

1 HB368
2 156746-2
3 By Representative Ball
4 RFD: Public Safety and Homeland Security
5 First Read: 30-JAN-14

2
3
4
5
6
7
8 SYNOPSIS: Under existing law, certain law enforcement
9 officers may arrest a person at the scene of a
10 traffic accident if the officer has reasonable
11 grounds to believe that the person was driving
12 under the influence of alcohol or a controlled
13 substance.

14 This bill would specify that a law
15 enforcement officer may arrest a person subsequent
16 to a traffic accident if there are reasonable
17 grounds to believe that the person was driving
18 under the influence.

19 This bill would authorize a law enforcement
20 officer to issue a traffic citation subsequent to
21 an accident to a driver involved in a traffic
22 accident if, based on the personal investigation of
23 the officer, there are reasonable grounds to
24 believe that the person committed a traffic offense
25 for which a citation may be written.

26 This bill would also require the court to
27 impose an additional fine of fifty dollars (\$50)

1 for each traffic violation, to be transferred to
2 the Highway Traffic Safety Fund for the Department
3 of Public Safety.

4
5 A BILL
6 TO BE ENTITLED
7 AN ACT

8
9 Relating to law enforcement; to amend Section
10 32-5-171, Code of Alabama 1975, to specify that a law
11 enforcement officer may arrest a person subsequent to a
12 traffic accident under certain conditions; to authorize a law
13 enforcement officer to issue a traffic citation subsequent to
14 a traffic accident to a driver involved in the accident under
15 certain conditions; to require the court to impose an
16 additional fine for each traffic violation; and to specify the
17 disposition of additional fines collected.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. Section 32-5-171, Code of Alabama 1975,
20 is amended to read as follows:

21 "§32-5-171.

22 "(a) ~~A uniformed police officer, state trooper,~~
23 ~~county sheriff, or his or her deputy or member of a municipal~~
24 ~~police force~~ law enforcement officer as defined in Section
25 36-21-40, may arrest, ~~at the scene of~~ subsequent to a traffic
26 accident, any driver of a vehicle involved in the accident if
27 upon personal investigation, including information from

1 eyewitnesses, the officer has reasonable grounds to believe
2 that the person by violating Section 32-5A-191 contributed to
3 the accident. He or she may arrest such a person without a
4 warrant although he or she did not personally see the
5 violation.

6 "(b) A law enforcement officer as defined in Section
7 36-21-40, subsequent to a traffic accident, may issue a
8 traffic citation to a driver of a vehicle involved in the
9 accident when, based on personal investigation, the officer
10 has reasonable and probable grounds to believe that the person
11 has committed any offense under this title.

12 "(c) A court shall impose an additional fine of
13 fifty dollars (\$50) for each citation issued under subsection
14 (b). Additional fines collected under this subsection shall be
15 transferred to the Highway Traffic Safety Fund for the
16 Department of Public Safety to be used for law enforcement
17 purposes."

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