

1 SB108
2 147793-5
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

1 SB108

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4 ENROLLED, An Act,

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

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

6 (1) The Department of Public Safety.

7 (2) The State Bureau of Investigations.

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

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

23 (2) A person appointed secretary shall have an
24 extensive law enforcement background and, by virtue of office,

1 is a state law enforcement officer with the immunity set forth
2 in Section 6-5-338, Code of Alabama 1975.

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

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

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

24 (b) The secretary shall coordinate efforts within
25 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 from a legacy agency as defined in Section 7.

11 (d) Investigators employed on the effective date of
12 this section by the State Office of Prosecution Services as
13 computer forensics investigators/analysts in the Alabama
14 Computer Forensics Labs shall be transferred to the Alabama
15 Fusion Center and shall receive a rank and classification in
16 the state Merit System equivalent to their current employment
17 rank or years of service.

18 Section 4. (a) There is hereby created the Public
19 Safety Fund in the State Treasury. The fund consists of all
20 monies appropriated for support of the functions of the
21 Secretary of the Alabama State Law Enforcement Agency,
22 Department of Public Safety, and the State Bureau of
23 Investigations, including funds transferred to any of the
24 foregoing pursuant to Section 9. Any monies in the fund from a
25 source that restricts the use of the funds to a certain

1 purpose or that are appropriated for a particular purpose may
2 be expended only for that purpose.

3 (b) Subject to subsection (a), the Secretary of the
4 Alabama State Law Enforcement Agency may expend monies in the
5 Public Safety Fund for the support of the Secretary, the
6 Department of Public Safety, and the State Bureau of
7 Investigations.

8 Section 5. (a) The State Bureau of Investigations is
9 hereby created in the Alabama State Law Enforcement Agency.
10 The bureau shall succeed to and be vested with all powers of
11 the Alabama Bureau of Investigation. A reference in any law to
12 the Alabama Bureau of Investigation shall be deemed a
13 reference to the State Bureau of Investigations.

14 (b) The position of Director of the State Bureau of
15 Investigations is created. The director shall be appointed by
16 the Secretary of the Alabama State Law Enforcement Agency,
17 after consultation with the Governor, and shall hold office at
18 the pleasure of the secretary. The director shall be appointed
19 from a legacy agency as defined in Section 7. The salary of
20 the director shall be set by the secretary, and shall not be
21 subject to Section 36-6-6, Code of Alabama 1975. A person
22 appointed director shall have an extensive law enforcement
23 background and, by virtue of office, is a state law
24 enforcement officer with the immunity set forth in Section
25 6-5-338, Code of Alabama 1975.

1 (c) The bureau succeeds to and is vested with all
2 functions of the Alabama Criminal Justice Information Center.
3 A reference in any law to the Alabama Criminal Justice
4 Information Center shall be deemed a reference to a division
5 of the State Bureau of Investigations. The Alabama Criminal
6 Justice Information Center Commission shall be renamed the
7 Alabama Justice Information Commission. The commission shall
8 retain its regulatory and policymaking authority regarding
9 information in the Criminal Justice Information System and
10 uniform crime reports, including its adjudicatory authority
11 for misuse of information, but is divested of any employee
12 selection or supervision responsibility.

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

18 (1) The law enforcement unit of the Alabama
19 Alcoholic Beverage Control Board.

20 (2) The investigative unit of the Alabama Forestry
21 Commission.

22 (3) The investigative unit of the Department of
23 Agriculture and Industries.

24 (e) The Director of the State Bureau of
25 Investigations shall have overall supervision and management

1 of functions transferred to the bureau pursuant to this
2 section, subject to approval by the secretary, including the
3 power to change the working title of any position or to
4 reorganize or rename any of the divisions, units, or functions
5 specified in this section. Any change of working title shall
6 not alter the classification or compensation of any person in
7 the state Merit System.

8 Section 6. (a) (1) The Director of the Department of
9 Public Safety shall be appointed by the Secretary of the
10 Alabama State Law Enforcement Agency, after consultation with
11 the Governor, and shall hold office at the pleasure of the
12 secretary. The director shall be appointed from a legacy
13 agency as defined in Section 7. The salary of the director
14 shall be set by the secretary, and shall not be subject to
15 Section 36-6-6, Code of Alabama 1975. A person appointed
16 director shall have an extensive law enforcement background
17 and, by virtue of office, is a state law enforcement officer
18 with the immunity set forth in Section 6-5-338, Code of
19 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

1 working title shall not alter the classification or
2 compensation of any person in the state Merit System.

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

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

13 a. The law enforcement unit of the Public Service
14 Commission.

15 b. The revenue enforcement officers of the
16 Department of Revenue.

17 (2) The director shall appoint a chief of the
18 division.

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

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

1 Police Division of the Department of Conservation and Natural
2 Resources shall be deemed a reference to the Marine Police
3 Division of the Department of Public Safety.

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

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

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

22 (d) Any future change in classification shall not
23 result in any change in benefits an employee previously had at
24 a legacy agency.

1 (e) An employee of a legacy agency transferred to
2 the Alabama State Law Enforcement Agency, Department of Public
3 Safety, or State Bureau of Investigations under this act shall
4 remain in his or her current classification unless appointed
5 to the appropriate classification within the newly created
6 department according to state Merit System procedures.

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

14 Section 8. Any law enforcement officer employed by
15 the Alabama State Law Enforcement Agency shall be entitled to
16 the immunity set forth in Section 6-5-338, Code of Alabama
17 1975.

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

1 related to the functions transferred to the succeeding
2 department or entity.

3 Section 10. The Code Commissioner shall conform
4 references in the Code of Alabama 1975, to the units,
5 departments, divisions, and other state entities included in
6 this act to reflect the changes required by this act. Code
7 changes shall be made at a time determined to be appropriate
8 by the Code Commissioner.

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

11 "§41-9-592.

12 "The commission shall be composed of two sections.

13 "The voting section will include: the Secretary of
14 the Alabama State Law Enforcement Agency, the Attorney
15 General, the Chairman of the Board of Pardons and Paroles, the
16 Commissioner of the Board of Corrections, the President of the
17 Alabama Sheriffs' Association, the Director of the Department
18 of Public Safety, the President of the Alabama Association of
19 Chiefs of Police, the Director of the Alabama Law Enforcement
20 Planning Agency, the President of the District Attorney's
21 Association, the President of the Circuit Clerks' Association,
22 the Chief Justice of the Alabama Supreme Court, the President
23 of the Alabama Association of Intermediate Court Judges, the
24 President of the Circuit Judges' Association, the Governor's
25 coordinator of Alabama Highway and Traffic Safety and the

1 Director of the Data Systems Management Division of the
2 Alabama Department of Finance.

3 "The advisory section will include: the presiding
4 officer of the Alabama Senate, the Speaker of the Alabama
5 House of Representatives, the President of the Association of
6 County Commissions of Alabama, the President of the Alabama
7 League of Municipalities, the Administrative Director of the
8 Courts and a citizen of the State of Alabama, to be appointed
9 by the Governor. The member shall have authority to select a
10 designee based upon qualifications and with a view of
11 continuity of representation and attendance at the commission
12 meetings.

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

17 "§41-9-593.

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

22 Commencing October 1, 2014, the Secretary of the Alabama State
23 Law Enforcement Agency shall serve as chairman of the
24 commission.

1 "The commission shall meet at such times as
2 designated by the commission or by the chairman at the state
3 capital or at other places as is deemed necessary or
4 convenient, but the chairman of the commission must call a
5 meeting four times a year at the state capital or main
6 location of the ACJIC in the months of January, April, July
7 and October. The chairman of the commission may also call a
8 special meeting of the commission at any time he deems it
9 advisable or necessary. A quorum shall be a simple majority of
10 the voting commission membership or their designees and all
11 matters coming before the commission shall be voted on by the
12 commission.

13 "The commission will keep or cause to be kept a
14 record of all transactions discussed or voted on by the
15 commission.

16 "Members of the commission and their designees shall
17 serve without compensation; except, that payment of their
18 expenses may be paid in accordance with the applicable state
19 travel regulations."

20 Section 12. All laws or parts of laws which conflict
21 with this act are repealed.

22 Section 13. Sections 1 and 2 of this act shall
23 become effective immediately following the passage and
24 approval of this act by the Governor, or its otherwise
25 becoming law. The remainder of this act shall become effective

1 on January 1, 2015, following the passage and approval of this
2 act by the Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB108

Senate 12-FEB-13

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris
Secretary

House of Representatives
Amended and passed 28-FEB-13

Senate concurred in House amendment 12-MAR-13

By: Senator Marsh