

1 SB87
2 204724-1
3 By Senator Smitherman
4 RFD: Judiciary
5 First Read: 02-FEB-21
6 PFD: 01/27/2021

SYNOPSIS: Under existing law, a district attorney may appoint investigators subject to any local law on the appointment.

This bill would provide that the appointment of investigators by a district attorney would not be subject to a county personnel system.

A BILL
TO BE ENTITLED
AN ACT

Relating to district attorneys; to amend Section 12-17-220.1, Code of Alabama 1975, relating to the appointment of investigators by the district attorney; to provide that the appointments would not be subject to a county personnel system.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 12-17-220.1, Code of Alabama 1975, is amended to read as follows:

"§12-17-220.1.

1 "(a) Unless otherwise provided by local law, the
2 district attorney of any judicial circuit in this state may
3 appoint a chief investigator and, from time to time,
4 additional investigators who will each be a peace officer
5 pursuant to Section 6-5-338. The chief investigator and other
6 investigators shall serve at the pleasure of the district
7 attorney. The chief investigator and any additional
8 investigators shall meet the minimum standards for law
9 enforcement officers and hold a current certification from the
10 Alabama Peace Officers' Standards and Training Commission. The
11 chief investigator and other investigators shall have the same
12 authority as deputy sheriffs and other law enforcement
13 officers in this state. They shall be responsible to the
14 district attorney and shall perform duties as assigned by the
15 district attorney.

16 "(b) The Legislature may continue to enact local
17 laws in the future or repeal existing local laws authorizing
18 the appointment of investigators and providing for the powers
19 of those investigators. This section shall not supersede
20 existing local acts on June 9, 2011, or any local act enacted
21 after June 9, 2011, providing for appointment of investigators
22 by the district attorney in any county. Any district attorney
23 appointing investigators pursuant to a local act may continue
24 to appoint investigators according to that act until it is
25 expressly repealed. Any investigator appointed pursuant to a
26 local act of the Legislature may continue to exercise the
27 powers and authorities provided in the local act until the

1 local act is expressly repealed. Upon repeal of a local act
2 authorizing the district attorney to appoint investigators and
3 providing for the powers and authority of the investigators,
4 the district attorney may appoint investigators pursuant to
5 this section.

6 "(c) Notwithstanding the provisions of subsections
7 (a) and (b), the chief investigator and any other
8 investigators of the district attorney shall serve at the
9 pleasure of the district attorney and the appointment of any
10 investigators by the district attorney of a judicial circuit
11 shall not be subject to any county civil service system
12 provided by local law or otherwise. This subsection shall
13 supersede any local law relating to the appointment of
14 investigators by a district attorney to the extent of any
15 conflict with this subsection."

16 Section 2. This act shall become effective on the
17 first day of the third month following its passage and
18 approval by the Governor, or its otherwise becoming law.