

1 HB253  
2 107790-1  
3 By Representative Hurst  
4 RFD: Judiciary  
5 First Read: 14-JAN-10

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8 SYNOPSIS: This bill would require any public agency  
9 testing blood or urine samples to determine if an  
10 individual is in compliance with the terms of his  
11 or her parole or probation to retain the samples  
12 for a certain period of time to allow independent  
13 testing at the cost to the individual when the  
14 samples test positive.

15 Amendment 621 of the Constitution of Alabama  
16 of 1901, now appearing as Section 111.05 of the  
17 Official Recompilation of the Constitution of  
18 Alabama of 1901, as amended, prohibits a general  
19 law whose purpose or effect would be to require a  
20 new or increased expenditure of local funds from  
21 becoming effective with regard to a local  
22 governmental entity without enactment by a 2/3 vote  
23 unless: it comes within one of a number of  
24 specified exceptions; it is approved by the  
25 affected entity; or the Legislature appropriates  
26 funds, or provides a local source of revenue, to  
27 the entity for the purpose.

1                   The purpose or effect of this bill would be  
2                   to require a new or increased expenditure of local  
3                   funds within the meaning of the amendment. If this  
4                   bill is not enacted by a 2/3 vote, it will not  
5                   become effective with regard to a local entity  
6                   unless approved by the local entity or until, and  
7                   only as long as, the Legislature appropriates funds  
8                   or provides for a local source of revenue.

9  
10   A BILL  
11   TO BE ENTITLED  
12   AN ACT

13  
14                   Relating to paroles and probation; to require any  
15                   public agency testing blood or urine samples to determine  
16                   compliance of an individual with his or her terms of parole or  
17                   probation to retain the samples for a certain period of time  
18                   based on a positive test; to allow independent testing at the  
19                   cost to the individual tested; and in connection therewith  
20                   would have as its purpose or effect the requirement of a new  
21                   or increased expenditure of local funds within the meaning of  
22                   Amendment 621 of the Constitution of Alabama of 1901, now  
23                   appearing as Section 111.05 of the Official Recompilation of  
24                   the Constitution of Alabama of 1901, as amended

25                   BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26                   Section 1. Any public agency responsible for testing  
27                   blood and urine samples of an individual to determine

1 compliance with his or her terms of parole or probation shall  
2 retain the tested blood or urine samples for a minimum of two  
3 weeks after parole or probation has been revoked based on a  
4 positive test. The individual within the two weeks may request  
5 an independent test of the samples. The individual requesting  
6 the independent test of the samples shall be responsible for  
7 all costs associated with the testing.

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