

1 SB90
2 126285-2
3 By Senators Taylor and Holley
4 RFD: Governmental Affairs
5 First Read: 01-MAR-11

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 To amend Sections 14-6-1 and 36-22-3 of the Code of
12 Alabama 1975, to specify the sovereign immunity protections
13 granted to persons employed by the sheriff when acting for and
14 under the direction and supervision of the sheriff.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. Sections 14-6-1 and 36-22-3, Code of
17 Alabama 1975, are amended to read as follows:

18 "§14-6-1.

19 "The sheriff has the legal custody and charge of the
20 jail in his or her county and all prisoners committed thereto,
21 except in cases otherwise provided by law, ~~and~~. The sheriff
22 may ~~appoint a jailer~~ employ persons to carry out his or her
23 duty to operate the jail and supervise the inmates housed
24 therein for whose acts he or she is civilly responsible.
25 Persons so employed by the sheriff shall be acting for and
26 under the direction and supervision of the sheriff and shall
27 be entitled to the same immunities and legal protections

1 granted to the sheriff under the general laws and the
2 Constitution of Alabama of 1901, as long as such persons are
3 acting within the line and scope of their duties and are
4 acting in compliance with the law.

5 "§36-22-3.

6 "(a) It shall be the duty of the sheriff:

7 "(1) To execute and return the process and orders of
8 the courts of record of this state and of officers of
9 competent authority with due diligence when delivered to him
10 or her for that purpose, according to law.

11 "(2) To attend upon the circuit courts and district
12 courts held in his or her county when in session and the
13 courts of probate, when required by the judge of probate, and
14 to obey the lawful orders and directions of such courts.

15 (3) ~~The sheriff of each county must~~ To, three days
16 before each session of the circuit court in his or her county,
17 render to the county treasury or custodian of county funds a
18 statement in writing and on oath of the moneys received by him
19 or her for the county, specifying the amount received in each
20 case, from whom and pay the amount to the county treasurer or
21 custodian of county funds.

22 (4) ~~It shall be the duty of sheriffs in their~~
23 ~~respective counties, by themselves or~~ To, with the assistance
24 of deputies as necessary, to ferret out crime, ~~to~~ apprehend
25 and arrest criminals and, insofar as within their power, ~~to~~
26 secure evidence of crimes in their counties and ~~to~~ present a

1 report of the evidence so secured to the district attorney or
2 assistant district attorney for the county.

3 (5) To perform such other duties as are or may be
4 imposed by law.

5 "(b) Any of the duties of the sheriff set out in
6 subsection (a) or as otherwise provided by law may be carried
7 out by deputies, reserve deputies, and persons employed as
8 authorized in Section 14-6-1 as determined appropriate by the
9 sheriff in accordance with state law. Persons undertaking such
10 duties for and under the direction and supervision of the
11 sheriff shall be entitled to the same immunities and legal
12 protections granted to the sheriff under the general laws and
13 the Constitution of Alabama of 1901, as long as he or she is
14 acting within the line and scope of his or her duties and is
15 acting in compliance with the law."

16 Section 2. Notwithstanding the provisions of
17 Sections 14-6-1, 32-7-23, and 36-22-3 of the Code of Alabama
18 1975, nothing in this act shall serve as a bar to an
19 individual's or entity's recovery under the uninsured motorist
20 coverage of the individual or entity, or prevent an insured
21 from being legally entitled to recover damages under the
22 uninsured motorist coverage of the insured.

23 Section 3. This act shall become effective
24 immediately following its passage and approval by the
25 Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Governmental Affairs..... 01-MAR-11

Read for the second time and placed on the calen-
dar 1 amendment..... 08-MAR-11

Read for the third time and passed as amended 24-MAR-11

Yeas 35
Nays 0

Patrick Harris
Secretary