

1 HB9  
2 202654-1  
3 By Representative Sells  
4 RFD: Public Safety and Homeland Security  
5 First Read: 04-FEB-20  
6 PFD: 09/24/2019

SYNOPSIS: Under existing law, on January 1, 2015, all of the functions of the Marine Police Division of the Department of Conservation and Natural Resources were transferred to the Department of Public Safety and the Marine Police Division was created as a division of the Department of Public Safety within the Alabama State Law Enforcement Agency.

This bill would transfer the Marine Police Division back to the Department of Conservation and Natural Resources and would eliminate the Marine Police Division of the Alabama State Law Enforcement Agency. This bill would require the transfer to be fully implemented within one year.

A BILL  
TO BE ENTITLED  
AN ACT

1                   Relating to the Marine Police Division of the  
2                   Alabama State Law Enforcement Agency; to amend Section 41-27-6  
3                   of the Code of Alabama 1975, to eliminate the Marine Police  
4                   Division of the Alabama State Law Enforcement Agency; to  
5                   transfer the powers, duties, functions, and jurisdiction of  
6                   that division to the Department of Conservation and Natural  
7                   Resources; and to provide one year to implement the transfer.  
8                   BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9                   Section 1. Section 41-27-6 of the Code of Alabama  
10                  1975, is amended to read as follows:

11                  "§41-27-6.

12                  "(a) (1) The Director of the Department of Public  
13                  Safety shall be appointed by the Secretary of the Alabama  
14                  State Law Enforcement Agency, after consultation with the  
15                  Governor, and shall hold office at the pleasure of the  
16                  secretary. The director shall be appointed from a legacy  
17                  agency as defined in Section 41-27-7. The salary of the  
18                  director shall be set by the secretary, and shall not be  
19                  subject to Section 36-6-6. A person appointed director shall  
20                  have an extensive law enforcement background and, by virtue of  
21                  office, is a state law enforcement officer with the immunity  
22                  set forth in Section 6-5-338.

23                  "(2) The director shall have overall supervision and  
24                  management of functions transferred to the department pursuant  
25                  to this section, subject to the approval of the secretary,  
26                  including the power to change the working title of any  
27                  position or to reorganize or rename any of the divisions,

1 units, or functions specified in this section. Any change of  
2 working title shall not alter the classification or  
3 compensation of any person in the state Merit System.

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

8 "(b) (1) The Highway Patrol Division of the  
9 Department of Public Safety succeeds to and is vested with all  
10 law enforcement functions of the following enforcement units,  
11 and 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 "a. The law enforcement unit of the Public Service  
15 Commission.

16 "b. The revenue enforcement officers of the  
17 Department of Revenue.

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

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           Section 2. (a) The Marine Police Division is  
4 established within the Department of Conservation and Natural  
5 Resources.

6           (b) On the effective date of this act, all  
7 functions, powers, authority, duties, and jurisdiction and all  
8 books, records, funds, equipment, and personnel of the Marine  
9 Police Division of the Department of Public Safety of the  
10 Alabama State Law Enforcement Agency, established pursuant to  
11 subsection (c) of Section 41-27-6 of the Code of Alabama 1975,  
12 are transferred to the Marine Police Division of the  
13 Department of Conservation and Natural Resources and  
14 reestablished within that agency. The Alabama State Law  
15 Enforcement Agency and the Department of Conservation and  
16 Natural Resources shall have one year from the effective date  
17 of this act to implement the transfer provided for in this  
18 section, and at that time, the Marine Police Division shall  
19 function within the Department of Conservation and Natural  
20 Resources in the same manner that it functioned before January  
21 1, 2015.

22           Section 3. This act shall become effective on the  
23 first day of the third month following its passage and  
24 approval by the Governor, or its otherwise becoming law.