

HB44 ENGROSSED



1 HB44
2 C4CBWWW-2
3 By Representative England
4 RFD: Public Safety and Homeland Security
5 First Read: 06-Feb-24
6 PFD: 12-Jan-24



HB44 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 criminal procedure; to require the Alabama Department of Corrections to provide an opportunity for each detained individual the agency holds in custody to provide certain information to be included in the individual's custodial record; and to require the department to notify a detained individual's emergency contacts in certain circumstances.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the purposes of this act, the following terms have the following meanings:

(1) CUSTODIAL RECORD. The central file of an individual in custody.

(2) DETAINED INDIVIDUAL. Any individual held in custody by a detention agency.

(3) IN CUSTODY. Being physically housed at a jail, prison, or other correctional facility after being detained and booked, or being transported to or from a jail, prison, or other correctional facility.

(4) SERIOUS MEDICAL CONDITION. A condition that meets any of the following criteria:



HB44 Engrossed

29 a. Without treatment for the condition, death is
30 imminent.

31 b. Admission to a hospital is required.

32 c. The detained individual has attempted suicide.

33 d. The detained individual is incapable of providing
34 consent for medical treatment.

35 e. The detained individual has been diagnosed with a
36 terminal illness.

37 Section 2. The Department of Corrections, to the extent
38 practicable, shall ensure that each detained individual it
39 holds in custody shall be given, within 48 hours of being
40 taken into custody by the agency, the opportunity to provide
41 all of the following information to be included in his or her
42 custodial record:

43 (1) The name, address, telephone number, and email
44 address of at least one emergency contact provided by the
45 detained individual.

46 (2) Whether the individual has any of the following in
47 place:

48 a. A designated medical proxy decision maker.

49 b. A medical power of attorney.

50 c. An advanced directive for health care.

51 d. A do-not-resuscitate order.

52 e. The name and contact information of any individual
53 holding any of the authorities listed above.

54 Section 3. (a) In the event of the death of a detained
55 individual, the Department of Corrections shall notify each of
56 the emergency contacts of the detained individual within 24



HB44 Engrossed

57 hours of the declaration of death.

58 (b) Each notification shall include all of the
59 following:

60 (1) The circumstances surrounding the death.

61 (2) The official time of death.

62 (3) Whether the death is under investigation.

63 (4) The reason for opening any investigation.

64 Section 4. (a) In the event a detained individual
65 suffers a serious medical condition, the Department of
66 Corrections shall notify each of the emergency contacts of the
67 detained individual as soon as practicable after the serious
68 injury or illness occurs.

69 (b) Each notification shall include all of the
70 following:

71 (1) The cause and nature of the condition.

72 (2) Whether the detained individual is incapacitated,
73 unconscious, or unable to speak.

74 (3) A list of any medical or life-saving procedures
75 that were, or will be, performed in response to the condition.

76 (4) The contact information of the department or, if
77 receiving treatment elsewhere, the contact information of the
78 provider of any third-party medical treatment.

79 Section 5. This act shall become effective on October
80 1, 2024.



HB44 Engrossed

81
82
83

84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102

House of Representatives

Read for the first time and referred06-Feb-24
to the House of Representatives
committee on Public Safety and
Homeland Security

Read for the second time and placed06-Mar-24
on the calendar:
1 amendment

Read for the third time and passed18-Apr-24
as amended
Yeas 100
Nays 0
Abstains 1

John Treadwell
Clerk