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3 HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR SB158  
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8 SYNOPSIS: This bill would create a Law Enforcement  
9 Officer Employment Database for implementation and  
10 maintenance by the Alabama Peace Officers'  
11 Standards and Training Commission.

12 This bill would require law enforcement  
13 agencies to report certain complaints, disciplinary  
14 actions, as defined in this bill, and background  
15 information of law enforcement officers to the  
16 Alabama Peace Officers' Standards and Training  
17 Commission.

18 This bill would provide civil penalties for  
19 law enforcement agencies that fail to report  
20 certain activities of law enforcement officers.

21 This bill would provide that information in  
22 the database is confidential and would provide  
23 criminal penalties for unauthorized access to the  
24 database.

25 This bill would require former employers of  
26 law enforcement officers to give full disclosure of  
27 an officer's employment history in the event that

1 another law enforcement agency in this state  
2 requests the information and would provide immunity  
3 for disclosures made in good faith.

4 This bill would require that prior to  
5 employment or appointment, law enforcement agencies  
6 must complete a full background check on any hired  
7 or appointed law enforcement officers.

8 This bill would outline the requirements for  
9 a pre-employment check and who is authorized to  
10 obtain the information.

11 This bill would provide criminal penalties  
12 for the release or disclosure of any information  
13 received from the pre-employment check to any  
14 individual not authorized to receive it.

15 This bill would also create civil immunity  
16 for any responsible agency that discloses  
17 information for the purposes for which it is  
18 authorized.

19 Amendment 621 of the Constitution of Alabama  
20 of 1901, as amended by Amendment 890, now appearing  
21 as Section 111.05 of the Official Recompilation of  
22 the Constitution of Alabama of 1901, as amended,  
23 prohibits a general law whose purpose or effect  
24 would be to require a new or increased expenditure  
25 of local funds from becoming effective with regard  
26 to a local governmental entity without enactment by  
27 a 2/3 vote unless: it comes within one of a number

1 of specified exceptions; it is approved by the  
2 affected entity; or the Legislature appropriates  
3 funds, or provides a local source of revenue, to  
4 the entity for the purpose.

5 The purpose or effect of this bill would be  
6 to require a new or increased expenditure of local  
7 funds within the meaning of the amendment. However,  
8 the bill does not require approval of a local  
9 governmental entity or enactment by a 2/3 vote to  
10 become effective because it comes within one of the  
11 specified exceptions contained in the amendment.

12  
13 A BILL  
14 TO BE ENTITLED  
15 AN ACT  
16

17 Relating to law enforcement; to require the Alabama  
18 Peace Officers' Standards and Training Commission to create a  
19 database of certain information relating to law enforcement  
20 officers; to provide that the information in the database is  
21 confidential; to provide for criminal penalties for  
22 unauthorized disclosure; to require former law enforcement  
23 employers to disclose information to another law enforcement  
24 agency for purposes of employment or appointment of law  
25 enforcement officers; to provide immunity for certain  
26 disclosures; to require law enforcement agencies, prior to  
27 employment or appointment, to conduct and complete a

1 pre-employment check of a law enforcement officer; to require  
2 the Alabama Peace Officers' Standards and Training Commission  
3 to collect and maintain any data relating to the  
4 pre-employment check; to provide penalties for violations; and  
5 in connection therewith to have as its purpose or effect the  
6 requirement of a new or increased expenditure of local funds  
7 within the meaning of Amendment 621 of the Constitution of  
8 Alabama of 1901, as amended by Amendment 890, now appearing as  
9 Section 111.05 of the Official Recompilation of the  
10 Constitution of Alabama of 1901, as amended.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. For the purposes of this act, the  
13 following terms have the following meanings:

14 (1) DISCIPLINARY ACTION. Any formal corrective  
15 action resulting in a recommendation of reprimand, suspension,  
16 or termination based on a use of force complaint, as defined  
17 in this section, or investigation, and which is deemed final  
18 after the conclusion of any and all appeals or avenues of  
19 appellate review in the underlying disciplinary proceeding.

20 (2) LAW ENFORCEMENT AGENCY. A state department,  
21 sheriff, municipal police department, or any other agency or  
22 entity employing or appointing law enforcement officers  
23 located within the state.

24 (3) LAW ENFORCEMENT OFFICER. An officer employed or  
25 appointed by the state, or a sheriff or municipality who is  
26 certified by the Alabama Peace Officers' Standards and  
27 Training Commission and who has the power of arrest.

1           (4) REASSIGNMENT FOR CAUSE. The decision of a law  
2 enforcement agency to modify a law enforcement officer's  
3 assignment, job responsibilities, title, or compensation, in  
4 response to a use of force complaint, as defined in this  
5 section, or investigation that causes a law enforcement agency  
6 to deem the reassignment of a law enforcement officer  
7 necessary.

8           (5) REPORTABLE OFFENSE. Any disciplinary action,  
9 reassignment for cause, reportable separation, or use of force  
10 complaint, as defined in this section, filed against a law  
11 enforcement officer.

12           (6) REPORTABLE SEPARATION. The separation of a law  
13 enforcement officer from a law enforcement agency, including a  
14 resignation pending investigation, a resignation agreed upon  
15 by the law enforcement officer and the law enforcement agency  
16 after the filing of a complaint, or a resignation during an  
17 open investigation involving the law enforcement officer.

18           (7) USE OF FORCE COMPLAINT. A signed written  
19 complaint alleging improper or excessive use of force by a law  
20 enforcement officer that has been investigated and determined  
21 to be valid and deemed final after the conclusion of any and  
22 all appeals or avenues of appellate review in the underlying  
23 disciplinary proceeding.

24           Section 2. (a) (1) By October 1, 2023, the Alabama  
25 Peace Officers' Standards and Training Commission shall  
26 develop, implement, and maintain a centralized and electronic  
27 Law Enforcement Officer Employment Database. The database

1 shall include, but shall not be limited to, all of the  
2 following reportable offenses:

3 a. Dates of hire, appointment, and reportable  
4 separation, as defined in Section 1, of a law enforcement  
5 officer from any law enforcement agency through which the  
6 officer is or has been employed.

7 b. Information relating to disciplinary action, as  
8 defined in Section 1, taken by a law enforcement agency  
9 against a law enforcement officer.

10 c. Use of force complaints, as defined in Section 1,  
11 against a law enforcement officer.

12 d. Any instance of a law enforcement officer's  
13 reassignment for cause, as defined in Section 1.

14 e. Status of compliance with continuing education  
15 requirements.

16 (2) The database shall have a uniform document for  
17 law enforcement agencies to use in the electronic reporting  
18 and uploading of the information required in subdivision (1).  
19 The database shall also have the ability to upload explanatory  
20 or supporting documents submitted by law enforcement agencies.

21 (3) The commission shall ensure that the database is  
22 compatible with any federal database, implemented for purposes  
23 of law enforcement, by the Attorney General of The United  
24 States or other entity as directed by federal law or order.

25 (4) The commission may contract with a third party  
26 for the development of the database. The database shall be

1 designed for access by all law enforcement agencies in the  
2 state.

3 (b) (1) Within 30 days after disciplinary action, as  
4 defined in Section 1, against a law enforcement officer is  
5 final, or reassignment for cause, as defined in Section 1, a  
6 law enforcement agency shall report information regarding the  
7 disciplinary action or reassignment to the commission  
8 electronically through the uniform document referenced in  
9 subdivision (a) (2) for entry into the database. This  
10 information shall include the name of the law enforcement  
11 officer; the date of the disciplinary action; the type of  
12 disciplinary action imposed; a description of the conduct upon  
13 which such disciplinary action is based; and the name of the  
14 person alleging the complaint. This information shall be  
15 reported even if the law enforcement officer separates from  
16 the investigating law enforcement agency prior to serving any  
17 recommended suspension.

18 (2) Within 30 days after any use of force complaint,  
19 as defined in Section 1, against a law enforcement officer is  
20 adjudicated and the law enforcement agency's decision  
21 regarding the complaint becomes final, a law enforcement  
22 agency shall report to the commission information relating to  
23 the use of force complaint electronically through the uniform  
24 document referenced in subdivision (a) (2) for entry into the  
25 database. The information should identify the complainant and  
26 the law enforcement officer; the date of the complaint; the  
27 substance of the complaint; and the outcome of any

1 investigation and any internal appeal regarding the complaint.  
2 This information shall be reported even if the law enforcement  
3 officer separates from the investigating law enforcement  
4 agency prior to serving any recommended suspension.

5 (3) Within 15 days of the reportable separation, as  
6 defined in Section 1, of a law enforcement officer from a law  
7 enforcement agency, a law enforcement agency shall report the  
8 separation through the uniform document referenced in  
9 subdivision (a) (2) for entry into the database.

10 (4) A law enforcement agency shall preserve and  
11 maintain any information that is required to be reported under  
12 this section for a period of 12 years.

13 (c) Information maintained in the database shall be  
14 confidential and may only be disclosed as provided in this  
15 act, for official law enforcement purposes, or pursuant to a  
16 court order. In no instance may the information be disclosed  
17 pursuant to public records' requests under Section 36-12-40,  
18 Code of Alabama 1975. A person who knowingly discloses  
19 information in the database without authorization or in  
20 violation of this section shall be guilty of a Class A  
21 misdemeanor.

22 (d) Any employee of the commission or a law  
23 enforcement agency shall be immune from any and all civil or  
24 criminal liability for the good faith transmittal to, entry  
25 in, or use of information in the database for the purposes set  
26 forth in this act.

1           (e) For the purpose of evaluation of candidates for  
2 employment or appointment as a law enforcement officer with a  
3 law enforcement agency, a law enforcement agency shall access  
4 the information contained in the database.

5           (f) The commission may adopt rules for the  
6 implementation and administration of this act.

7           Section 3. (a) Any law enforcement agency that is a  
8 potential employer of a law enforcement officer shall request,  
9 through the database from the commission, either in writing or  
10 electronically, disclosure of the information maintained by  
11 the commission as required in subsections (b) (1) and (b) (2) of  
12 Section 2.

13           (b) In the event that the database does not include  
14 information with respect to the law enforcement officer, any  
15 law enforcement agency that previously employed or appointed  
16 the law enforcement officer, upon receiving a written request  
17 from an employing law enforcement agency in this state, shall  
18 disclose a full and fair description of the former law  
19 enforcement officer's employment history with that agency to  
20 include the information in subsections (b) (1) and (b) (2) of  
21 Section 2, if available.

22           (c) Information disclosed pursuant to subsection (b)  
23 shall only be used for employment or appointment decisions,  
24 and the law enforcement agency receiving the disclosures shall  
25 maintain the confidentiality of the employment or appointment  
26 information.

1 (d) An individual acting on behalf of a law  
2 enforcement agency shall be immune from civil liability for  
3 disclosing information required by this section if that  
4 disclosure was made in good faith and in response to a proper  
5 written request made pursuant to this act.

6 Section 4. (a) Prior to the employment or  
7 appointment of a law enforcement officer, a law enforcement  
8 agency shall:

9 (1) Conduct a fingerprint-based state and national  
10 criminal background check that shall be completed by the  
11 Alabama State Law Enforcement Agency (ALEA) for purposes of  
12 determining suitability for employment or appointment.

13 (2) Review the current and prior law enforcement  
14 officer employment history confirmed through access of the  
15 information in the database as required by subsection (e) of  
16 Section 2.

17 (3) Review current and previous residential  
18 addresses of the law enforcement officer.

19 (4) Review reportable offenses, as defined in  
20 Section 1, if any, against the law enforcement officer while  
21 appointed or employed with any other law enforcement agency  
22 confirmed through access of the information in the database as  
23 required by paragraph (1) of subsection (a) of Section 2 of  
24 this act.

25 (5) Review available social media accounts of the  
26 law enforcement officer.

1 (6) Review professional references provided by the  
2 law enforcement officer.

3 (7) A review of disciplinary action, as defined in  
4 Section 1, taken against the law enforcement officer while in  
5 secondary and postsecondary school confirmed by telephone or  
6 electronic or other means.

7 (8) A full report of the law enforcement officer's  
8 credit history provided by the law enforcement officer.

9 (b) A law enforcement officer will sign a written  
10 release authorizing a law enforcement agency to obtain  
11 pre-employment check information listed in subsection (a).

12 (c) A law enforcement agency will complete an  
13 investigation validating any additional information provided  
14 by the law enforcement officer.

15 (d) (1) Results of the criminal background check  
16 received by the hiring or appointing law enforcement agency  
17 shall be confidential and may not be deemed public record nor  
18 disclosed to any individual beyond those with authorized  
19 access nor disclosed under the Alabama Open Records Act.

20 (2) The employing or appointing law enforcement  
21 agencies shall comply with rules of ALEA and the Federal  
22 Bureau of Investigation regarding the use of criminal records.  
23 Any person who releases or discloses records in violation of  
24 these rules or subdivision (1), upon conviction, shall be  
25 guilty of a Class A misdemeanor.

26 Section 5. (a) The Alabama Peace Officers' Standards  
27 and Training Commission shall randomly audit law enforcement

1 agencies' compliance with the reporting requirements under  
2 Section 2.

3 (b) (1) If the commission determines that a law  
4 enforcement agency is not in compliance with the requirements  
5 under Section 2, it shall notify the law enforcement agency by  
6 registered or certified mail of the results of its audit. The  
7 law enforcement agency shall have 30 days from receipt of  
8 notice within which to reach compliance with the requirements  
9 of Section 2. If a law enforcement agency does not reach  
10 compliance within 30 days from receipt of notice, the  
11 commission may assess a civil penalty against the agency in  
12 the amount of one thousand dollars (\$1,000) for each violation  
13 and an additional one hundred dollars (\$100) thereafter for  
14 each day the information is not reported to the commission for  
15 entry into the database pursuant to Section 2.

16 (2) If the commission determines that the law  
17 enforcement agency made a good-faith effort to report the  
18 information as required under Section 2, or that noncompliance  
19 was due to a technical error, the commission may waive the  
20 assessment of any civil penalty.

21 (3) Any civil penalties collected by the commission  
22 under this subsection shall be deposited into the Alabama  
23 Peace Officers' Standards and Training Fund to be used by the  
24 commission for the implementation and enforcement of this act.

25 (c) The commission may adopt rules relating to the  
26 audit and assessment, collection, or waiver of civil penalties  
27 as provided in this section. Nothing in this act shall be

1 construed as reducing the standards and requirements  
2 established by the commission.

3 Section 6. Although this bill would have as its  
4 purpose or effect the requirement of a new or increased  
5 expenditure of local funds, the bill is excluded from further  
6 requirements and application under Amendment 621, as amended  
7 by Amendment 890, now appearing as Section 111.05 of the  
8 Official Recompilation of the Constitution of Alabama of 1901,  
9 as amended, because the bill defines a new crime or amends the  
10 definition of an existing crime.

11 Section 7. This act shall become effective on the  
12 first day of the third month following its passage and  
13 approval by the Governor, or its otherwise becoming law.