

How Are ALEC Corporations Interfering With Our Criminal Justice System?

Corporations and their politician allies voted behind closed doors through ALEC to change America's criminal justice system and enrich profits.

On the surface, many ALEC bills look like basic tough-on-crime legislation, but some corporate leaders of ALEC benefit financially from such legislation -- meaning that what has been sold to the public as good for public safety was often pushed by corporations that profit from such changes in the law, without politicians disclosing their corporate allies' financial interest to the public when such bills, pre-approved by the corporations, were introduced.

Examples include:

Bills that prop up the for-profit bail bond industry, a long-time ALEC board member, through:

- [Expanding the list of offenses](#) for which a person must pay a for-profit bail-bondsman for their release. (See also [this bill](#) and [this bill](#)).
- [Eliminating pre-trial release agencies](#) that pursue evidence-based, public-safety oriented methods of release that don't require paying a for-profit business, or [imposing new burdens on those agencies](#).
- Offering bail bond companies opportunities to avoid paying debts to states by:
 - [Allowing debts to expire](#) or
 - [Imposing notification technicalities](#) on courts.

Bills that benefit long-time ALEC members of the global for-profit prison industry, like the Corrections Corporation of America, by:

- [Increasing time served for drug offenses](#) through mandatory minimum sentencing,
- [Creating barriers to alternatives to prison such as community-based corrections programs](#), which will increase prison populations (see another example ([here](#))), and
- [Treating juveniles like adults](#). See also [here](#).
- *Not in the zip file, but on The Heartland Institute website, is the "[Private Correctional Facilities Act](#)" from 1995, which opens a state to for-profit incarceration.*

Bills that add new penalties for retail theft, which increase prison population and aid ALEC corporations that are retailers, like corporate board member Wal-Mart, such as:

- [Making it a felony to steal from three retail establishments](#), regardless of the value of the property stolen,
- [Adding a penalty-enhancer for thieves who use the emergency exit](#), and
- [Imposing new regulations on swap meets and flea markets](#) that may compete with retail stores.

Other drug use-related bills would [require that any college student convicted of a drug crime lose financial aid](#), [promote drug testing in American workplaces](#), even if the work has nothing to do with public safety, and [suspend the driver's license](#) of anyone convicted of a drug crime.

The bills also include anti-immigrant legislation that require local law enforcement to enforce complex federal law, result in racial or ethnic profiling, and destroy the law enforcement-community relationship. (See Arizona's [SB1070 model here](#), as well as [this bill](#), [this bill](#) and [this bill](#)).

The bills would also overturn long-standing rules designed to protect Americans' constitutional rights, including the right to be free from warrantless searches and the right to confront one's accusers, such as legislation to:

- [Reverse the "Exclusionary Rule"](#) for unlawfully obtained evidence and,
 - [Eliminate the rule against hearsay](#) when determining whether probable cause existed.
-

Still other bills would aid corporations in other ways, like [bills to punish homeowners](#) for the mortgage crisis by creating the crime of "mortgage fraud," that focuses primarily on consumers, but no corresponding new crimes for the Wall Street shell game that sank the U.S. economy.

Spotlight on Gun Bills

For many years, until this spring, the National Rifle Association (NRA) actually co-chaired the ALEC "Task Force on Public Safety and Elections." (The election bills are discussed in the section of this site titled "Democracy, Voter Rights and Federal Power.") ALEC bills include "model" legislation that advances the constitutionality of an individual's right to bear arms, an argument vindicated by a recent ruling of the U.S. Supreme Court. The legislation also would likely benefit the firearms industry closely connected to the NRA.

Bills or resolutions in this area:

- [Oppose bans on semi-automatic firearms](#) like the one used in the shooting in Arizona that killed nine people and seriously injured Congresswoman Gabrielle Giffords.
- [Oppose waiting periods for criminal and mental health background checks for firearm purchases.](#)
- [Support concealed-carry gun laws see also here.](#)
- [Oppose efforts by law enforcement](#) to use their purchasing power get gun manufacturers not to market guns or ammo likely to be used against police, like "cop killer bullets" that pierce armor.
- [Prohibit local counties or cities](#) from enacting firearm restrictions, [or emergency measures that could be abused.](#)
- [Encourage guns on campus, and for younger kids.](#)

For a full list of bills from this section, [click here](#).