

1 SB108
2 147793-4
3 By Senators Marsh, Brewbaker, Williams, Holtzclaw, Fielding,
4 McGill, Scofield, Bussman, Taylor, Blackwell, Reed, Sanford,
5 Holley, Whatley, Dial, Allen, Ward, Beason, Glover, Waggoner
6 and Pittman
7 RFD: Fiscal Responsibility and Accountability
8 First Read: 05-FEB-13

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 Relating to public safety; to create the Alabama
12 State Law Enforcement Agency; to create the Secretary of the
13 Alabama State Law Enforcement Agency to coordinate various law
14 enforcement and investigative services and serve as the
15 Homeland Security Advisor for this state; to create the Public
16 Safety Fund; to create the State Bureau of Investigations to
17 assume the duties and functions of the Alabama Bureau of
18 Investigation; to transfer certain enforcement and
19 investigative functions of certain agencies to the State
20 Bureau of Investigations; to transfer all functions of the
21 Alabama Department of Homeland Security to the Secretary of
22 the Alabama State Law Enforcement Agency; to transfer certain
23 enforcement functions of certain agencies to the Department of
24 Public Safety; to create new divisions within the Department
25 of Public Safety; to require the Code Commissioner to make
26 conforming changes in the code; and to amend Sections 41-9-592
27 and 41-9-593, Code of Alabama 1975, relating to the Criminal

1 Justice Information Center Commission, to provide that the
2 Secretary of the Alabama State Law Enforcement Agency would be
3 the chairman of the commission.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. The Alabama State Law Enforcement Agency
6 is hereby created within the Executive Branch of State
7 Government to coordinate public safety in this state. The
8 Alabama State Law Enforcement Agency shall be comprised of the
9 following:

10 (1) The Department of Public Safety.

11 (2) The State Bureau of Investigations.

12 Section 2. (a) The position of Secretary of the
13 Alabama State Law Enforcement Agency is created. The secretary
14 shall serve as the appointing authority and executive head of
15 the agency and the appointing authority and department head of
16 the Department of Public Safety and State Bureau of
17 Investigations. The secretary may delegate all or part of the
18 functions of appointing authority and department head for the
19 department and bureau to the Director of the Department of
20 Public Safety and the Director of the State Bureau of
21 Investigations, respectively.

22 (b) (1) The secretary shall be appointed by and hold
23 office at the pleasure of the Governor, and shall serve until
24 his or her successor is appointed. The salary of the secretary
25 shall be set by the Governor, and shall not be subject to
26 Section 36-6-6, Code of Alabama 1975.

1 (2) A person appointed secretary shall have an
2 extensive law enforcement background and, by virtue of office,
3 is a state law enforcement officer with the immunity set forth
4 in Section 6-5-338, Code of Alabama 1975.

5 (c) The secretary is a member of the Governor's
6 Cabinet who shall advise the Governor on matters of public
7 safety.

8 (d) The secretary shall serve as the Homeland
9 Security Advisor for this state, assume all duties of the
10 Director of Homeland Security, including all functions of the
11 Alabama Fusion Center, and shall be responsible for
12 coordinating, designing, and implementing Alabama's program
13 for homeland security, including immigration enforcement. The
14 secretary shall be the principal point of contact between the
15 State of Alabama and the federal government with respect to
16 homeland security issues. Any reference in law to the
17 authority of the Director of Homeland Security shall be deemed
18 a reference to the Secretary of the Alabama State Law
19 Enforcement Agency. The secretary may delegate all or a
20 portion of the functions required by this section to the State
21 Bureau of Investigations.

22 Section 3. (a) The Secretary of the Alabama State
23 Law Enforcement Agency shall establish general policies for
24 the Department of Public Safety and the State Bureau of
25 Investigations.

26 (b) The secretary shall coordinate efforts within
27 the Alabama State Law Enforcement Agency and the entities

1 therein to promote the recruitment, selection, and training of
2 state law enforcement officers in the agency.

3 (c) (1) A Protective Services Unit is created in the
4 office of the secretary. The unit is vested with all functions
5 of the Dignitary Protection Services of the Department of
6 Public Safety, and a reference in any law to the Dignitary
7 Protection Services of the Department of Public Safety shall
8 be deemed a reference to the Protective Services Unit.

9 (2) The secretary shall appoint a chief of the unit.

10 (d) The secretary is vested with all functions of
11 the Alabama Department of Economic and Community Affairs
12 relating to law enforcement planning, excluding functions
13 related to the procurement, administration, awarding, or
14 disbursement of any of the following grants:

15 (1) Sexual Assault.

16 (2) Crime Victims Assistance.

17 (3) Violence Against Women.

18 (4) Family Violence Prevention and Services.

19 (5) Highway Safety Traffic, including
20 Click-It-or-Ticket and car seats.

21 (6) Social and Human Services.

22 (e) Investigators employed on the effective date of
23 this section by the State Office of Prosecution Services as
24 computer forensics investigators/analysts in the Alabama
25 Computer Forensics Labs shall be transferred to the Alabama
26 Fusion Center and shall receive a rank and classification in

1 the state Merit System equivalent to their current employment
2 rank or years of service.

3 Section 4. (a) There is hereby created the Public
4 Safety Fund in the State Treasury. The fund consists of all
5 monies appropriated for support of the functions of the
6 Secretary of the Alabama State Law Enforcement Agency,
7 Department of Public Safety, and the State Bureau of
8 Investigations, including funds transferred to any of the
9 foregoing pursuant to Section 9. Any monies in the fund from a
10 source that restricts the use of the funds to a certain
11 purpose or that are appropriated for a particular purpose may
12 be expended only for that purpose.

13 (b) Subject to subsection (a), the Secretary of the
14 Alabama State Law Enforcement Agency may expend monies in the
15 Public Safety Fund for the support of the Secretary, the
16 Department of Public Safety, and the State Bureau of
17 Investigations.

18 Section 5. (a) The State Bureau of Investigations is
19 hereby created in the Alabama State Law Enforcement Agency.
20 The bureau shall succeed to and be vested with all powers of
21 the Alabama Bureau of Investigation. A reference in any law to
22 the Alabama Bureau of Investigation shall be deemed a
23 reference to the State Bureau of Investigations.

24 (b) The position of Director of the State Bureau of
25 Investigations is created. The director shall be appointed by
26 the Secretary of the Alabama State Law Enforcement Agency,
27 after consultation with the Governor, and shall hold office at

1 the pleasure of the secretary. The salary of the director
2 shall be set by the secretary, and shall not be subject to
3 Section 36-6-6, Code of Alabama 1975. A person appointed
4 director shall have an extensive law enforcement background
5 and, by virtue of office, is a state law enforcement officer
6 with the immunity set forth in Section 6-5-338, Code of
7 Alabama 1975.

8 (c) The bureau succeeds to and is vested with all
9 functions of the Alabama Criminal Justice Information Center.
10 A reference in any law to the Alabama Criminal Justice
11 Information Center shall be deemed a reference to a division
12 of the State Bureau of Investigations. The Alabama Criminal
13 Justice Information Center Commission shall continue to
14 function in an advisory capacity to the bureau regarding
15 functions previously performed by the Alabama Criminal Justice
16 Information Center.

17 (d) The bureau succeeds to and is vested with all
18 investigative functions of the following investigative and
19 enforcement units, and a reference in any law to these
20 investigation and enforcement units shall be deemed a
21 reference to the State Bureau of Investigations:

22 (1) The law enforcement unit of the Alabama
23 Alcoholic Beverage Control Board.

24 (2) The investigative unit of the Alabama Forestry
25 Commission.

26 (3) The investigative unit of the Department of
27 Agriculture and Industries.

1 (e) The Director of the State Bureau of
2 Investigations shall have overall supervision and management
3 of functions transferred to the bureau pursuant to this
4 section, subject to approval by the secretary, including the
5 power to change the working title of any position or to
6 reorganize or rename any of the divisions, units, or functions
7 specified in this section. Any change of working title shall
8 not alter the classification or compensation of any person in
9 the state Merit System.

10 Section 6. (a) (1) The Director of the Department of
11 Public Safety shall be appointed by the Secretary of the
12 Alabama State Law Enforcement Agency, after consultation with
13 the Governor, and shall hold office at the pleasure of the
14 secretary. The salary of the director shall be set by the
15 secretary, and shall not be subject to Section 36-6-6, Code of
16 Alabama 1975. A person appointed director shall have an
17 extensive law enforcement background and, by virtue of office,
18 is a state law enforcement officer with the immunity set forth
19 in Section 6-5-338, Code of Alabama 1975.

20 (2) The director shall have overall supervision and
21 management of functions transferred to the department pursuant
22 to this section, subject to the approval of the secretary,
23 including the power to change the working title of any
24 position or to reorganize or rename any of the divisions,
25 units, or functions specified in this section. Any change of
26 working title shall not alter the classification or
27 compensation of any person in the state Merit System.

1 (3) All functions performed by the department on
2 October 1, 2014, shall remain under the Department of Public
3 Safety unless reorganized by the secretary or otherwise
4 transferred pursuant to this act.

5 (b) (1) The Highway Patrol Division of the Department
6 of Public Safety succeeds to and is vested with all law
7 enforcement functions of the following enforcement units, and
8 a reference in any law to these enforcement units shall be
9 deemed a reference to the Highway Patrol Division of the
10 Department of Public Safety:

11 a. The law enforcement unit of the Public Service
12 Commission.

13 b. The revenue enforcement officers of the
14 Department of Revenue.

15 (2) The director shall appoint a chief of the
16 division.

17 (c) (1) The Marine Police Division is hereby created
18 within the Department of Public Safety. The director shall
19 appoint a chief of the division.

20 (2) The Marine Police Division of the Department of
21 Public Safety succeeds to and is vested with all functions of
22 the Marine Police Division of the Department of Conservation
23 and Natural Resources. A reference in any law to the Marine
24 Police Division of the Department of Conservation and Natural
25 Resources shall be deemed a reference to the Marine Police
26 Division of the Department of Public Safety.

1 Section 7. (a) For the purposes of this section, the
2 term "legacy agency" means an existing agency, department, or
3 division that is being reorganized or abolished under this
4 act.

5 (b) Unless otherwise provided in this act, all
6 positions created by this act shall be in the classified
7 service of the state Merit System.

8 (c) All persons employed on the effective date of
9 this act with a legacy agency and transferred to the Alabama
10 State Law Enforcement Agency, Department of Public Safety, or
11 State Bureau of Investigations shall maintain his or her
12 classification and benefits under the legacy agency. A person
13 employed by a legacy agency on the effective date of this act
14 shall not receive a decrease in salary, benefits, or seniority
15 or otherwise receive a decrease in classification as a result
16 of the transfer to the Alabama State Law Enforcement Agency,
17 Department of Public Safety, or State Bureau of
18 Investigations.

19 (d) Any future change in classification shall not
20 result in any change in benefits an employee previously had at
21 a legacy agency.

22 (e) An employee of a legacy agency transferred to
23 the Alabama State Law Enforcement Agency, Department of Public
24 Safety, or State Bureau of Investigations under this act shall
25 remain in his or her current classification unless appointed
26 to the appropriate classification within the newly created
27 department according to state Merit System procedures.

1 (f) Any employee hired in the Alabama State Law
2 Enforcement Agency after January 1, 2015, who is certified by
3 the Alabama Peace Officers' Standards and Training Commission
4 and performs law enforcement duties shall be considered a law
5 enforcement officer, as defined by Section 36-27-59(a) (3),
6 Code of Alabama 1975, but is not eligible for the benefits
7 specified in Section 36-26-35(d), Code of Alabama 1975.

8 Section 8. Any law enforcement officer employed by
9 the Alabama State Law Enforcement Agency shall be entitled to
10 the immunity set forth in Section 6-5-338, Code of Alabama
11 1975.

12 Section 9. All books, records, supplies, funds,
13 equipment, and personnel of the units, departments, divisions,
14 and other state entities merged with another state entity or
15 abolished and the functions of which are transferred to
16 another state agency by this act shall be transferred to the
17 succeeding department or state entity to the extent that the
18 books, records, supplies, funds, equipment, and personnel are
19 related to the functions transferred to the succeeding
20 department or entity.

21 Section 10. The Code Commissioner shall conform
22 references in the Code of Alabama 1975, to the units,
23 departments, divisions, and other state entities included in
24 this act to reflect the changes required by this act. Code
25 changes shall be made at a time determined to be appropriate
26 by the Code Commissioner.

1 Section 11. Sections 41-9-592 and 41-9-593, Code of
2 Alabama 1975, are amended to read as follows:

3 "§41-9-592.

4 "The commission shall be composed of two sections.

5 "The voting section will include: the Secretary of
6 the Alabama State Law Enforcement Agency, the Attorney
7 General, the Chairman of the Board of Pardons and Paroles, the
8 Commissioner of the Board of Corrections, the President of the
9 Alabama Sheriffs' Association, the Director of the Department
10 of Public Safety, the President of the Alabama Association of
11 Chiefs of Police, the Director of the Alabama Law Enforcement
12 Planning Agency, the President of the District Attorney's
13 Association, the President of the Circuit Clerks' Association,
14 the Chief Justice of the Alabama Supreme Court, the President
15 of the Alabama Association of Intermediate Court Judges, the
16 President of the Circuit Judges' Association, the Governor's
17 coordinator of Alabama Highway and Traffic Safety and the
18 Director of the Data Systems Management Division of the
19 Alabama Department of Finance.

20 "The advisory section will include: the presiding
21 officer of the Alabama Senate, the Speaker of the Alabama
22 House of Representatives, the President of the Association of
23 County Commissions of Alabama, the President of the Alabama
24 League of Municipalities, the Administrative Director of the
25 Courts and a citizen of the State of Alabama, to be appointed
26 by the Governor. The member shall have authority to select a
27 designee based upon qualifications and with a view of

1 continuity of representation and attendance at the commission
2 meetings.

3 "No person or individual shall continue to serve on
4 the commission when he no longer officially represents the
5 function or serves in the capacity enumerated in this section
6 as a member to which he was elected or appointed.

7 "§41-9-593.

8 "The commission shall, upon its first meeting, elect
9 from its membership a chairman and a vice-chairman who shall
10 serve for a period of one year. The vice-chairman shall act in
11 the place of the chairman in his absence or disability.

12 Commencing October 1, 2014, the Secretary of the Alabama State
13 Law Enforcement Agency shall serve as chairman of the
14 commission.

15 "The commission shall meet at such times as
16 designated by the commission or by the chairman at the state
17 capital or at other places as is deemed necessary or
18 convenient, but the chairman of the commission must call a
19 meeting four times a year at the state capital or main
20 location of the ACJIC in the months of January, April, July
21 and October. The chairman of the commission may also call a
22 special meeting of the commission at any time he deems it
23 advisable or necessary. A quorum shall be a simple majority of
24 the voting commission membership or their designees and all
25 matters coming before the commission shall be voted on by the
26 commission.

1 "The commission will keep or cause to be kept a
2 record of all transactions discussed or voted on by the
3 commission.

4 "Members of the commission and their designees shall
5 serve without compensation; except, that payment of their
6 expenses may be paid in accordance with the applicable state
7 travel regulations."

8 Section 12. All laws or parts of laws which conflict
9 with this act are repealed.

10 Section 13. Sections 1 and 2 of this act shall
11 become effective immediately following the passage and
12 approval of this act by the Governor, or its otherwise
13 becoming law. The remainder of this act shall become effective
14 on January 1, 2015, following the passage and approval of this
15 act by the Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Fiscal Responsibility and Account-
ability..... 05-FEB-13

Read for the second time and placed on the calen-
dar..... 06-FEB-13

Read for the third time and passed as amended 12-FEB-13

Yeas 31
Nays 0

Patrick Harris
Secretary