

1 HB236  
2 115278-2  
3 By Representatives McCutcheon, Treadaway, Drake, Hill,  
4 Canfield, Wood, Ball, Ward, McDaniel, Morrow, Sanderford,  
5 Beck, Clouse, Allen, Moore (P), Gaston, Baker (A), Faust,  
6 Williams (P), Love and Collier  
7 RFD: Judiciary  
8 First Read: 12-JAN-10

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

ENROLLED, An Act,

Relating to arrest warrants for public education employees and law enforcement officers; to provide procedures for issuing warrants for certain misdemeanor offenses.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) As used in this act, the term "public education employee or law enforcement officer" means any public education employee or law enforcement officer employed by federal, state, county, or municipal government or any public college, school, or university.

(b) As used in this act, the term "in the line of duty" means when a public education employee or law enforcement officer is performing duties within the scope of his or her employment.

Section 2. (a) When a criminal charge or complaint amounting to a misdemeanor offense against a public education employee or a law enforcement officer is filed with a magistrate or other official for an offense alleged to have been committed by the public education employee or law enforcement officer while in the line of duty of his or her employment, the magistrate or other official shall immediately present the charge or complaint to the local law enforcement agency having primary jurisdiction where the offense was alleged to have been committed.

1           (b) The local law enforcement agency shall conduct  
2 an investigation of the complaint to determine if probable  
3 cause exists. If the investigation determines probable cause  
4 exists, then the magistrate shall issue a warrant for the  
5 arrest of the public education employee or law enforcement  
6 officer. If the investigation determines that probable cause  
7 does not exist for a warrant, the magistrate shall not issue a  
8 warrant. Thereafter, the charge or complaint and investigation  
9 may be reviewed by the local district attorney and presented  
10 to a grand jury at the discretion of the district attorney.

11           (c) Nothing in this section shall prohibit the  
12 issuance of an arrest warrant by a magistrate upon  
13 presentation of probable cause if adequate evidence is  
14 presented to satisfy the magistrate that there is a  
15 significant risk that the accused will flee the jurisdiction  
16 or that the accused poses a threat to the safety or well-being  
17 of the public.

18           (d) A warrant issued pursuant to this act may be  
19 served during the workday at the workplace. Notwithstanding  
20 the foregoing, a warrant issued for the arrest of a public  
21 education employee who is employed on a public college,  
22 school, or university campus may not be served in the presence  
23 of students.

1                   Section 3. This act shall become effective on the  
2 first day of the third month following its passage and  
3 approval by the Governor, or its otherwise becoming law.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17

---

Speaker of the House of Representatives

---

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in  
and was passed by the House 04-FEB-10.

Greg Pappas  
Clerk

---

Senate

---

22-APR-10

---

Passed