

HB182 INTRODUCED



1 HB182
2 PASKGER-1
3 By Representative Lipscomb
4 RFD: Judiciary
5 First Read: 15-Feb-24



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SYNOPSIS:

This bill would provide a method for the owner of a dwelling, or his or her agent, to request the removal of an unauthorized individual from the dwelling by providing a sworn affidavit to a law enforcement officer.

This bill would also require a law enforcement officer to remove an unauthorized individual from a dwelling within 24 hours of receipt of a sworn affidavit.

A BILL
TO BE ENTITLED
AN ACT

Relating to property rights; to provide a method for the owner of a dwelling to request the removal of an unauthorized individual; and to require a law enforcement officer to remove an unauthorized individual from a dwelling in certain circumstances.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) For the purposes of this section, the term "dwelling" has the same meaning as provided in Section 13A-7-1, Code of Alabama 1975.



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29 (b) The owner of a dwelling, or his or her agent, may
30 request the removal of an unauthorized individual from the
31 dwelling by providing to law enforcement a sworn affidavit
32 containing all of the following elements:

33 (1) The affiant is the owner of the dwelling or the
34 agent of the owner of the dwelling.

35 (2) An unauthorized individual has entered and is
36 remaining unlawfully in the dwelling.

37 (3) The individual was not authorized to enter the
38 dwelling or remain in the dwelling.

39 (4) The individual is not a tenant at the dwelling.

40 (5) The affiant has requested that the unauthorized
41 individual vacate the dwelling and the individual has not done
42 so.

43 (c) An affiant who provides a false affidavit to law
44 enforcement pursuant to this section may be prosecuted for
45 false reporting to law enforcement authorities pursuant to
46 Section 13A-10-9, Code of Alabama 1975.

47 Section 2. (a) A law enforcement officer, within 24
48 hours after receipt of an affidavit compliant with Section 1,
49 shall do both of the following:

50 (1) Remove the unauthorized individual from the
51 dwelling.

52 (2) Order the unauthorized individual to remain outside
53 of the dwelling.

54 (b) Neither a law enforcement officer nor his or her
55 agency may be held liable for any action or omission made in
56 good faith pursuant to this section.



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57 Section 3. This act shall become effective on October
58 1, 2024.