

1 HB450
2 216398-1
3 By Representative Sorrell
4 RFD: Public Safety and Homeland Security
5 First Read: 03-MAR-22

8 SYNOPSIS: This bill would prohibit the use of certain
9 tactics by law enforcement.

10 This bill would also require law enforcement
11 agencies to adopt polices and procedures banning
12 the use of the four-point restraint.

13 Amendment 621 of the Constitution of Alabama
14 of 1901, as amended by Amendment 890, now appearing
15 as Section 111.05 of the Official ReCompilation of
16 the Constitution of Alabama of 1901, as amended,
17 prohibits a general law whose purpose or effect
18 would be to require a new or increased expenditure
19 of local funds from becoming effective with regard
20 to a local governmental entity without enactment by
21 a 2/3 vote unless: it comes within one of a number
22 of specified exceptions; it is approved by the
23 affected entity; or the Legislature appropriates
24 funds, or provides a local source of revenue, to
25 the entity for the purpose.

26 The purpose or effect of this bill would be
27 to require a new or increased expenditure of local

1 funds within the meaning of the amendment. However,
2 the bill does not require approval of a local
3 governmental entity or enactment by a 2/3 vote to
4 become effective because it comes within one of the
5 specified exceptions contained in the amendment.

6
7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 Relating to law enforcement; to prohibit the use of
12 certain tactics by law enforcement; and in connection
13 therewith would have as its purpose or effect the requirement
14 of a new or increased expenditure of local funds within the
15 meaning of Amendment 621 of the Constitution of Alabama of
16 1901, as amended by Amendment 890, now appearing as Section
17 111.05 of the Official Recompilation of the Constitution of
18 Alabama of 1901, as amended.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. (a) For the purposes of this act, the
21 following terms shall have the following meanings:

22 (1) FOUR-POINT RESTRAINT. To hogtie or confine an
23 individual face-down on the ground by connecting and fastening
24 an individual's hands and legs together behind his or her
25 back.

26 (2) LAW ENFORCEMENT AGENCY. A state department,
27 county sheriff's department, municipal police department, or

1 any other public agency or entity employing law enforcement
2 officers located within the state.

3 (3) LAW ENFORCEMENT OFFICER. An officer employed by
4 the state or a county or municipality who is certified by the
5 Alabama Peace Officers' Standards and Training Commission and
6 who has the power of arrest.

7 (b) (1) When a law enforcement officer uses force of
8 any kind, a law enforcement officer may not detain or
9 transport any individual by four-point restraint.

10 (2) No law enforcement officer may place any
11 individual in a face down position that restricts oxygen or
12 blood flow to the head or neck.

13 (c) Each law enforcement agency shall be required to
14 prohibit the use of a four-point restraint within its existing
15 policies and procedures.

16 (d) The use of a four-point restraint by a law
17 enforcement officer in violation of subsection (b) is a Class
18 A misdemeanor.

19 Section 2. Although this bill would have as its
20 purpose or effect the requirement of a new or increased
21 expenditure of local funds, the bill is excluded from further
22 requirements and application under Amendment 621, as amended
23 by Amendment 890, now appearing as Section 111.05 of the
24 Official Recompilation of the Constitution of Alabama of 1901,
25 as amended, because the bill defines a new crime or amends the
26 definition of an existing crime.

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