or submitted to an approved arbitrator pursuant to Federal arbitrator laws, for identifying and releasing all mentally ill persons from ADOC custody by January 1, 2018.

### PART 4 SECTION 1

#### ABOLITING ALL LAWS THAT PERMIT SLAVERY AND INVOLUNTARY SURVITUDE IN THE STATE OF ALABAMA:

Any violent prior felony conviction (where the victim suffered serious physical injury) can increase a parole base by two years each, with a maximum increase of 6 years. But in no event may a Level 2 offender also convicted as a habitual offender be required to serve more than 21 years upon successful completion of the program.

And no person convicted of murder and also as a habitual offender shall be required to serve more than 16 years upon successful completion of the curriculum.

Note\*

Any one or more prior violent felony offenses found by a jury to contain special circumstances (for example, a hate crime, a human rights violations, shooting a victim 3 or more times, crime against a child), can increase a parole base by a maximum of 5 years total. But in no event may a Level 2 offender be required to serve more than 21 years upon successful completion of the program, and in no event may a non-capital, non-habitual offender, murder defendant serve more than 15 years before parole, and no more than 20 years for a person convicted as a habitual offender upon successful completion of the curriculum.

Note\*

Completion of core curriculum for a prior felony or for completion of an associate degree in college or equivalent can earn points deduction for each prior felony used to enhance a sentence.

#### EXAMPLE OF OFFENSE CLASSES:

##### CLASS A Non-Capital FELONY:

7-10 Year base parole

##### CLASS B FELONY:

3-7 Year base parole

##### CLASS C FELONY:

1-3 Year base parole

For example, a person convicted of a ROBBERY would receive a parole base as follows:

Robbery 1st degree 7-10

Robbery 2nd degree 3-7

Robbery 3rd degree 1-4

Assault 1st degree 6-10

Assault 2nd degree 3-16

Assault 3rd degree 1-3

Theft 1st degree 3-5

Theft 2nd degree 2-4

Theft 3rd degree 2 yrs max.

Manslaughter 1st 6-9

Manslaughter 2nd 3-6

Manslaughter 3rd 1-4

## PART 2 SECTION 2

### ALABAMA'S PRISON SETUP

#### LEVEL 6 PRISONS:

##### OPT-OUT CAMP:

Any person desiring to opt out of the E.R. & Re-E.P. will be assigned to an opt-out facility and be processed pursuant to current ADOC regulations, Standard Operating Procedure (SOP) and rules.

#### LEVEL 5 PRISONS:

##### STUDENT ORIENTATION:

LEVEL 5 PRISONS: These institutions will serve as 90 day to 180 day orientation facilities, and will be where initial social/psychology evaluations will be conducted and where parole bases will be set. These facilities will also house the people who were formerly Capital and Death sentenced, for 180 days to 1 year, respectively, for evaluation. Program readjustment, program failures, and GED prep classes will be help at these institutions.

LEVEL 4 PRISONS: These facilities will house students participating in GED, SKILL AND TRADE DEVELOPMENT, AND SOCIAL- PSYCHOLOGICAL NEEDS (such as Anger Management for violent offenders, AA-NA treatment for addicts, etc.)

LEVEL 3 FACILITIES: These facilities will offer INTRODUCTION TO LIFE SKILLS, PEER LEADERSHIP DEVELOPMENT, MENTORING, AND COMMUNITY DEVELOPMENT SKILLS. Also, these facilities will emphasize community volunteer programs and have an emphasis on free world volunteers, religious and secular prison ministries, and core curriculum and distance learning courses (the latter may be used to qualify for point deductions from base parole set-ups).

LEVEL 2 FACILITIES: Residents assigned to these facilities will begin Re-Entry Preparedness learning, including receiving practical computer skills, learning the job market for their skill or trade, Home and Parole Plan development, and continued learning and aftercare therapies.

LEVEL 1 FACILITIES: Residents at these facilities will receive practical learning in Life Skills, including finding a job, creating a budget/savings plan, opening a bank/checking/savings account, finding as apartment, roommate, etc. for those without family assistance, and then Re-Enter society.

## PART 2 SECTION 3

### EXEMPT PERSONS:

#### Exemptions:

Any person who has already served 21 Years or more, and who would not be classified in LEVEL 1 status or need Special Review Parole, shall be eligible for immediate placement in LEVEL 3 status.

Any person age 62 or above, who has already served 20 years or more and who would not be classified as LEVEL 1 status or need Special Review Parole, shall be eligible for immediate placement in LEVEL 2 status.

All persons in LEVEL 1 status or who require Special Review Parole shall be eligible for Special

Review Parole with one (1) year of passage of this Bill into law.

## PART 2 SECTION 4

### DISQUALIFIED PERSONS

No person having committed and been convicted of two or more sex offenses arising out of separate incidents, or an adult age 22 or above who commits an offense against a child under 14, an elderly or disabled person shall be eligible to advance beyond LEVEL 3 STATUS, and must seek Special Review Parole.

## PART 2 SECTION 5

### SPECIAL REVIEW PAROLE:

ALL persons required to seek SPECIAL REVIEW PAROLE will be afforded an opportunity to attend such hearing in-person, or by audio-video means, at their discretion. In-person reviews shall be conducted semi-annually, and audio-video hearings will be held quarterly. No person shall receive more than one review per year, and upon completion of the program curriculum and remaining in good standing, shall not be denied review for more than 3 years.

## PART 2 SECTION 6

### DUE PROCESS RIGHT

The provisions of this Bill create a substantive due process right pursuant to the U.S. and Alabama Constitution, and any person subject to removal, re-class, or other disciplinary action shall enjoy the right to challenge such decision by Habeas Corpus in the proper jurisdiction as established by Title 15, Code of Alabama 1975, and all provisions of the Alabama Administrative Procedure Act applies to the ADOC in its entirety, Section § 41-22-3(9)g.1), to the contrary are hereby amended. All proceedings of a disciplinary nature must be recorded by audio/video means.

## PART 3 SECTION 1

Be it ENACTED that any person sentenced pursuant to the Habitual Felony Offender Laws of this State, said applicable law must be charged in the Indictment and proven in a bifurcated trial before the convicting jury, (see U.S. SUPREME COURT decisions *Alleyne v. United States*, 570 U.S.-- (June 17,2013) *Apprendi v. New Jersey*, 536 U.S. 545 (2002); *Rangel-Reyes v. United States*, 547 U.S. 1200 Slip Opinion (2006); and; §13A-5-10.1(b),Code of Alabama 1975), with said requirements being retroactive to the passage of this law to any person sentenced as a habitual offender.

Due to the fact that laws like the HFOA were enacted for the sole purpose of creating a massive pool of free/cheap labor, these laws are forever repealed. A prior felony is just that, a "prior" felony where the debt has already been paid to society. Therefore, this form of double punishment will be limited to the 1 or 2 point enhancement provisions as laid out in Part 2, Section 1 of this Bill.

## PART 3 SECTION 2

### YOUTHFUL OFFENDERS

Be it also ENACTED that any person who commits any crime between the ages of 18 and before reaching 22, shall be prosecuted as a Youthful Offender. As a Youthful Offender, such individual shall be ineligible to be charged, tried or convicted as an adult and cannot be sentenced to more than 15 years in prison.