

# ALEC's Legislative Agenda on Criminal Justice

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Through the American Legislative Exchange Council, on ALEC task forces corporate lobbyists and special interests vote as equals with elected representatives on templates to change our laws, behind closed doors with no press or public allowed to see the votes or deliberations. ALEC criminal justice legislation includes proposals that would limit judicial discretion, enact measures similar to Florida's controversial "Stand Your Ground" law, and drive business to the private prison and bail bonds industries.

## Pushing "Stand Your Ground," "Shoot First," or "Kill at Will" Laws

- The "[Castle Doctrine Act](#)" expands traditional self-defense rights (in one's castle or home) to create a roving right to stand and shoot if threatened in public places and it creates a legal presumption that a shooter acted lawfully, making it difficult to obtain a conviction for killing an unarmed person. Florida's controversial law was crafted by the NRA, which took the bill to a closed door meeting of the ALEC Task Force and urged it become a national model, which is why the bill, also known as the "Stand Your Ground" or "Kill at Will" law, is virtually identical to several key provisions of ALEC's Castle Doctrine Act.

## Limiting Judicial Discretion

- ALEC's "[Judicial Sentencing Disclosure Act](#)" requires that courts maintain a record of a judge's sentencing that will be subjected to public scrutiny, and will likely incentivize judges to increase sentences.
- ALEC's "[Minimum-Mandatory Sentencing Act](#)" limits judicial discretion by creating mandatory sentencing guidelines, which have largely led America to have the highest incarceration rate in the world.
- ALEC's "[Mandatory Sentencing for Repeated Felony Theft from a Retail Store Act](#)" increases criminal penalties for retail theft and reduces a judge's discretion in sentencing by requiring a mandatory minimum sentence. This bill would limit a judge's ability to impose alternate or lesser punishments based on the individual circumstances.
- ALEC's "[Truth in Sentencing Act](#)" requires that all defendants serve at least 85% of their sentence and not be eligible for parole or early release programs. This type of bill leads to higher incarceration rates, which is a burden on taxpayers.

## Changing Juveniles' Status and Detention Programs

- ALEC's "[Juvenile Boot Camp Act](#)" and "[Shock Incarceration Act](#)" creates military-style basic training alternatives to traditional methods of juvenile incarceration and rehabilitation.
- ALEC's "[Automatic Juvenile Waiver Act](#)" would allow a prosecutor to decide if a juvenile will be judged in the adult or juvenile criminal justice system based on the crime committed.

## Restricting Constitutional Rights

- ALEC’s “[Hearsay in Public Hearings Act](#)” would roll back constitutional protections in criminal justice, specifically common law rules aimed at deterring police misconduct. This bill would allow the admission of hearsay evidence in determining whether probable cause originally existed.
- ALEC’s “[Criminal Justice Drug Testing Act](#)” authorizes agencies to require that all persons charged with a crime be drug tested, even if no probable cause exists to suspect a person of being a drug user. This would open the door to a conviction for a non-drug relation crime not based on evidence, but bias.

## Privatizing Prisons

- ALEC’s “[Private Correctional Facilities Act](#)” would allow any unit of government to contract with the private sector to perform services currently performed by a corrections agency.
- ALEC’s “[Targeted Contracting for Certain Correctional Facilities and Services Act](#)” allows state agencies to contract out incarceration and prison services.
- ALEC’s “[Housing Out-of-State Prisoners in a Private Prison Act](#)” allows a private prison operating in one state to contract with another state to hold prisoners without the consent of the local government in which the private prison is located.

## Securing Revenue for the Commercial Bail Bond Industry

- ALEC’s “[Conditional Early Release Bond](#)” creates a new revenue stream for the commercial bail bond industry by collecting fees on the front end, from people seeking release from jail before their hearing date, and on the back end, requiring that incarcerated persons pay bail bondsmen to get out of prison under supervised early release programs.
- ALEC’s “[Crimes With Bail Restrictions Act](#)” would prevent courts and law enforcement from exploring alternative methods of pre-trial release. For the crimes listed in the bill, the only way the accused can be released is through paying a bondsman.

## Supporting Reform That Benefits Corporate Backers

- ALEC is a [member of the conservative “Right on Crime” campaign](#), which promotes criminal justice reform by cutting the budget of the state corrections department and reducing judicial sentences. The Right on Crime campaign sides with large corporations, many which are ALEC members, as it calls for reforming [antitrust laws](#), which regulate corporate activities so monopolies are not formed, and calls for reforming the [out-of-court prosecution of corporations](#). While the Right on Crime campaign claims these reforms would improve the criminal justice system, they clearly are a way to loosen corporate restrictions and give legal protection to corporations. The campaign also focuses on rehabilitation and reentry programs, which largely benefits [ALEC members](#). U.S. Rep Jerry Madden, who heads the Corrections and Reentry Working Group, served as the [Public Safety and Elections Task Force](#) Co-Chair until the task force was disbanded in 2012. Other groups that were on the task force that would benefit from the “Right on Crime” campaign include the Prison Fellowship Ministries (a reentry nonprofit) and the Texas Public Policy Foundation, which launched the “Right on Crime” campaign in 2010.