

HB409 ENGROSSED



1 HB409
2 A62YSQ7-2
3 By Representative Hill
4 RFD: Judiciary
5 First Read: 04-Apr-24



HB409 Engrossed

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

A BILL
TO BE ENTITLED
AN ACT

Relating to district attorneys; to add Sections 12-17-184.1 and 12-17-184.2 to the Code of Alabama 1975, to provide that a prosecuting attorney advising a law enforcement officer or a law enforcement agency on certain matters is deemed a prosecutorial function; and to provide for legislative findings.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 12-17-184.1 is added to the Code of Alabama 1975, to read as follows:

§12-17-184.1

The Legislature finds and declares the following:

(1) Upon request by law enforcement, prosecuting attorneys throughout the state should be able to provide advice to law enforcement officers on any matter of criminal procedure, civil procedure, criminal charges, criminal investigations, or other matters of law within the prosecuting attorney's scope of authority.

(2) A free and unfettered discussion of factual and legal issues between prosecuting attorneys and law enforcement officers, as part of the investigation and charging process,



HB409 Engrossed

29 is essential to the fair and just application of the criminal
30 laws of this state.

31 (3) The Legislature encourages free and unfettered
32 discussions between prosecuting attorneys and law enforcement
33 as a part of the investigatory and charging process.

34 (4) The Legislature hereby declares a prosecuting
35 attorney providing legal advice, as part of the investigatory
36 and charging process, to law enforcement officers on any
37 matter related to the application of any statute or rule is a
38 vital prosecutorial function and an inherent part of the
39 prosecution of any criminal or civil law or rule within the
40 prosecuting attorney's scope of authority.

41 §12-17-184.2

42 A prosecuting attorney advising a law enforcement
43 officer or law enforcement agency, as defined in Section
44 36-21-55, on any matter of criminal procedure, civil
45 procedure, criminal charges, or criminal investigations within
46 the prosecuting attorney's scope of authority is deemed a
47 prosecutorial function.

48 Section 2. This act shall become effective on June 1,
49 2024.



HB409 Engrossed

50
51
52

53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69

House of Representatives

Read for the first time and referred04-Apr-24
to the House of Representatives
committee on Judiciary

Read for the second time and placed18-Apr-24
on the calendar:
0 amendments

Read for the third time and passed25-Apr-24
as amended

Yeas 98
Nays 0
Abstains 2

John Treadwell
Clerk