

1 SB48
2 141053-6
3 By Senators Marsh, Waggoner, Williams, Glover, Ward, Beason,
4 Allen, Orr, Brewbaker, Reed, Sanford, Scofield, Blackwell,
5 Holley, Pittman, Fielding, Whatley, Holtzclaw, Bussman, Taylor
6 and Dial
7 RFD: Fiscal Responsibility and Accountability
8 First Read: 05-FEB-13
9 PFD: 01/18/2013

2
3
4
5
6
7
8 SYNOPSIS: Under existing law, various state agencies,
9 including the Department of Public Safety, perform
10 law enforcement and investigative services to
11 enhance public safety.

12 This bill would create the Public Safety
13 Agency and the position of Secretary of Public
14 Safety, appointed by the Governor, to coordinate
15 public safety in this state.

16 Effective October 1, 2014, this bill would
17 consolidate certain investigative and law
18 enforcement functions and reorganize the
19 administration of public safety services in this
20 state.

21 This bill would reorganize state public
22 safety services within the Public Safety Agency,
23 which would comprise four departments: the
24 reorganized Department of Public Safety, which
25 would consolidate uniformed state law enforcement
26 services; a newly created Department of
27 Investigation, which would consolidate state

1 investigative law enforcement services; and the
2 newly created Department of Public Safety Training.

3 This bill also would eliminate the
4 Department of Homeland Security and transfer its
5 functions to other state agencies.

6
7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 Relating to public safety; to create the Public
12 Safety Agency; to create the Secretary of Public Safety to
13 coordinate various law enforcement and investigative services;
14 to create the Public Safety Fund; to create the Department of
15 Investigation to assume the duties and functions of the
16 Alabama Bureau of Investigation; to provide that the Director
17 of the Department of Investigation shall serve as the Homeland
18 Security Advisor for this state; to transfer certain
19 enforcement and investigative functions of certain agencies to
20 the Department of Investigation; to transfer all functions of
21 the Alabama Department of Homeland Security to various
22 agencies; to transfer certain enforcement functions of certain
23 agencies to the Department of Public Safety; to create new
24 divisions within the Department of Public Safety; to create
25 the Department of Public Safety Training to coordinate
26 recruitment, selection, and training of state law enforcement

1 officers; and to require the Code Commissioner to make
2 conforming changes in the code.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. The Public Safety Agency is hereby
5 created within the Executive Branch of State Government to
6 coordinate public safety in this state. The Public Safety
7 Agency shall be comprised of the following departments:

8 (1) The Department of Public Safety.

9 (2) The Department of Investigation.

10 (3) The Department of Public Safety Training.

11 Section 2. The position of Secretary of Public
12 Safety is created. The secretary shall be the head of the
13 Public Safety Agency. A person appointed secretary shall have
14 at least a four-year degree and a minimum of five years of
15 executive leadership responsibility. The person appointed
16 shall be from a list of at least three persons submitted to
17 the Governor by an advisory committee consisting of two
18 members appointed by the Governor, two members appointed by
19 the Speaker of the House of Representatives, and two members
20 appointed by the President Pro Tempore of the Senate. The
21 secretary shall be appointed by the Governor to a five-year
22 term and shall serve until his or her successor is appointed
23 and qualifies.

24 Section 3. (a) The Secretary of Public Safety is a
25 member of the Governor's Cabinet who shall advise the Governor
26 on matters of public safety and shall establish general
27 policies for and supervise the operations of the Department of

1 Public Safety, Department of Investigation, and the Department
2 of Public Safety Training.

3 (b) Except as otherwise provided in this act, the
4 secretary shall serve as the Homeland Security Advisor for
5 this state, assume all duties of the Director of Homeland
6 Security, including all functions of the Alabama Fusion
7 Center, and shall be responsible for coordinating, designing,
8 and implementing Alabama's program for homeland security. The
9 secretary shall be the principal point of contact between the
10 State of Alabama and the federal government with respect to
11 homeland security issues. The secretary may delegate all or a
12 portion of the functions required by this subsection to the
13 Department of Investigation.

14 Section 4. (a) There is hereby created the Public
15 Safety Fund in the State Treasury. The fund consists of all
16 monies appropriated for support of the functions of the
17 Secretary of Public Safety, Department of Public Safety,
18 Department of Investigation, and the Department of Public
19 Safety Training, including funds transferred to any of the
20 foregoing pursuant to Section 10. Any monies in the fund from
21 a source that restricts the use of the funds to a certain
22 purpose or that are appropriated for a particular purpose may
23 be expended only for that purpose.

24 (b) Subject to subsection (a), the Secretary of
25 Public Safety may expend monies in the Public Safety Fund for
26 the support of the Secretary, the Department of Public Safety,

1 Department of Investigation, and Department of Public Safety
2 Training.

3 Section 5. (a) The Department of Investigation is
4 hereby created in the Public Safety Agency. The department
5 shall succeed to and be vested with all powers of the Alabama
6 Bureau of Investigation. A reference in any law to the Alabama
7 Bureau of Investigation shall be deemed a reference to the
8 Department of Investigation.

9 (b) (1) The position of Director of the Department of
10 Investigation is created. The director shall be the head of
11 the department. The director shall be appointed by and hold
12 office at the pleasure of the Governor. The salary of the
13 director shall be set by the Governor.

14 (c) The Alabama Criminal Justice Information System
15 is hereby transferred to the department. The Alabama Criminal
16 Justice Information System Commission is hereby abolished. A
17 reference in any law to the Alabama Criminal Justice
18 Information System shall be deemed a reference to a division
19 of the Department of Investigation.

20 (d) The department succeeds to and is vested with
21 all functions of the Dignitary Protection Services of the
22 Department of Public Safety, and a reference in any law to the
23 Dignitary Protection Services of the Department of Public
24 Safety shall be deemed a reference to a division of the
25 Department of Investigation.

26 (e) The department succeeds to and is vested with
27 all investigative functions of the following investigative and

1 enforcement units, and a reference in any law to these
2 investigation and enforcement units shall be deemed a
3 reference to the Department of Investigation:

4 (1) The State Fire Marshal.

5 (2) The law enforcement unit of the Alabama
6 Alcoholic Beverage Control Board.

7 (3) The investigative unit of the Alabama Forestry
8 Commission.

9 (4) The investigative unit of the Department of
10 Agriculture and Industries.

11 (5) The investigative unit of the Office of
12 Prosecution Services.

13 (f) The Director of the Department of Investigation
14 shall have overall supervision and management of functions
15 transferred to the department pursuant to this section,
16 including the power to change the title of any position or to
17 reorganize or rename any of the divisions, units, or functions
18 specified in this section. Any change of title shall not alter
19 the compensation of any person in the Merit System.

20 Section 6. (a) The Office of the Attorney General
21 succeeds to and is vested with all functions of the Department
22 of Homeland Security relating to immigration enforcement, and
23 a reference in any law relating to immigration enforcement of
24 the Department of Homeland Security shall be deemed a
25 reference to the office of the Attorney General.

26 (b) The Alabama Department of Economic and Community
27 Affairs succeeds to and is vested with all functions of the

1 Department of Homeland Security relating to grant management,
2 and a reference in any law relating to grant management of the
3 Department of Homeland Security shall be deemed a reference to
4 the Alabama Department of Economic and Community Affairs.

5 Section 7. (a) The Service Division of the
6 Department of Public Safety shall assume control and authority
7 over all state government aviation assets.

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

14 (1) The law enforcement unit of the Public Service
15 Commission.

16 (2) The law enforcement unit of the Department of
17 Revenue.

18 (3) The law enforcement unit of the Alabama
19 Department of Transportation.

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

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

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

3 (3) The Marine Police Division of the Department of
4 Public Safety succeeds to and is vested with all law
5 enforcement functions of the Alabama State Port Authority. A
6 reference in any law to the law enforcement functions of the
7 Alabama State Port Authority shall be deemed a reference to
8 the Marine Police Division of the Department of Public Safety.

9 (d) (1) The Conservation Enforcement Division is
10 hereby created within the Department of Public Safety. The
11 director shall appoint a chief of the division.

12 (2) The Conservation Enforcement Division of the
13 Department of Public Safety succeeds to and is vested with all
14 law enforcement functions of conservation officers appointed
15 by the Commissioner of the Department of Conservation and
16 Natural Resources. A reference in any law to conservation
17 officers appointed by the Commissioner of the Department of
18 Conservation and Natural Resources shall be deemed a reference
19 to the Conservation Enforcement Division of the Department of
20 Public Safety.

21 (e) The Director of the Department of Public Safety
22 shall have overall supervision and management of functions
23 transferred to the department pursuant to this section,
24 including the power to change the title of any position or to
25 reorganize or rename any of the divisions, units, or functions
26 specified in this section. Any change of title shall not alter
27 the compensation of any person in the Merit System.

1 Section 8. (a) The Department of Public Safety
2 Training is hereby created in the Public Safety Agency.

3 (b) The position of Director of the Department of
4 Public Safety Training is created. The director shall be the
5 head of the department. The director shall be appointed by and
6 hold office at the pleasure of the Governor. The salary of the
7 director shall be set by the Governor.

8 (c) The department is designated the principle state
9 agency for the recruitment, selection, and training of state
10 law enforcement officers and to make improvements in methods
11 of recruitment, selection, and training of officers. The
12 department shall coordinate efforts to fulfill public safety
13 training needs with the Secretary of Public Safety, the
14 Department of Investigation, and the Department of Public
15 Safety.

16 (d) The department shall maintain an office at the
17 Alabama Criminal Justice Training Center in Selma.

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 by
21 this act shall be transferred to the succeeding department or
22 state entity to the extent that the books, records, supplies,
23 funds, equipment, and personnel are related to the functions
24 transferred to the succeeding department or entity.

25 Section 10. The Code Commissioner shall conform
26 references in the Code of Alabama 1975, to the units,
27 departments, divisions, and other state entities included in

1 this act to reflect the changes required by this act. Code
2 changes shall be made at a time determined to be appropriate
3 by the Code Commissioner.

4 Section 11. All laws or parts of laws which conflict
5 with this act are repealed.

6 Section 12. Sections 2 and 3 of this act shall
7 become effective immediately following the passage and
8 approval of this act by the Governor, or its otherwise
9 becoming law. The remainder of this act shall become effective
10 on October 1, 2014, following the passage and approval of this
11 act by the Governor, or its otherwise becoming law.