

217235-3 : n : 02/23/2022 : C & MG / mrd

HOUSE COUNTY AND MUNICIPAL GOVERNMENT SUBSTITUTE FOR HB111

SYNOPSIS: This bill would create the Police Funding Protection Act.

This bill would create a system in which a county or municipality may not reduce the operating budget of its respective law enforcement agency by more than 30 percent or more, relative to the previous fiscal year.

This bill would allow a budget to be reduced if a county or municipality meets certain criteria.

This bill would charge the Attorney General with determining whether a county or municipality has reduced the operating budget by more than 30 percent.

This bill would also exclude a county or municipality from various funding if there are violations.

A BILL
TO BE ENTITLED
AN ACT

1
2 Relating to counties and municipalities; to create
3 the Police Funding Protection Act; to provide prohibitions
4 against reducing the operating budget of local law enforcement
5 agencies; to allow a reduction for certain criteria and a
6 method of determination; and to provide penalties for
7 violations.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. This act shall be known and cited as the
10 Police Funding Protection Act.

11 Section 2. (a) For the purposes of this section, the
12 term "operating budget" means those funds appropriated to a
13 law enforcement agency, including the funds to cover personnel
14 costs to operate and maintain equipment and other expected or
15 estimated costs considering the quarterly or annual
16 performance.

17 (b) No governing body of any county or municipality
18 shall reduce the operating budget of its respective law
19 enforcement agency by 30 percent or more, relative to the
20 previous fiscal year. A governing body of any county or
21 municipality may only reduce the operating budget by 30
22 percent or more under the following circumstances:

23 (1) The county or municipality reallocated a
24 substantial majority of the operating budget for another law
25 enforcement purpose.

1 (2) The operating budget reduction was a fiscally
2 appropriate decision as a result of a decrease in revenues in
3 the previous fiscal year.

4 (3) The operating budget reduction notwithstanding,
5 the law enforcement agency is sufficiently funded to provide
6 law enforcement services to the county or municipality.

7 (c) A governing body of any county or municipality
8 shall substantiate any circumstance described in subdivisions
9 (b) (1), (b) (2), or (b) (3).

10 (d) The Attorney General shall determine whether a
11 county or municipality has reduced the law enforcement
12 agency's operating budget in violation of subsection (b). The
13 Attorney General may bring a declaratory judgment action
14 against the county or municipality to enjoin the reduction in
15 funding. The action shall be brought in the circuit court of
16 the county in which the county or municipality is located.

17 (e) This act shall not apply to a county or
18 municipality of the state that employs fewer than 20 full-time
19 law enforcement officers or part-time equivalent for one
20 full-time position.

21 (f) Upon a determination by the Attorney General
22 that a county or municipality has reduced the operating budget
23 of their respective law enforcement agency as described in
24 subsection (b), and has not substantiated the information
25 required in subdivisions (b) (1), (b) (2), or (b) (3), that
26 county or municipality may not be eligible for, nor receive
27 any allocation of, state revenues directly shared with local

1 governing bodies not otherwise guaranteed by the Constitution
2 of Alabama of 1901.

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