



**THE 2023
STATEHOUSE TO
PRISON PIPELINE
REPORT**

ACLU
Alabama

 **ACLU
SMART
JUSTICE**
Alabama

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Introduction

In the third year of our Statehouse-to-Prison Pipeline Report, the ACLU of Alabama monitored 876 bills introduced in the 2023 legislative session. During this time, legislators failed to pass meaningful criminal legal reform policies or adequately address the humanitarian crisis in Alabama’s prisons.

The state of Alabama continues to invest in harsher sentencing, over-policing, and surveillance that (1) fuels our overcrowded prisons and (2) damages public safety. Addressing social problems exclusively through the criminal punishment system hurts us all.

This report highlights the type of bills that damage our state and positive bills that we believe help our communities. Alabamians deserve a legislature that passes bills to fund our public schools, expand access to quality healthcare, and improve their lives - not a legislature focused on funneling them into overcrowded and deadly prisons.

Thank you for reading. We hope you join us in learning and fighting for a better Alabama.

In solidarity,
JaTaune Bosby Gilchrist
Executive Director, ACLU of Alabama

“Alabamians deserve a legislature that passes bills to fund our public schools, expand access to quality healthcare, and improve their lives— not a legislature focused on funneling them into overcrowded and deadly prisons.”



What is the “Statehouse to Prison Pipeline?”

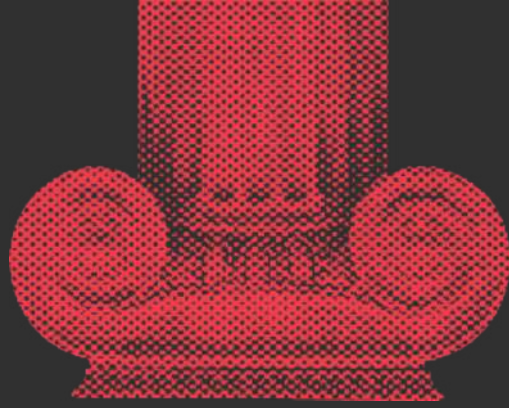
You’ve probably heard the term “school-to-prison pipeline.”

This term is used to describe the trend of criminalizing and targeting, rather than educating, predominantly Black youth and other youth of color in the United States. Too often, the school-to-prison pipeline funnels youth of color from under-resourced and under-supported public schools into both juvenile and adult criminal legal systems.

Instead of investing in the needs of young people, pipeline policies and practices emphasize a commitment to punishment to address social problems.

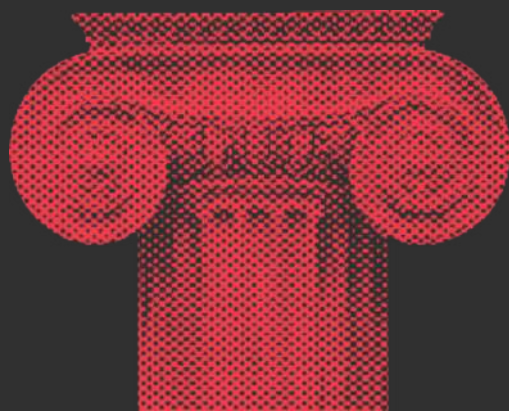
Alabama has a pipeline of its own.

The “Statehouse to Prison Pipeline,” a term we adopted from the ACLU of Ohio, is used to describe the policies that are proposed and/or enacted in Alabama’s legislature that address social problems exclusively through the criminal punishment system. In our third year of tracking pipeline bills in the legislature, we continue to witness a nearly unilateral commitment to increased surveillance, policing, criminalization, sentencing, and incarceration.



PIPELINE BILLS

Pipeline bills start in the State House and funnel Alabamians into deadly and overcrowded prisons.



A Pipeline Bill is defined by the following criteria:

- Does it criminalize the behaviors and actions of Alabamians?
- Does this bill increase penalties for the behavior or actions of Alabamians?
- Does this bill increase the spending or budget of a carceral institution?
- Does this bill rely on unsubstantiated or disproven reform efforts?
- Does this bill develop protections or privileges for law enforcement officers?
- Does this bill target or more acutely impact economically insecure Alabamians?
- Does this bill expand the reach of police into Alabamians' everyday lives?
- Does this bill enact civil penalties for the behavior or actions of Alabamians?

Pipeline bills are making our prison crisis even worse...

Since the start of our Statehouse to Prison Pipeline Report in 2021, we've observed that over 10% of bills introduced during each legislative session fall under our pipeline criteria. In 2023, bills demanded longer sentencing for people while making it increasingly difficult for those who served their time to be released from prison.

	2021	2022	2023
Total bills introduced during Alabama legislative session	1,073	873	876
Total bills identified that fuel the prison pipeline	117	148	141
Percentage	11%	17%	16%



GANG / "CRIMINAL ENTERPRISE" BILL

Bill Sponsors: Rep. Allen Treadaway (R-51),
and Senator Will Barfoot (R-25)

The Bill

House Bill 191 and Senate Bill 143 were companion bills that sought to establish the definition of a "gang member" and provide mandatory increased penalties for "gang members." The bills define gangs based on "style of dress," "hand signs," or if an individual has been observed in the presence of known gang members— among other identifiers. These bills would enhance penalties for any criminal activity that benefits, promotes, or furthers the interest of a gang. These bills would also require any child 16 years of age or older to be tried as an adult for any gang-related criminal activity. An amended version of SB143 using the language of "criminal enterprise" was passed and signed into law.

What does this mean?

This bill allows prosecutors to define anyone as a member of a "criminal enterprise" based on how they dress, who they spend time with, and how others perceive them.

IS THIS A GANG?

Fraternities and sororities have all the signs of a gang: style of dress, hand signs, and other common identifiers. When we criminalize a group of people considered a "gang," what are we really saying? What do they "look" like?



LOITERING BILL

Bill Sponsor: Rep. Reed Ingram (R-75)

The Bill

House Bill 24 expands loitering violations in the Alabama Criminal Code to prohibit loitering in a roadway or the right-of-way of a public roadway. HB24 was signed into law.

What does this mean?

This bill criminalizes people who seek help along roadways and allows police officers to arrest someone for loitering without first asking the person to leave the public roadway.

PANHANDLING IS FREE SPEECH

Laws criminalizing panhandling are unconstitutional as has been affirmed by the courts in *Singleton v. City of Montgomery*. The First Amendment protects charitable solicitation and begging. Supporters of this bill claim to be improving public safety, but in reality, all this bill does is multiply already existing barriers for people experiencing homelessness and limits free speech.



GOOD TIME BILL

Bill Sponsor: Sen. April Weaver (R-14)

The Bill

Senate Bill 1 sought to revise the rate at which an incarcerated person may accrue correctional incentive time; increases the time that an incarcerated person must be in certain classifications before moving to a different classification; and provide additional violations that would result in forfeiture of correctional incentive time (“good time”). SB1 was signed into law.

What does this mean?

This bill reduces incentives for good behavior for incarcerated people and allows correctional officers to retaliate against incarcerated people by extending their time in confinement.

HOPE LOST

This bill will diminish hope for those incarcerated in prisons plagued by violence, overcrowding, and a severe shortage of correctional officers. People’s time in prison increases dramatically by losing their “good time.” It has been documented that individuals are killed days before their release from prison so any additional time has deadly consequences.



PAROLE DENIED BILL

Bill Sponsors: Rep. Wes Kitchens (R-27) and
Sen. Sam Givhan (R-7)

The Bill

House Bill 131 and Senate Bill 97 were companion bills aimed at preventing individuals charged with multiple offenses, including new federal, state, or local offenses that carry a term exceeding twelve months, from being considered for parole until after the charge(s) have been resolved, either through trial or other means. HB131 was successfully signed into law.

What does this mean?

This bill prevents incarcerated people from being released on parole if they have old, unpursued pending charges.

JUSTICE DENIED

Let's pretend a person is charged with five offenses in 2012 and found guilty of one. The prosecutor is satisfied with their conviction and sentence and does not pursue the charges in the other four cases, but also does not have the charges formally dismissed. The person has a perfect prison record and is eligible for parole in 2024. However, because of the old four charges that the prosecutor never intends to go forward with, this person cannot be considered for parole. That's not justice served.



ABSENTEE BALLOT ASSISTANCE BILL

Bill Sponsor: Rep. Jamie Kiel (R-18)

The Bill

House Bill 209 sought to make it a felony for absentee ballot applications or absentee ballots to be distributed, ordered, requested, collected, completed, obtained, or delivered by a person that does not fall into a narrow group of individuals outlined by the law. The bill would require those performing any of these services to either be related to the voter, living with the voter, or appointed by an election official. HB209 passed in the House but was not passed in the Senate or enacted.

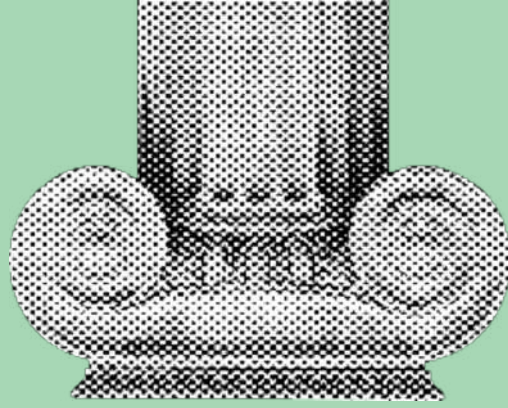
What does this mean?

This bill would make it harder for absentee voters to seek assistance and cast ballots. The bill would also criminalize someone for accepting gas money or other compensation for delivering an absentee ballot to the post office.

VOTER SUPPRESSION IN ACTION

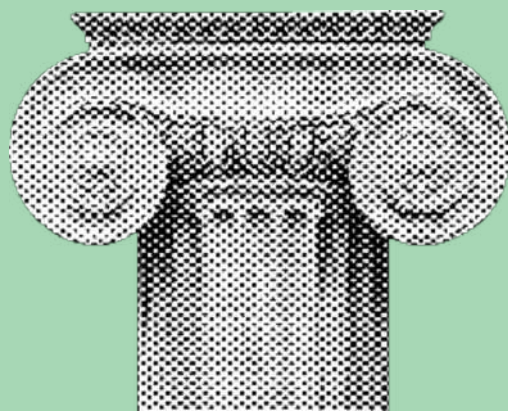
Alabama legislators have a bad habit of making laws out of lies. Secretary of State Wes Allen hasn't cited any instances of absentee voting abuse but he is still committed to making voting absentee more difficult for folks who need it. This bill hurts the incredible work of grassroots organizations that help get out the vote, such as Rollin to the Polls in Montgomery, Alabama.



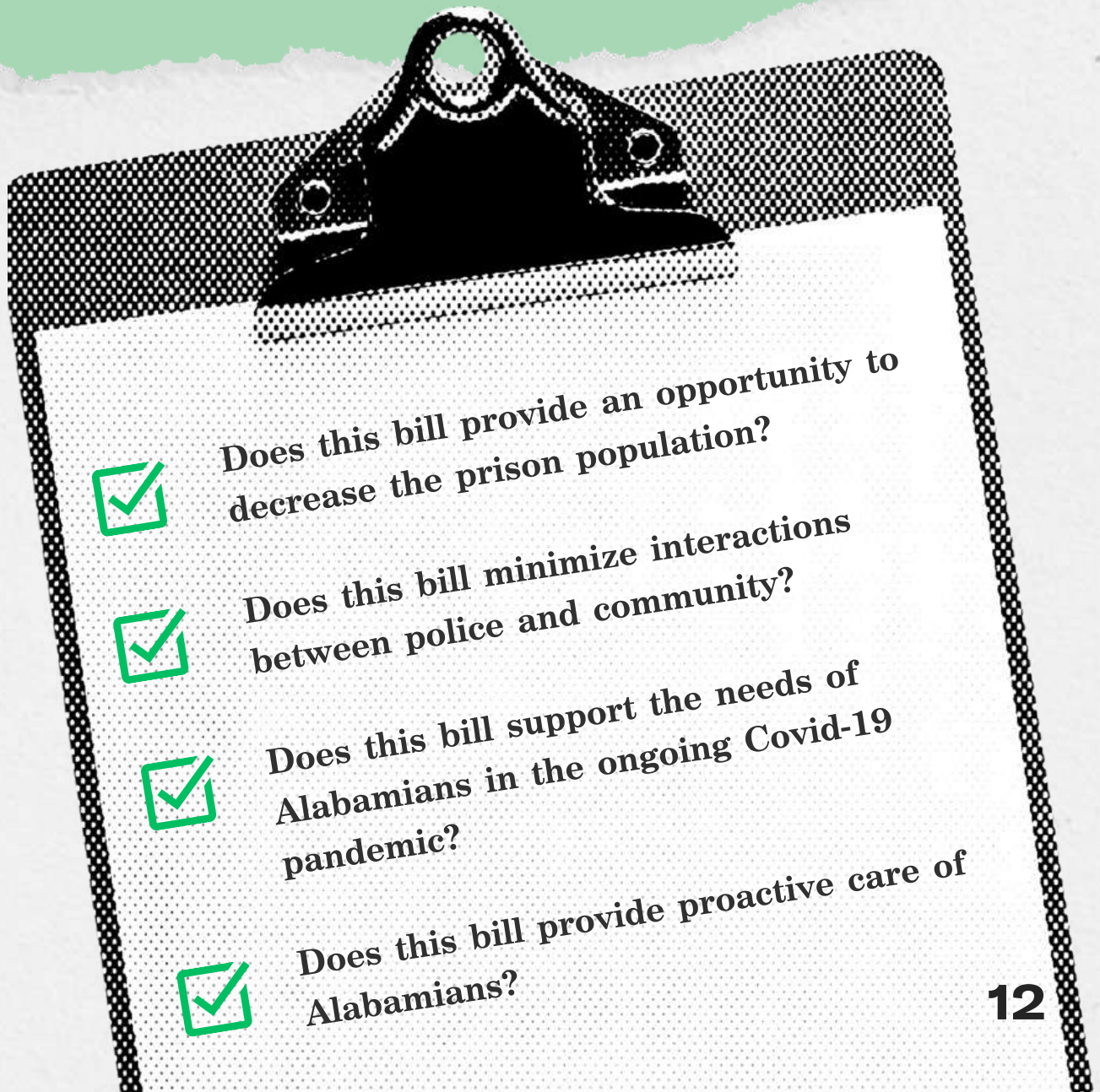


POSITIVE BILLS

Despite the disproportionate amount of pipeline bills, some Alabama legislators work to pass bills that seek to reduce the strain on Alabama's prison system and positively impact communities.



We've created a set of criteria and questions that highlight positive bills that fight Alabama's punishment system and actually help our communities.



Does this bill provide an opportunity to decrease the prison population?

Does this bill minimize interactions between police and community?

Does this bill support the needs of Alabamians in the ongoing Covid-19 pandemic?

Does this bill provide proactive care of Alabamians?

UNANIMOUS JURIES BILL

Bill Sponsor: Rep. Chris England (D-70)

The Bill

House Bill 14 proposes that a unanimous vote by a jury is required to impose a death sentence and would provide that people who are currently on death row but did not have unanimous death verdicts at their trials would be resentenced to life without parole. HB14 did not make it out of committee.

What does this mean?

This bill would bring Alabama in line with the rest of the country and make Florida the only state that does not require a unanimous jury verdict for a death sentence.

A TRULY PRO-LIFE POLICY

James Barber and Casey McWhorter were the two people executed by the State of Alabama in 2023. Both Mr. Barber and Mr. McWhorter had divided juries who did not unanimously vote in favor of a death sentence. This bill would have prevented the executions of Mr. Barber and Mr. McWhorter.



PAROLE BOARD ACCOUNTABILITY BILL

Bill Sponsor: Rep. Chris England (D-70)

The Bill

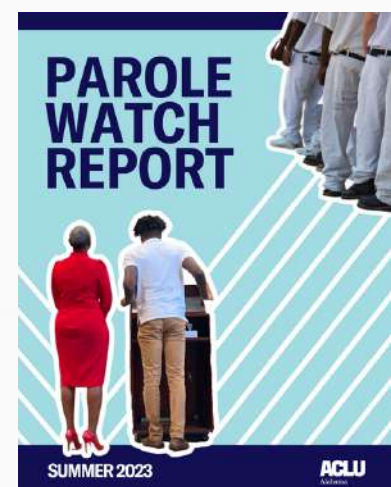
House Bill 16 proposes the creation of a Criminal Justice Policy Development Council to strengthen oversight of the Alabama Board of Pardon and Paroles. The council, comprised of members of the Alabama Legislature and other state agencies, would be tasked with reviewing the board's current guidelines for release, adopting new guidelines as necessary, updating the Alabama Department of Corrections' classification system, and adopting a validated risk assessment tool. HB16 did not make it out of committee.

What does this mean?

This bill would ensure that Parole Board decisions are subject to much needed review and accountability.

WE HAVE A REPORT FOR THAT

The Alabama Parole Board isn't letting folks go home and we want to know why. So we observed 267 parole hearings over the summer of 2023 to create the Parole Watch Report- a bird's eye view of what is happening at parole hearings in Alabama. You can read the report at aclualabama.org.



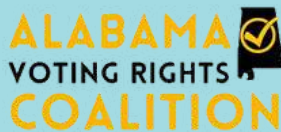
The Alabama legislature is failing us.

Our public schools are underfunded. Quality healthcare is unaffordable and inaccessible for most parts of the state. Public utilities and public transit are dilapidated or non-existent. And yet our tax dollars are being used to fund a billion-dollar prison. If we continue down the path of prioritizing punishment over people, Alabama's communities will suffer.

Together we can help our communities succeed.

The ACLU of Alabama and our partners are committed to fighting for positive and proactive legislation that will improve the material conditions of our state. If you want to be a part of that change, consider joining one of these statewide coalitions committed to protecting all Alabamians' rights.

Get Involved!



Get trained!

Join us for Werk the Lege on **Saturday, February 3rd** and get trained on how to challenge our state lawmakers and work toward more progressive policies for all Alabamians.

Appendix: Alabama Prison History

2016-2017

Former governor Robert Bentley proposed a plan for an \$800 million bond to build 4 mega prisons. Originally approved by the Alabama Senate, the progression of this plan was hindered due to Bentley's personal allegations and eventual resignation.



2019

The Department of Justice investigates ADOC for failing to protect prisoners from violence and abuse, amongst other unsafe conditions.

2020

Governor Ivey signed a bill package to issue \$785 million in bonds and \$150 million from the state's general fund for prison construction, including about \$400 million in federal COVID-19 relief money.

2021

The Alabama Legislature approved \$1.3 billion prison construction plan, with \$400 million being sourced from American Rescue Plan funds (meant for COVID-19 relief).

Appendix: Alabama Prison History Continued

APRIL 2021



Governor Kay Ivey's prison lease plan collapses due to Communities Not Prisons' resistance efforts. With three major financiers withdrawing, the lease plan fell apart.

NOVEMBER 2021



The Department of Justice filed an amended complaint against ADOC, arguing that conditions have not improved since their 2019 report.

JUNE 2022

Alabama's \$1.2 billion mega prison construction continues despite falling \$200 million short bonds and unaddressed complaints from the DOJ.

TODAY: Alabama prison conditions continue to worsen despite DOJ interventions.

Appendix: We pay for Alabama's focus on punishment and imprisonment

For the 2023 Alabama General Fund Budget, the Department of Corrections was appropriated \$594,647,303 (not including earmarked funds). We studied the yearly data since 2016 and found a continuous increase in the maintenance cost per prisoner even as the Alabama prison population declines at a snail-pace.

	maintenance cost per prisoner	ADOC population*
2016	\$17,692	29,759
2017	\$19,006	28,256
2018	\$22,024	26,985
2019	\$23,364	27,765
2020	\$26,382	26,289
2021	\$30,164	25,385
2022	awaiting data	26,214

*Total prison population (includes institutions, work release, work centers, supervised intensive restitution, and state prisoners in county jails and other locations)

GLOSSARY

School to Prison Pipeline

The “school-to-prison pipeline” refers to the policies and practices that push our nation’s schoolchildren, especially our most at-risk children, out of classrooms and into the juvenile and criminal justice systems. This pipeline reflects the prioritization of incarceration over education.

Criminal Legal System

The “criminal legal system” refers to the institutions and processes that deal with policing, prosecution, courts, and corrections, including jails and prisons, in the United States. Organizations and advocates largely favor this term over “criminal justice system” because these systems do not deliver “justice.”

Prison Industrial Complex

The “prison industrial complex” (PIC) is a term we use to describe the overlapping interests of government and industry that use surveillance, policing, and imprisonment as solutions to economic, social and political problems.

Thank you for your ongoing support of our Smart Justice work

ACKNOWLEDGEMENTS

The ACLU of Alabama staff are responsible for the contents of this report – which was researched, authored, and designed by Stef Bernal-Martinez, Alison Mollman, Jose Vazquez, Kayla Sloan, Dillon Nettles, Kyle Adams, and Kamilah Kenyatta. The report concept and design was inspired by the work of our colleagues at the ACLU of Ohio. We would like to also give special thanks to our community partners and coalitions.

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