

1 SB192
2 158783-4
3 By Senator Fielding
4 RFD: Judiciary
5 First Read: 15-JAN-14

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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 education; to provide procedures
12 for issuing an arrest warrant for a public education employee
13 concerning actions performed in the official duties of the
14 employee; and to provide for exceptions.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. For the purposes of this act, the
17 following words have the following meanings:

18 (1) PUBLIC EDUCATION. All public schools, public
19 two-year postsecondary institutions, public four-year colleges
20 and universities, the Alabama Institute for Deaf and Blind,
21 the Alabama School of Fine Arts, the Alabama High School for
22 Mathematics and Science, and the Department of Youth Services
23 School District.

24 (2) PUBLIC EDUCATION or PUBLIC SCHOOL EMPLOYEE. Any
25 full-time or part-time employee of the public schools or
26 public education.

1 (3) PUBLIC SCHOOLS. All public schools, grades
2 prekindergarten through 12, inclusive.

3 Section 2. (a) Before an arrest warrant for a felony
4 is issued against any public education or public school
5 employee for a criminal act which is alleged to have occurred
6 while the employee was in the performance of official duties,
7 the evidence of the offense shall be reviewed by a circuit or
8 district judge having jurisdiction for the purposes of
9 determining if probable cause exists for the issuance of a
10 warrant.

11 (b) Before an arrest warrant for a misdemeanor
12 offense or a municipal ordinance violation is issued against
13 any public education or public school employee for a criminal
14 act which is alleged to have occurred while the employee was
15 in the performance of official duties, the evidence of the
16 offense shall be reviewed by a district judge or municipal
17 judge having jurisdiction for the purposes of determining if
18 probable cause exists for the issuance of a warrant.

19 (c) The district attorney, in the alternative, may
20 present any alleged charge against any public education or
21 public school employee for a criminal act which is alleged to
22 have occurred while the employee was in the performance of
23 official duties to a grand jury to determine if adequate
24 probable cause exists for the issuance of an indictment. No
25 notice, pre-warrant, pre-indictment, or post-indictment
26 procedure set forth in this act regarding any public education
27 or public school employee shall apply to an investigation or

1 presentment to a grand jury of the jurisdiction by the
2 district attorney.

3 (d) Nothing in this act shall prohibit a law
4 enforcement officer from making a warrantless arrest against a
5 public education or public school employee where the offense,
6 violation of law, or unlawful act occurred in his or her
7 presence or he or she has probable cause to make an arrest.

8 (e) This act shall not prohibit the issuance of an
9 arrest warrant by a magistrate or a circuit, district, or
10 municipal judge against any public education or public school
11 employee for a criminal act which is alleged to have occurred
12 while the employee was in the performance of official duties
13 upon presentation of probable cause if adequate evidence is
14 presented to satisfy the magistrate or a circuit, district or
15 municipal judge that there is a significant risk that the
16 accused will flee the jurisdiction or that the accused poses a
17 threat to the safety or well-being of any person.

18 Section 3. This act shall become effective on July
19 1, 2014, following its passage and approval by the Governor,
20 or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Judiciary..... 15-JAN-14

Read for the second time and placed on the calen-
dar with 1 substitute and..... 05-MAR-14

Read for the third time and passed as amended 19-MAR-14

Yeas 32
Nays 0

Patrick Harris
Secretary