

1 HB119
2 126300-1
3 By Representatives Rich, Collins, Roberts, Shiver, Lee, Greer,
4 Williams (D) and Johnson (W)
5 RFD: Public Safety and Homeland Security
6 First Read: 01-MAR-11

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8 SYNOPSIS: Under existing law, an individual is
9 required to have his or her driver's license in his
10 or her immediate possession while driving a motor
11 vehicle and is required to display the license upon
12 demand from a police officer or state trooper.

13 Also under existing law, a law enforcement
14 officer may not arrest a person without a warrant
15 unless the offense is committed in the officer's
16 presence.

17 This bill would allow a peace officer or
18 state trooper to request that an individual display
19 his or her driver's license if the peace officer or
20 state trooper has reasonable cause to believe that
21 the individual was driving even if the peace
22 officer or state trooper does not observe the
23 individual driving.

24 This bill would authorize a law enforcement
25 officer to arrest a person without a warrant when
26 the officer has reasonable cause to believe the
27 person was driving without a license.

1
2 A BILL
3 TO BE ENTITLED
4 AN ACT
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6 To amend Section 15-10-3 Code of Alabama 1975,
7 relating to arrests without a warrant, to authorize a law
8 enforcement officer to arrest a person without a warrant if
9 the officer has reasonable cause to believe the person was
10 driving a motor vehicle without a proper license; and to amend
11 Section 32-6-9 Code of Alabama 1975, relating to possession of
12 a driver's license while driving and display of the license
13 upon demand, to allow a peace officer or state trooper to
14 request to see a driver's license if the peace officer or
15 state trooper has reasonable cause to believe that the
16 individual was driving even if the officer did not witness the
17 individual driving a motor vehicle.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. Sections 15-10-3 and 32-6-9 of the Code
20 of Alabama 1975, are amended to read as follows:

21 "§15-10-3.

22 "(a) An officer may arrest a person without a
23 warrant, on any day and at any time in any of the following
24 instances:

25 "(1) If a public offense has been committed or a
26 breach of the peace threatened in the presence of the officer.

1 "(2) When a felony has been committed, though not in
2 the presence of the officer, by the person arrested.

3 "(3) When a felony has been committed and the
4 officer has reasonable cause to believe that the person
5 arrested committed the felony.

6 "(4) When the officer has reasonable cause to
7 believe that the person arrested has committed a felony,
8 although it may afterwards appear that a felony had not in
9 fact been committed.

10 "(5) When a charge has been made, upon reasonable
11 cause, that the person arrested has committed a felony.

12 "(6) When the officer has actual knowledge that a
13 warrant for the person's arrest for the commission of a felony
14 or misdemeanor has been issued, provided the warrant was
15 issued in accordance with this chapter. However, upon request
16 the officer shall show the warrant to the arrested person as
17 soon as possible. If the officer does not have the warrant in
18 his or her possession at the time of arrest the officer shall
19 inform the defendant of the offense charged and of the fact
20 that a warrant has been issued.

21 "(7) When the officer has reasonable cause to
22 believe that a felony or misdemeanor has been committed by the
23 person arrested in violation of a protection order issued by a
24 court of competent jurisdiction.

25 "(8) When an offense involves domestic violence as
26 defined by this section, and the arrest is based on probable

1 cause, regardless of whether the offense is a felony or
2 misdemeanor.

3 "(9) When the officer has reasonable cause to
4 believe the person was driving a motor vehicle in violation of
5 subsection (a) of Section 32-6-18.

6 "(b) For the purpose of this section, the following
7 terms have the following meanings:

8 "(1) ABUSE. Any offense under Sections 13A-6-60 to
9 13A-6-70, inclusive, or under Sections 26-15-1 to 26-15-4,
10 inclusive.

11 "(2) ASSAULT. Any offense under Sections 13A-6-20 to
12 13A-6-25, inclusive.

13 "(3) FAMILY, HOUSEHOLD, OR DATING OR ENGAGEMENT
14 RELATIONSHIP MEMBERS. Includes a spouse, former spouse,
15 parent, child, or any other person related by marriage or
16 common law marriage, a person with whom the victim has a child
17 in common, a present or former household member, or a person
18 who has or had a dating or engagement relationship.

19 "(4) DOMESTIC VIOLENCE. Any incident resulting in
20 the abuse, assault, harassment, or the attempt or threats
21 thereof, between family, household, or dating or engagement
22 relationship members.

23 "(5) HARASSMENT. Any offense under Section 13A-11-8.

24 "(c) When a law enforcement officer investigates an
25 allegation of domestic violence, whether or not an arrest is
26 made, the officer shall make a written report of the alleged

1 incident, including a statement of the complaint, and the
2 disposition of the case.

3 "§32-6-9.

4 "(a) Every licensee shall have his or her license in
5 his or her immediate possession at all times when driving a
6 motor vehicle and shall display the ~~same~~ license, upon demand
7 of a judge of any court, a peace officer, or a state trooper.
8 However, no person charged with violating this section shall
9 be convicted if he or she produces in court or the office of
10 the arresting officer a driver's license ~~theretofore~~ issued to
11 him or her and valid at the time of his or her arrest.

12 "(b) Notwithstanding any law to the contrary, a
13 peace officer or state trooper may request that an individual
14 display his or her driver's license if the peace officer or
15 state trooper has reasonable cause to believe that an
16 individual was driving a motor vehicle even if the peace
17 officer or state trooper did not observe the individual
18 driving."

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