

1 HB411  
2 211427-8  
3 By Representatives McCampbell and Rafferty  
4 RFD: Public Safety and Homeland Security  
5 First Read: 11-FEB-21



1 Section 111.05 of the Official ReCompilation of the  
2 Constitution of Alabama of 1901, as amended.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. For the purposes of this act, the  
5 following terms have the following meanings:

6 (1) DISCIPLINARY ACTION. Any formal corrective  
7 action resulting in a recommendation of reprimand, suspension,  
8 or termination based on a use of force complaint, as defined  
9 in this section, or investigation, and which is deemed final  
10 after the conclusion of any and all appeals or avenues of  
11 appellate review in the underlying disciplinary proceeding.

12 (2) LAW ENFORCEMENT AGENCY. A state department,  
13 sheriff, municipal police department, or any other ~~public~~  
14 agency or entity employing or appointing law enforcement  
15 officers located within the state.

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

20 (4) REASSIGNMENT FOR CAUSE. The decision of a law  
21 enforcement agency to modify a law enforcement officer's  
22 assignment, job responsibilities, title, or compensation, in  
23 response to a use of force complaint, as defined in this  
24 section, or investigation that causes a law enforcement agency  
25 to deem the reassignment of a law enforcement officer  
26 necessary.

1           (5) REPORTABLE OFFENSE. Any disciplinary action,  
2 reassignment for cause, reportable separation, or use of force  
3 complaint, as defined in this section, filed against a law  
4 enforcement officer.

5           (6) REPORTABLE SEPARATION. The separation of a law  
6 enforcement officer from a law enforcement agency, including a  
7 resignation ~~under suspicion~~ pending investigation, a  
8 resignation agreed upon by the law enforcement officer and the  
9 law enforcement agency after the filing of a complaint, or a  
10 resignation during an open investigation involving the law  
11 enforcement officer.

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

18           Section 2. (a) (1) By October 1, 2023, the Alabama  
19 Peace Officers' Standards and Training Commission shall  
20 develop, implement, and maintain a centralized and electronic  
21 Law Enforcement Officer Employment Database. The database  
22 shall include, but shall not be limited to, all of the  
23 following reportable offenses:

24           a. Dates of hire, appointment, and reportable  
25 separation, as defined in Section 1, of a law enforcement  
26 officer from any law enforcement agency through which the  
27 officer is or has been employed.

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

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

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

8           e. Status of compliance with continuing education  
9 requirements.

10           (2) The database shall have a uniform document for  
11 law enforcement agencies to use in the electronic reporting  
12 and uploading of the information required in subdivision (1).  
13 The database shall also have the ability to upload explanatory  
14 or supporting documents submitted by law enforcement agencies.

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

19           (4) The commission may contract with a third party  
20 for the development of the database. The database shall be  
21 designed for access by all law enforcement agencies in the  
22 state.

23           (b) (1) Within 30 days after disciplinary action, as  
24 defined in Section 1, against a law enforcement officer is  
25 final, or reassignment for cause, as defined in Section 1, a  
26 law enforcement agency shall report information regarding the  
27 disciplinary action or reassignment to the commission

1 electronically through the uniform document referenced in  
2 subdivision (a) (2) for entry into the database. This  
3 information shall include the name of the law enforcement  
4 officer; the date of the disciplinary action; the type of  
5 disciplinary action imposed; a description of the conduct upon  
6 which such disciplinary action is based; and the name of the  
7 person alleging the complaint. This information shall be  
8 reported even if the law enforcement officer separates from  
9 the investigating law enforcement agency prior to serving any  
10 recommended suspension.

11 (2) Within 30 days after any use of force complaint,  
12 as defined in Section 1, against a law enforcement officer is  
13 adjudicated and the law enforcement agency's decision  
14 regarding the complaint becomes final, a law enforcement  
15 agency shall report to the commission information relating to  
16 the use of force complaint electronically through the uniform  
17 document referenced in subdivision (a) (2) for entry into the  
18 database. The information should identify the complainant and  
19 the law enforcement officer; the date of the complaint; the  
20 substance of the complaint; and the outcome of any  
21 investigation and any internal appeal regarding the complaint.  
22 This information shall be reported even if the law enforcement  
23 officer separates from the investigating law enforcement  
24 agency prior to serving any recommended suspension.

25 (3) Within ~~30~~ 15 days of the reportable separation,  
26 as defined in Section 1, ~~or reassignment for cause~~ of a law  
27 enforcement officer from a law enforcement agency, a law

1 enforcement agency shall report the separation ~~or reassignment~~  
2 through the uniform document referenced in subdivision (a)(2)  
3 for entry into the database.

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

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

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

21 (e) For the purpose of evaluation of candidates for  
22 employment or appointment as a law enforcement officer with a  
23 law enforcement agency, a law enforcement agency shall access  
24 the information contained in the database.

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

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

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

16           (c) Information disclosed pursuant to subsection (b)  
17 shall only be used for employment or appointment decisions,  
18 and the law enforcement agency receiving the disclosures shall  
19 maintain the confidentiality of the employment or appointment  
20 information.

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



1           Section 4. (a) Prior to the ~~initial~~ employment or  
2 appointment of a law enforcement officer, a law enforcement  
3 agency shall:

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

8           (2) Review the current and prior law enforcement  
9 officer employment history confirmed through access of the  
10 information in the database as required by subsection (e) of  
11 Section 2.

12           (3) Review current and previous residential  
13 addresses of the law enforcement officer.

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

20           (5) Review available social media accounts of the  
21 law enforcement officer.

22           (6) Review professional references provided by the  
23 law enforcement officer.

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

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

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

6           (c) A law enforcement agency will complete an  
7 investigation validating any additional information provided  
8 by the law enforcement officer.

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

14           (2) The employing or appointing law enforcement  
15 agencies shall comply with rules of ALEA and the Federal  
16 Bureau of Investigation regarding the use of criminal records.  
17 Any person who releases or discloses records in violation of  
18 these rules or subdivision (1), upon conviction, shall be  
19 guilty of a Class A misdemeanor.

20           Section 5. (a) The Alabama Peace Officers' Standards  
21 and Training Commission shall randomly audit law enforcement  
22 agencies' compliance with the reporting requirements under  
23 Section 2.

24           (b) (1) If the commission determines that a law  
25 enforcement agency is not in compliance with the requirements  
26 under Section 2, it shall notify the law enforcement agency by  
27 registered or certified mail of the results of its audit. The

1 law enforcement agency shall have 30 days from receipt of  
2 notice within which to reach compliance with the requirements  
3 of Section 2. If a law enforcement agency does not reach  
4 compliance within 30 days from receipt of notice, the  
5 commission may assess a civil penalty against the agency in  
6 the amount of one thousand dollars (\$1,000) for each violation  
7 and an additional one hundred dollars (\$100) thereafter for  
8 each day the information is not reported to the commission for  
9 entry into the database pursuant to Section 2.

10 (2) If the commission determines that the law  
11 enforcement agency made a good-faith effort to report the  
12 information as required under Section 2, or that noncompliance  
13 was due to a technical error, the commission may waive the  
14 assessment of any civil penalty.

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

19 (c) The commission may adopt rules relating to the  
20 audit and assessment, collection, or waiver of civil penalties  
21 as provided in this section.

22 Nothing in this act shall be construed as reducing  
23 the standards and requirements established by the Commission.

24 ~~Section 6. The purpose or effect of this bill would~~  
25 ~~be to require a new or increased expenditure of local funds~~  
26 ~~within the meaning of Amendment 621 of the Constitution of~~  
27 ~~Alabama of 1901, as amended by Amendment 890, now appearing as~~

1 ~~Section 111.05 of the Official Recompilation of the~~  
2 ~~Constitution of Alabama of 1901, as amended. If this bill is~~  
3 ~~not enacted by a 2/3 vote, it will not become effective with~~  
4 ~~regard to a local entity unless approved by the local entity~~  
5 ~~or until, and only as long as, the Legislature appropriates~~  
6 ~~funds or provides for a local source of revenue.~~

7 Although this bill would have as its purpose or  
8 effect the requirement of a new or increased expenditure of  
9 local funds, the bill is excluded from further requirements  
10 and application under Amendment 621, as amended by Amendment  
11 890, now appearing as Section 111.05 of the Official  
12 Recompilation of the Constitution of Alabama of 1901, as  
13 amended, because the bill defines a new crime or amends the  
14 definition of an existing crime.

15 Section 7. This act shall become effective on the  
16 first day of the third month following its passage and  
17 approval by the 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 Public Safety  
and Homeland Security..... 11-FEB-21

Read for the second time and placed  
on the calendar with 1 substitute  
and..... 11-MAR-21

Read for the third time and passed  
as amended..... 30-MAR-21  
Yeas 95, Nays 4, Abstains 0

**Motion to Reconsider adopted....Yeas 83, Nays 8, Abstains 0**

Read for the third time and passed  
as amended..... 30-MAR-21  
Yeas 85, Nays 9, Abstains 0

Jeff Woodard  
Clerk