

HB44 INTRODUCED



1 HB44
2 4VG53IR-1
3 By Representative England
4 RFD: Public Safety and Homeland Security
5 First Read: 06-Feb-24
6 PFD: 12-Jan-24



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SYNOPSIS:

This bill would require custodial agencies to ensure that certain information regarding a detained individual's emergency contacts and legal directives is included in the individual's custodial record.

This bill would require a custodial agency to contact a detained individual's emergency contacts in the event of the individual's death or development of a serious medical condition.

A BILL
TO BE ENTITLED
AN ACT

Relating to criminal procedure; to require custodial agencies to ensure certain information is included in the custodial record of each detained individual the agency holds in custody; and to require custodial agencies 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 AGENCY. As defined in Section 15-23-60,



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29 Code of Alabama 1975.

30 (2) CUSTODIAL RECORD. The central file of an individual
31 in custody.

32 (3) DETAINED INDIVIDUAL. Any individual held in custody
33 by a detention agency.

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

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

40 a. Without treatment for the condition, death is
41 imminent.

42 b. Admission to a hospital is required.

43 c. The detained individual has attempted suicide.

44 d. The detained individual is incapable of providing
45 consent for medical treatment.

46 e. The detained individual has been diagnosed with a
47 terminal illness.

48 Section 2. Each custodial agency in this state, to the
49 extent practicable, shall ensure that the custodial record of
50 each detained individual it holds in custody shall include all
51 of the following information:

52 (1) The name, address, telephone number, and email
53 address of at least one emergency contact provided by the
54 detained individual.

55 (2) Whether the individual has any of the following in
56 place:



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- 57 a. A designated medical proxy decision maker.
58 b. A medical power of attorney.
59 c. An advanced directive for health care.
60 d. A do-not-resuscitate order.
61 e. The name and contact information of any individual
62 holding any of the authorities listed above.

63 Section 3. (a) In the event of the death of a detained
64 individual, a custodial agency shall notify each of the
65 emergency contacts of the detained individual within 24 hours
66 of the declaration of death.

67 (b) Each notification shall include all of the
68 following:

- 69 (1) The circumstances surrounding the death.
70 (2) The official time of death.
71 (3) Whether the death is under investigation.
72 (4) The reason for opening any investigation.

73 Section 4. (a) In the event a detained individual
74 suffers a serious medical condition, a custodial agency shall
75 notify each of the emergency contacts of the detained
76 individual as soon as practicable after the serious injury or
77 illness occurs.

78 (b) Each notification shall include all of the
79 following:

- 80 (1) The cause and nature of the condition.
81 (2) Whether the detained individual is incapacitated,
82 unconscious, or unable to speak.
83 (3) A list of any medical or life-saving procedures
84 that were, or will be, performed in response to the condition.



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85 (4) The contact information of the custodial agency or,
86 if receiving treatment elsewhere, the contact information of
87 the provider of any third-party medical treatment.

88 Section 5. This act shall become effective on October
89 1, 2024.