

SB17 INTRODUCED



1 SB17
2 4B4YI3R-1
3 By Senator Coleman
4 RFD: Judiciary
5 First Read: 06-Feb-24
6 PFD: 12-Jan-24



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SYNOPSIS:

This bill would provide that it is unlawful for a law enforcement officer to use a taser on an individual who is restrained.

This bill would provide for criminal penalties for a violation.

Section 111.05 of the Constitution of Alabama of 2022, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

The purpose or effect of this bill would be to require a new or increased expenditure of local funds within the meaning of the section. However, the bill does not require approval of a local governmental entity or enactment by a 2/3 vote to become effective because it comes within one of the specified exceptions contained in the section.



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29 A BILL
30 TO BE ENTITLED
31 AN ACT

32
33 Relating to crimes and offenses; to provide that it is
34 unlawful for a law enforcement officer to use a taser on an
35 individual who is restrained; to provide for criminal
36 penalties; and in connection therewith would have as its
37 purpose or effect the requirement of a new or increased
38 expenditure of local funds within the meaning of Section
39 111.05 of the Constitution of Alabama of 2022.

40 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

41 Section 1. (a) For the purposes of this section,
42 "taser" means any mechanism that is designed to emit or
43 project an electronic, magnetic, or other type of charge or
44 shock for the purpose of temporarily incapacitating a person.

45 (b) Notwithstanding Section 13A-3-27, Code of Alabama
46 1975, it shall be unlawful for a law enforcement officer to
47 use a taser on an individual who is restrained or otherwise
48 unable to resist, including when an individual has been placed
49 in handcuffs, body cuffs, or other restraining device.

50 (c) A violation of this section shall be a Class C
51 felony.

52 Section 2. Although this bill would have as its purpose
53 or effect the requirement of a new or increased expenditure of
54 local funds, the bill is excluded from further requirements
55 and application under Section 111.05 of the Constitution of
56 Alabama of 2022, because the bill defines a new crime or



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57 amends the definition of an existing crime.

58 Section 3. This act shall become effective on October

59 1, 2024.