

House Judiciary Committee
11 South Union Street, Rm. 200
Montgomery, AL 36130

February 14, 2024

Chairman Hill, Vice Chair Wadsworth, and honorable committee members,

The values of proportional punishment, just process, and restoration should guide our nation's response to crime and the use of incarceration. With these values in mind, Prison Fellowship, the nation's largest Christian non-profit serving prisoners, former prisoners, and their families urges you to approve HB 29.

Current Alabama law enshrines so-called "Habitual Offender" penalties aimed at protecting the public from dangerous repeat offenses from a singular set of people.¹ However, these policies too often fail the test of proportionality, without the promised gains in public safety. God created the men and women who live and work in Alabama prisons with dignity and value, worthy of a just penalty for the crime they have committed. An overly punitive approach to crime fails to reflect the Christian values so many Alabamians share.

The cost of this discrepancy is not merely philosophical, but also practical. Alabama's existing habitual offender laws have added to the documented overcrowding issue in the state's prisons.² Overcrowding is a significant issue for men and women who live and work in prisons. An increased population beyond facility capacity compounds the challenge of hiring, training, and maintaining healthy and thriving prison staff.³ This also exacerbates issues of safety and cleanliness, and limits access to critical programs that help prisoners to take hold of personal transformation and emerge from prison as safe neighbors.⁴

HB 29 will take a meaningful step to address these needs of proportionality and safety by equipping judges with the opportunity to conduct individualized reviews of cases where an individual was sentenced to life without parole under the Habitual Felony Offender Act for crimes that did not involve physical injury. Granting such judicial discretion does not equate to leniency but adds a valuable tool to the hands of responsible judges to deliver fair and effective justice.

We urge you to support and promptly pass this legislation.

Respectfully,

Kate Trammell
Vice President, Advocacy & Legal
Prison Fellowship

¹ Ala. Code § 13A-5-9 (2022)

² John Q. Hamm, *Monthly Statistical Report for December 2023*, Alabama Department of Corrections (Dec. 2023), <https://doc.alabama.gov/docs/MonthlyRpts/December%202023.pdf> (ADOC Population is 27,130, yet in-house designed capacity is 12,115).

³ Civil Rights Division, *Investigation of Alabama's State Prisons for Men*, United States Department of Justice (April 2019), <https://www.justice.gov/crt/case-document/file/1149971/download>; Sam McCann, *What You Need to Know About the Alabama Prison Strike*, Vera Institute of Justice (Oct. 2022), <https://www.vera.org/news/what-you-need-to-know-about-the-alabama-prison-strike>.

⁴ *Id.*