

# **Alabama Sentencing Commission**

## **Minutes of Commission Meeting December 15, 2006**

The Alabama Sentencing Commission met in the Mezzanine Classroom of the Judicial Building in Montgomery on Friday, December 15, 2006. Present at the meeting were:

Hon. Joseph Colquitt, Chairman, Retired Circuit Judge, Professor, University of Alabama School of Law, Tuscaloosa  
Ellen Brooks, District Attorney, 15<sup>th</sup> Judicial Circuit, Montgomery  
Rosa Davis, Chief Assistant Attorney General, Montgomery  
Cynthia Dillard, Acting Executive Director, Board of Pardons and Paroles, Montgomery  
Lou Harris, D.P.A., Faulkner University, Montgomery  
Ben McLaughlin, Presiding Circuit Judge, 33<sup>rd</sup> Judicial Circuit, Ozark  
Stephen Nodine, Mobile County Commissioner  
Joel Sogol, Esq., Tuscaloosa

### **Advisory Council:**

Denis Devane, Birmingham  
Walter Wood, Executive Director, Alabama Department of Youth Services, Mt. Meigs  
Chaplin Adolph South, Tuscaloosa

### **Staff:**

Lynda Flynt, Executive Director  
Melisa Morrison, Senior Research Analyst

### **Speakers:**

Hon. Sue Bell Cobb, Chief Justice-Elect, Supreme Court of Alabama  
Adam Gelb, Project Director, the Pew Charitable Trusts  
Barb Tombs, Vera Institute of Justice  
Kent Hunt, Alabama Department of Mental Health  
Jeff Williams, Director, Community Corrections

### **Others Attending:**

Carol Potok, Commission on Girls and Women  
Miriam Shehane, VOCAL

### **Welcome and Introductory Remarks**

The meeting convened at 10:00 a.m. Chairman Colquitt called the meeting to order and made introductory remarks. He thanked everyone for attending. He mentioned that the selection of Alabama for the Pew initiative was announced at a press conference held in

the Rotunda of the Judicial Building this morning. Participants in the announcement included Judge Colquitt, Governor Riley, Chief Justice-elect Sue Bell Cobb, and Adam Gelb, Director of Pew's Public Safety Performance Project. Chairman Colquitt stated that the Commission is truly appreciative of the support received at the press conference.

Chairman Colquitt noted that Vera has been with the Commission since the very formative days. He reminded the Commission members that Barb Tombs and others have been in this state numerous times assisting the Commission with its work and through Vera's efforts, the Commission has now received valuable support and assistance from Pew Charitable Trust. The Pew Charitable Trust organization is undertaking the support of a limited number of states. They had a lot of opportunities to go out among the 50 states and support various efforts and they chose Alabama as one of the states to focus on.

Chairman Colquitt recognized the very hard working commission members on the Alabama Sentencing Commission. He noted the fact that the staff, although small, is very strong and has been really working hard to continue this work.

Chairman Colquitt announced that Bennet Wright, Statistician, has rejoined the Commission in its effort to improve criminal justice and sentencing in Alabama. Mr. Wright has worked for the Commission in the past, had accepted a position with the Sentencing Commission in Washington, and is now returning to Alabama.

#### **New Commission Members**

The criminal defense lawyers have appointed Joel Sogol, who is the past president of the Alabama criminal defense lawyers, to represent their organization on the Commission. Mr. Sogol will replace Stephen Glassroth who has relocated to the State of Georgia to undertake some new challenges.

Cynthia Dillard, Acting Executive Director, of the Board of Pardons and Paroles will be undertaking the representation of that organization on the sentencing commission. The Commission welcomed both Joel and Cynthia to the Alabama Sentencing Commission.

Chairman Colquitt mentioned that the Commission is truly pleased that Ellen Brooks was able to attend today's meeting. He noted that Ms. Brooks had two deaths recently in her family and that she has been very active on the Commission while serving as the district attorney in Montgomery County, a very formable responsibility.

Judge Sue Bell Cobb, Chief Justice-elect, addressed the Commission stating that she will spend the next six years doing everything that needs to be done to help improve the sentencing and the criminal justice system as a whole. She noted that an ultimate result is to see that the people that really need to be in prison can stay there longer periods of time, and the people that don't need to be in prison can be out on their jobs, raising families, and paying taxes. She recognized that it will take more judicial resources. Judge Cobb emphasized that she is convinced that the Commission can accomplish its goals, because

it is the right thing to do. At the end of her six years, Judge Cobb hopes that she will be able to look back and see the trial courts in the state start utilizing best practices.

Judge Cobb noted that the Commission's primary responsibility now is going to be to encourage, motivate, train, and provide the resources for our courts, lawyers, public defenders, and district attorneys to identify those lives that truly deserve and can be saved.

Judge Cobb concluded her remarks by asking Judge Colquitt if would continue to serve as chairman of the sentencing commission.

### **Pew Charitable Trusts Public Safety Performance Project**

Adam Gelb, Director, of Pew's Public Safety Performance Project stated that Alabama was one of eight states selected to receive assistance in developing policies and programs to protect public safety.

Mr. Gelb noted that Pew's part is to help the Commission get to where it wants to be with two things in mind—things ought to be data driven and fiscally responsible. Who goes to prison, for how long, and who is appropriate for community corrections should not be decisions based on emotion and headlines of the day, but should be driven by data. Secondly, these programs just like any other programs should be subject to cost benefit analysis.

Mr. Gelb stated that Pew is a conservative foundation located in Philadelphia and has a staff of about 150 people.

Barb Tombs, Director of the Sentencing and Corrections project at Vera Institute of Justice stated that when she first started working with Alabama she worked as an associate with Vera. At that time she was the Director of the Sentencing Commission in Kansas. Ms. Tombs stated that she was running a sentencing commission and helping Alabama get one started. Over the last six or seven years, she has seen it grow to a commission that has gained national recognition.

Ms. Tombs noted that just putting the voluntary sentencing standards into place is not the answer. She advised the Commission that with everything they accomplish they will find there are issues that must be addressed, so the work is never done, but rather continually evolving. You will address different aspects of it. In looking at your sentencing structure, what needs to be tweaked or modified is one approach looking at community corrections. Looking at released practices and recidivism overall, because once you put all of these wonderful things in place. What most states do is they stop and don't go back and evaluate. Ms. Tombs stated, "That is what we are going to look at - making sure what we do is good practices." It's actually holding the right people in prison for the right amount of time and utilizing your limited resources effectively.

Ms. Tombs stated that she hopes that they help the Commission get to where it wants to go and make sure that what has been done stays in place and continues to be effective.

### **Report from the Governor's Office and DOC**

Jeff Williams, Director of Community Corrections, thanked Chief Justice-Elect Sue Bell Cobb for her support for the prison system. He noted that Alabama now has an opportunity to seriously address its problems in the criminal justice system and not just in the prison system. Mr. Williams thanked the Pew Charitable Trusts and Vera Institute of Justice for selecting Alabama as one of those states to provide the support to addressing many issues.

Mr. Williams noted that since Commissioner Allen has become Commissioner of the Alabama Department of Corrections, it is the first time that he has seen a commissioner take this type of approach to addressing the department's long withstanding problems. When Commissioner Allen came to the Department of Corrections, the Department had about 46 cadets around the state that were waiting to go to training at the academy in Selma. It is a 12-week academy of training to become correctional officers. Today the Department has 138 cadets in its facility waiting to go to the corrections academy. Mr. Williams stated that these improvements can be attributed to the approach that Commissioner Allen has taken to addressing not only the prison overcrowding problems, but the Department's understaffing problems as well. When Commissioner Allen came in February, he took a comprehensive look at the Department of Corrections and has put together an excellent plan to address many of the Department's problems over the next five years.

Mr. Williams noted that the Department is looking at not just other aspects of corrections and our community corrections programs, but also at ways in which it can address the many needs offenders have, when they come into the system. A lot of offenders come to the Department with substance abuse problems. They lack a basic education so many don't have a GED or high school education, when they do return to the community they are ill-equipped to become productive citizens. About 38% percent of the offenders that leave Alabama do so by ending their sentence, without supervision through parole, probation, community corrections, or some type of post-release re-entry program, where they can have some supervision to help them to readjust to the community.

He announced that the Department was in the process of implementing a therapeutic educational center at the Limestone facility. The facility will house medium custody offenders and it is expected that the Department will put approximately 300 offenders a year through that program.

Another facility is located in Montgomery. The Montgomery work release has been converted twice. At one time it was a work release facility, it has since transformed to a work center. It is a combination of work release and minimum custody offenders who worked in the local municipalities. They provided street work, trash pickup, etc. Now it has transformed and is a prerelease facility. The Department is taking medium and minimum custody offenders, who are going to be released within a ten/twelve month period, and putting them through an intensive treatment program to better prepare them for release.

Mr. Williams told the Commission that the Commissioner was committed to beefing up the work release program. Not only was the work release providing tremendous resource, much needed dollars for the operation of our prison system, but it was also preparing an offender for release by moving him back into the community with employment, drug treatment, and educational programs to take place at our work release facility.

#### *Community Corrections*

Mr. Williams noted that eight counties have been added to the community corrections programs. He announced that the Department is on track to add another ten to twelve counties in 2007. Mr. Williams stated that at one point, when he started in community corrections, they had to go to the counties and try to encourage them to talk to them about community corrections programs. In the last eight months, the Department has received numerous phone calls from counties saying that they are interested in establishing community corrections programs.

Mr. Williams stated, “now that we have stimulated interest, there is a lot of conversation about community corrections which gives the court an additional sentencing option when sentencing criminal defendants.” He noted that as we move to expand community corrections throughout the state, we continue to express public safety as the number one goal for community corrections program.

Chairman Colquitt recognized that Mike Carroll was in attendance of today’s meeting. Mr. Carroll is Deputy Administrative Director of Courts with the Administrative Office of Courts and is also IT Division Director. Chairman Colquitt acknowledged and thanked him for the tremendous support that he has given the Alabama Sentencing Commission through the Administrative Office of Courts with regard to the electronic worksheet site that he has up and going statewide.

#### **Report from Kent Hunt, Director, Associate Commissioner, Alabama Department of Mental Health**

Kent Hunt stated that the Department of Mental Health works primarily with public nonprofit organizations. Monies flow through the department and they contract those dollars out. He explained that the Department of Mental Health does not provide any direct substance abuse care. The Department provides direct care for mental illnesses and mental retardation services on a community basis through hospital care and contract with community service. He was candid in recognizing that Alabama does not contribute a lot of money towards substance abuse treatment. The majority of money that is spent in Alabama is federal money.

In the substance abuse area, as it ties into the statistics that are published from the Department of Corrections, Pardons and Paroles, and the Sentencing Commission (all the agencies collect data in regard to arrest, convictions, etc), Mr. Hunt stated that you can consistently see substance abuse related defenses that rank among the highest, in regard to reason for conviction, incarceration, admissions, etc.

When going back to decisions being data driven, if you have got people talking about treatment, they are going to have to prove that treatment was effective – that there are positive outcomes from treatment episode. That's where the burden falls on the professionals who provide the treatment.

He stated that the Department of Mental Health does a lot of work with drug courts and community corrections around the state. At the end of last legislative session, there was a decision made that a million dollars would be provided to support enhanced substance abuse treatment for drug courts. Mr. Hunt announced that a request for information will be sent by his office to drug court judges, and then it will be decided where that million dollars can be placed. That too will be a tool that can be used to at least convince legislators and others that this is a workable tool. Mr. Hunt noted that beginning October 1<sup>st</sup> the Department of Mental Health and Mental Retardation will begin collecting outcome information on any dollars that flow through the department.

Mr. Hunt noted that the Alabama Commission for Prevention and Treatment of Substance Abuse met throughout the year and came up with recommendations. The Commission recommended having all substance treatment (whether provided by Corrections, Pardons and Paroles or the Department of Youth Services) meet the same standards. The Commission made some of those recommendations regarding standardization of care and rate. There are varying rate structures out there. The Commission would like to assure citizens that they are paying a fair rate for whatever they get.

Mr. Hunt emphasized that it is very important that any individual who is identified as having a drug or alcohol problem have an assessment to determine what kind of care they would need. He noted that there were not enough levels of care available in Alabama to meet the needs of the individuals served.

The Substance Abuse Services Division of the Department of Mental Health wants to partner with every social service agency, (not limited to social services) where substance abuse is a common threat.

Ms. Flynt asked Mr. Hunt particularly about certification for the Department of Corrections treatment programs. She noted that was one of the recommendations in the Commission's 2006 report to the Legislature, which was endorsed by the Governor's Prison Overcrowding Task Force. Mr. Hunt stated that the Commission did not get that accomplished this year, however, the Department of Corrections is moving in that direction.

Mr. Hunt noted that substance abuse treatment programs have to be certified by law by the Department of Mental Health and Retardation and that a list of certified programs are available on Mental Health's website.

Ms. Flynt stated that one of the areas neglected when setting up the Commission was representation from the Department of Mental Health. In looking at corrections, the core problem is drug and alcohol. Noting that the Commission has the power to appoint advisory council members, Ms. Flynt recommended that Mr. Hunt be appointed to serve on the advisory council. This recommendation was later taken up under “new business” and Mr. Hunt was appointed to serve as a member of the Sentencing Commission’s Advisory Council.

### **Report from ASC Sentencing Standards Committee**

Rosa Davis, Chair, gave the Commission an update on the Sentencing Standards Committee. Mrs. Davis stated that the standards committee met and came up with a number of suggestions. The committee decided that another district attorney was needed to serve on the committee. She noted that the district attorneys would need to appoint someone that the committee could continue its dialogue with. Mrs. Davis noted that Ellen Brooks had been an incredible member of the standards committee as it developed the initial sentencing standards; however, the committee needed the voices of other district attorneys to add to Ellen’s so that they could fully understand what the committee has done.

Mrs. Davis announced that there were some circuits in which the standards are being fully implemented. She explained that there was difficulty with judges understanding that it is ok to depart from the standards. There are also problems in some circuits where judges are not certain that it is ok to follow the standards. Some district attorneys and at least two have reported that it has sped up the plea bargain process in their circuits. Mrs. Davis noted that the degree of the difficulty depends on how much research the district attorneys had been doing prior to the implementation of the standards.

The committee discussed the fact that it needed to form and implement a plan for retraveling the state just to visit with people in different jurisdiction, and have a conversation about how things are working, and get input and suggestions as to what the committee needs to look at in the future.

The district attorneys have suggested that the committee needs to look at their personnel needs and help obtain funding to provide extra personnel for them if they are required to fill out the standards and worksheets. Mrs. Davis noted that if people are going to get additional personnel to assist in filling out the worksheets then the Commission wants some assurance from them that they are going to be using the worksheets and not just filling them out.

There were some issues with how the automated worksheets looked. The committee looked at the possibility of adding offenses and asked for suggestions of what offenses needed to be added. Suggestions included adding attempts, conspiracies, and solicitations to the worksheets. The committee also looked at adding child abuse. Another suggestion was not to make too many changes, but rather to wait and get a feel for how they are working -, let everybody get used to them and then make the changes.

The victim's advocates came up with an issue that needs to be addressed and asked that the committee review it. That is where in those cases where murder is reduced to manslaughter and the manslaughter recommendation does not reach 180 months, which is would make the prisoner ineligible for good time. It was the victim advocate's opinion that the high end of the manslaughter range needs to be raised to that 180 months. Mrs. Davis stated that the committee would look at the data and see if it supports this recommendation.

Mrs. Davis reported that the committee did not take any action or make any recommendations at its last meeting but that it would come back and make additional reports later.

### **Report from ASC Legislative Committee**

Dr. Lou Harris, chair, stated that the committee had been working hard for the last couple of months. Mr. Harris noted that the representation of the committee is very diverse – consisting of victim's advocates, Board of Pardons and Paroles, district attorneys, judges, legislative representative, Department of Corrections, legislative analyst and commission staff.

The committee discussed and worked on 11 pieces of legislation. Mr. Harris noted that the committee is actually making a motion that the Commission adopt some of the items. Because of the legal detail some of the bills will be revisited.

Lynda Flynt stated that the committee talked about the fact that the Commission had gotten most of the bills in the legislative package passed last year and the committee had decided that it might be best not to push a lot of legislation this year.

### *The Amendment of the Community Corrections Act*

Ms. Flynt explained the latest amendments to the Act which were based on the Commission's recommendations. She stated that the main provisions of the 2003 amendment were: 1) a provision that would authorize the creation of community corrections programs by county resolution rather than having to incorporate; 2) a provision establishing a community corrections division in the Department of Corrections, with a full-time director and support staff, and 3) the creation of a revolving trust fund for community corrections at the Department of Corrections so when they receive an appropriation from the legislature for community corrections. This actually passed but the Legislature has never appropriated money directly to this fund.

Ms. Flynt advised the members that here were a couple of judges who suggested that the committee revisit the community corrections act, because of language included that requires that anyone who does not remain within the "extended limits of their confinement" must be treated as an escape. They said that more discretion was needed and that the committee should have never put it in—that the word "shall" should have been "may." It was noted that the Sentencing Commission did not add this language, this was language included in the community corrections act as originally written. When the legislative committee looked at it, they also looked at Section 14-8-42 relating to work



release with the exact language with the mandatory word “shall” utilized - “shall be treated as escape.”

The committee sent copies of the Community Corrections Act to the Alabama Association of Community Corrections members by email. Rosa Davis also distributed it to members of the Association at their last meeting held Monday before legislative committee. Two of the members at that meeting said that they would not recommend changing the word “shall” to “may.” The legislative committee took these votes into consideration and decided not to recommend a change in the language at this time. There was also talk about changing the provision authorizing half time credit, at the discretion of the sentencing judge for time spent in community corrections programs, which had been eliminated by amendment for 2003. The committee had eliminated that provision because they thought it would create more disparity among sentences. Someone suggested that this language be put back in because similar language was also under the split sentencing statute. The committee did not want to put it back into the Community Corrections Act just because it is somewhere else. The committee voted not to take action on the Community Corrections Act at this time, suggesting that it needed further study by the legislative committee members.

Ms. Flynt encouraged commission member to review the Community Corrections Act in its entirety and to let her know if they saw any provisions that they thought needed to be changed.

She stated that one other suggestion for amendment would be to authorize, but not require, community corrections officers to have law enforcement authority. This would be an amendment providing that they could have law enforcement authority, if they met peace officers standards in training.

#### *Amendment of Split Statute*

The appellate courts have looked at the split sentencing statute. Ms. Flynt gave a brief summary of the appellate courts interpretation of the statute. After a lot of discussion in the cases, the committee members wanted to review it again and bring it back for a vote at the next Commission meeting, which would be held before the Regular Session begins on March 6<sup>th</sup>.

#### *Victim Notification*

Ms. Flynt noted that a committee composed of representatives from Pardons and Paroles and victim advocates, which was chaired by Ellen Brooks, met many times to work out the compromise bill for victim notification of parole board action. This committee worked very hard on this legislation, because Governor Riley had asked that them to try to come up with a compromise bill on victim notification. Representative Marcel Black sponsored the bill last year for the Sentencing Commission. The Legislative Committee recommends that the Commission approve this bill for introduction this year. To date, this is the only bill that the committee recommends to the Commission.

### *The Department of Corrections Legislation on Prison Industry*

This is part of the recommendation of the Governor's Prison Overcrowding Task Force. Vernon Barnett attended the Legislative Committee meeting and said that although the committee had one of the bills that had been introduced last year, there are others. Mr. Barnett stated that the Department's legal division is still working on all of the bills. He stated that he would provide the members of the Legislative Committee with copies and the committee could reconsider those later.

### *First Offender Legislation*

Ms. Flynt noted that two of the committee members felt that the first offender legislation should be reconsidered. They suggested that it should be patterned after provisions of our youthful offender statute, except that it would apply to someone older than 21. The committee had already canvassed other states to see what first offender legislation they may have. The committee wanted to go back and review it again, and then request assistance from Pew Charitable Trusts or Vera Institute to assist in researching. It was the committee's recommendation that more research be conducted and that this information along with a draft proposal be brought back to the committee to consider at its next meeting.

### *Pharmacy Robbery*

There had been suggestions that the separate statute on pharmacy robbery be eliminated as a separate offense, and then it would be encompassed under robbery. The committee voted against this recommendation.

### *Medical Geriatric Release Act*

This bill was introduced by the Commission before, but had opposition from several groups and many amendments tacked on by the district attorneys. The committee decided not to take a position on the bill one way or the other, because of the problems that were raised with the bill as introduced and as amended. Tracking the history of the bill, it was explained that this bill was introduced by Senator Smitherman again last year, because he thought that the Commission was still supporting it. The Commission then came back and decided to include it in its Legislative package. The legislative committee decided that this bill needs further study and work, because the provisions that were introduced last time were so watered down that there was no way that anybody would be able to get relief under the provisions.

### *The Revision of the Habitual Offender Act*

The committee suggested that it needed further study and comparison with other states. The committee voted to bring back what it had done with the state comparison. Ms. Flynt mentioned that some commission members believe that since under the sentencing standards, if there was compliance with the standards sentence recommendation you will not apply the habitual felony offender act, the Commission should not attempt to amend the habitual felony offender statute at this time. There are, however, still other offenses that are being sentenced under the Habitual Felony Offender Act, since it does apply to the non-worksheet offenses and to those worksheet offenses in which the judge does not comply with the standards recommendation. The Committee decided to make no

recommendation at this time and to reconsider amendment at its next meeting scheduled to be held in February.

#### *Good Time Statute*

It was suggested to change good time to authorize someone who is sentenced to more than 15 years but not more than 20 years good time. Ms. Flynt noted that this was not one of the Sentencing Commission's bills. The bill was brought before the Legislative Committee and the Committee was not in favor of it and did not recommend it.

#### *Pardons and Paroles Facility Fee*

This bill was brought up and the committee did not want to pursue at this time.

There were two other bills given out for informal purposes only. One was HB117 that was introduced last year regarding parole eligibility which would allow parole consideration for anyone sentenced to life without the possibility of parole after the offender serve 20 years incarceration. The other one was SB168 which had a limit on the duration of probation and parole. The committee expects that bill to be introduced again.

Ms. Flynt noted that the committee is not asking the Commission to vote on any bills today. The legislative committee is going to meet again on February 21<sup>st</sup>. The Sentencing Commission will meet on March 2<sup>nd</sup> and the legislative committee will present all of the bills at that time.

#### **Report Regarding Workshops and Seminars**

Rosa Davis stated that the Commission conducted 31 seminars around the state reaching about 2000 people. Since then the Commission has conducted eight individual type seminars. In order for the standards to be implemented and to put violent people in the penitentiary, and find something else to do with those who are not violent, then people have to understand how the standards work and use them. The Commission's statute requires that it monitors and recommend changes where it sees changes need to be made.

Ms. Flynt noted that a designated person or the official worksheet preparer is encouraged to go on-line and complete the worksheet electronically. She explained that it will help eliminate a lot time and it will save time and money. It will also provide users access to prior criminal records at AOC, YO and juvenile offender records throughout the state, and arrest records from CJIS.

Ellen Brooks noted that a formal process is needed to bring in new people who have not been trained.

#### **Demonstration of Electronic Worksheet System**

Melisa Morrison, Research Analyst, conducted a demonstration of the electronic worksheet system. Mrs. Morrison stated that an online application has been created for the voluntary sentencing standards in which the user can request a new user account by emailing the sentencing commission. A user name and password is assigned that is designated by the judge to complete the standards. If they are not designated by the

judge to complete the standards, a tool from the log-in page will allow the same interactive functionality as if you were to log-in to complete the official record for the worksheet. The drug, personal, and property worksheets are available.

Mrs. Morrison noted that there are two options of the online worksheet. If you are not designated by the judge, you still have the functionality to get online and to use and print out the worksheet. If you are designated by the judge, the Commission is asking you to log-in with your user name and password so that the information is saved into one centralized database and the Commission can analyze the information at a later time.

Once you are an official user, you log in on the screen called the dashboard. The dashboard contains a list of defendants in which a case has been filed for this particular county. It will list judges that you are assigned to. Defendant's names are sorted alphabetically. The dashboard does have a filtering system. For example, if you know that you have a sentencing docket coming up on a particular date, you can click the sentence docket option, and then select the date from the calendar, and it will only load cases that are set for that sentencing docket on that date.

Mrs. Morrison explained that the Administrative Office of Courts and their programming division have set this system up so that if you actually click on the defendant's name it takes you to new application called Namemaster that the Administrative Office of Courts has developed. Within Namemaster it gives you some basic demographic information. There is a button for priors. It is sorted by county and it shows the actual case number, the charge, and the disposition or the court action or court action date. There have been some suggestions to add more information to this screen. One suggestion was to add the sentence information for another charge, court action, and guilty plea, what was the actual sentence. That information is needed in order to complete the worksheet. Another feature available is youthful offender cases statewide and juvenile cases.

Ms. Flynt noted that this juvenile and youthful offender information is still not open to public disclosure but is available for designated preparers in completing the worksheets. Ms. Flynt mentioned that the Commission is also looking at some technology using the internet where training can be conducted over the internet instead of traveling out to the different locations.

Judge Colquitt noted that one thing to remember is that seven or eight years ago the technology did not exist to do all of this. When you look at it and it is actually working and the amount of information that is being given, we should focus on the fact this is light-years from where we would expect to be in a couple of years. There's naturally going to be some start-up costs and a lot of learning involved and a lot problem solving to be done. The Commission should take into account the fact we are entering a whole new era. Alabama is so far ahead of some other states it's not even worth comparing.

### **New Business**

Motion: Add Kent Hunt to the Commission's Advisory Council. Unanimously approved.

The Legislative Committee will meet on February 21<sup>st</sup> in the Formal Conference room of the Judicial Building.

The next Commission meeting has been tentatively set for March 2, 2007.

Ellen Brooks requested that the legislative committee meet more times between the committee and commission meeting. She stated that will give her more time to get comments from district attorneys.

**Adjourn**

There being no further business the meeting was adjourned.