

1 HB64  
2 156488-4  
3 By Representatives Jones, Henry, Baker, Greer, Wallace,  
4 Baughn, Buttram, Chesteen, Patterson, Farley, Rich, Brown,  
5 Hurst, Tuggle, Beckman, Millican, Merrill, Sanderford, Johnson  
6 (W), Roberts, Williams (D), Moore (B), Johnson (K), Hammon,  
7 Hubbard (M), McClendon, Nordgren, Butler, Standridge, Shiver,  
8 Shedd, Collins, McClurkin, Drake, Treadaway, Sessions, Faust,  
9 Hill, McMillan, Williams (P), Ball, Carns, Williams (J),  
10 Davis, McCutcheon and Long  
11 RFD: Judiciary  
12 First Read: 14-JAN-14  
13 PFD: 12/18/2013



1 immune from civil liability in any suit pursuant to Article I,  
2 Section 14, of the Constitution of Alabama of 1901.

3 (c) An ~~education employee or an officer, employee,~~  
4 or agent of the state, including, but not limited to, an  
5 education employee, is immune from civil liability in his or  
6 her personal capacity when the conduct made the basis of the  
7 claim is based upon the agent's:

8 (1) Formulating plans, policies, or designs;

9 (2) Exercising his or her judgment in the  
10 administration of a department or agency of government,  
11 including, but not limited to, examples such as:

12 a. Making administrative adjudications;

13 b. Allocating resources;

14 c. Negotiating contracts; or

15 d. Hiring, firing, transferring, assigning, or  
16 supervising personnel;

17 (3) Discharging duties imposed on a department or  
18 agency by statute, rule, or regulation, insofar as the  
19 statute, rule, or regulation prescribes the manner for  
20 performing the duties and the state agent performs the duties  
21 in that manner;

22 (4) Exercising judgment in the enforcement of the  
23 criminal laws of the state, including, but not limited to, law  
24 enforcement officers' arresting or attempting to arrest  
25 persons; or

26 (5) Exercising judgment in the discharge of duties  
27 imposed by statute, rule, or regulation in releasing

1 prisoners, counseling or releasing persons of unsound mind, or  
2 educating students.

3 (d) Notwithstanding subsection (c), an education  
4 employee, officer, employee, or agent of the state is not  
5 immune from civil liability in his or her personal capacity  
6 if:

7 (1) The Constitution or laws of the United States,  
8 or the Constitution of this state, or laws, rules, or  
9 regulations of this state enacted or promulgated for the  
10 purpose of regulating the activities of a governmental agency  
11 require otherwise; or

12 (2) The education employee, officer, employee, or  
13 agent acts willfully, maliciously, fraudulently, in bad faith,  
14 beyond his or her authority, or under a mistaken  
15 interpretation of the law.

16 (e) This act shall not be construed to eliminate,  
17 alter, or otherwise modify any other immunity regarding  
18 officers, employees, or agents of the state established under  
19 the constitution and laws of this state.

20 Section 2. This act shall become effective  
21 immediately following its passage and approval by the  
22 Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on Judiciary ..... . . . . . 14-JAN-14

Read for the second time and placed  
on the calendar with 1 substitute  
and 1 amendment..... . . . . . 15-JAN-14

Read for the third time and passed  
as amended..... . . . . . 22-JAN-14

Yeas 95, Nays 0, Abstains 0

Jeff Woodard  
Clerk