

HB202 ENROLLED



1 HB202
2 YMYIA2N-2
3 By Representative Reynolds
4 RFD: Judiciary
5 First Read: 05-Feb-25



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Enrolled, An Act,

Relating to law enforcement officers; to add Sections 6-5-338.1, 6-5-338.2, 6-5-338.3, and 6-5-338.4 to Article 18, Chapter 5, Title 6, Code of Alabama 1975, to establish immunity for law enforcement officers from civil liability; to establish immunity for law enforcement officers from criminal prosecution; to provide exceptions to such immunities; to provide procedures for asserting such immunities; to amend Sections 13A-3-20, 13A-3-27, 13A-3-28, 14-6-1, and 36-22-3, Code of Alabama 1975; to repeal Section 6-5-338, Code of Alabama 1975, relating to peace officer immunity; to add Section 36-21-55.5 to the Code of Alabama 1975, to provide requirements for the collection of certain data relating to use of force complaints against law enforcement agencies; and to establish the Joint Legislative Study Commission on Law Enforcement Legal Protections and provide for the membership and duties thereof.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 6-5-338.1, 6-5-338.2, 6-5-338.3, and 6-5-338.4 are added to Article 18, Chapter 5, of Title 6 of the Code of Alabama 1975, to read as follows:

§6-5-338.1

For purposes of Section 6-5-338.2, 6-5-338.3, and 6-5-338.4, the following terms have the following meanings unless the context dictates otherwise:

(1) CLEARLY ESTABLISHED. A state statutory or constitutional right is clearly established, and a reasonable



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law enforcement officer would have known of it, in any of the following circumstances:

a. The right is clear from a materially similar case decided before the occurrence of the relevant conduct by the United States Supreme Court, the Eleventh Circuit Court of Appeals, or the Alabama Supreme Court.

b. The right is clear from a broad statement of principle that is established with so obvious clarity by one of the courts identified in the preceding paragraph that, before the occurrence of the relevant conduct, every objectively reasonable law enforcement officer facing the circumstances would have known that the relevant conduct violated the right.

c. The right is so obvious from the text of a state constitutional provision or statute that, before the occurrence of the relevant conduct, no objectively reasonable law enforcement officer would have required case law to be put on notice that the relevant conduct violated the right.

(2) CONDUCT PERFORMED WITHIN A LAW ENFORCEMENT OFFICER'S DISCRETIONARY AUTHORITY. Governmental conduct by a law enforcement officer performing a legitimate job-related function or pursuing a legitimate job-related goal through means that were within the law enforcement officer's plausible power to utilize. In determining whether governmental conduct was performed within a law enforcement officer's discretionary authority, a court must temporarily put aside that the conduct may have been committed for an improper or unconstitutional purpose, in an improper or unconstitutional manner, to an



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improper or unconstitutional extent, or under improper or constitutionally inappropriate circumstances. The court must determine whether, if done for a proper purpose, the conduct was within, or reasonably related to, the outer perimeter of a law enforcement officer's governmental discretion in performing his or her official duties.

(3) DETENTION FACILITY OFFICER. Any peace officer, guard, or detention or jail officer employed in a facility used for the confinement, pursuant to law, of any of the following persons:

- a. Someone charged with or convicted of an offense.
- b. Someone charged with being or adjudicated a youthful offender, a neglected minor, or juvenile delinquent.
- c. Someone held for extradition.
- d. Someone otherwise confined pursuant to an order of a court.

(4) LAW ENFORCEMENT OFFICER. Any peace officer or tactical medic, except a constable, who is employed or appointed pursuant to the constitution or statutes of this state, whether appointed or employed as a peace officer or tactical medic by the state or a county or municipality thereof, or by an agency or institution, corporate or otherwise, created pursuant to the constitution or laws of this state and authorized by the constitution or laws to appoint or employ police officers or other peace officers or tactical medics, and whose duties prescribed by law, or by the lawful terms of their employment or appointment, include the enforcement of, or the investigation and reporting of



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violations of, the criminal laws of this state, or who is empowered by the laws of this state to execute warrants, to arrest and to take into custody persons who violate, or who are lawfully charged by warrant, indictment, or other lawful process, with violations of, the criminal laws of this state. The term includes a detention facility officer. The term includes a public safety dispatcher. The term includes any individual designated a peace officer for purposes of immunity under Section 6-5-338 as that section existed on February 5, 2025.

(5) LAW ENFORCEMENT RECORDING. A recording, as defined in Section 36-21-210, that shows a specific event described in the complaint, the image or voice of the plaintiff, or the image or voice of the decedent if the plaintiff has sued on behalf of the decedent as either the parent of the decedent in an action brought under Section 6-5-391 or as the personal representative of the decedent's estate in an action brought under Section 6-5-391 or Section 6-5-410.

(6) RECKLESSLY WITHOUT LAW ENFORCEMENT JUSTIFICATION. A law enforcement officer acts recklessly without law enforcement justification if he or she is aware of, and consciously disregards, a risk of death or substantial bodily injury without reasonable law enforcement justification. A law enforcement officer who creates a risk of death or substantial bodily injury in the absence of reasonable law enforcement justification but is unaware of that risk by reason of voluntary intoxication, as defined in Section 13A-3-2(e)(2), acts recklessly with respect thereto. Whether a law



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113 enforcement officer acts recklessly without law enforcement
114 justification is a question of law to be decided by the court,
115 taking into account the wide range of a law enforcement
116 officer's duties. A law enforcement officer acts without law
117 enforcement justification when the law enforcement officer
118 harms the plaintiff by failing, in an objectively unreasonable
119 manner, to comply with written policies of the law enforcement
120 officer's employer or appointing authority or when the law
121 enforcement officer harms the plaintiff through conduct
122 premised on the law enforcement officer's objectively
123 unreasonable interpretation of such a policy.

124 (7) TACTICAL MEDIC. A firefighter paramedic or
125 firefighter emergency medical technician licensed by the State
126 of Alabama and employed by the state or a county or
127 municipality within the state, operating on-duty in direct
128 support of a tactical law enforcement unit to provide medical
129 services at high risk incidents, including hostage incidents,
130 narcotic raids, hazardous surveillance, sniper incidents,
131 armed suicidal persons, barricaded suspect, felony warrant
132 service, and fugitives refusing to surrender.

133 (8) WRITTEN POLICY. A written rule, regulation,
134 instruction, or directive issued by a law enforcement
135 officer's employer or appointing authority, and applicable to
136 conduct within a law enforcement officer's discretionary
137 authority, specifying the particular manner in which a law
138 enforcement officer should exercise discretion in specific
139 situations or scenarios. The written rule, regulation,
140 instruction, or directive must have been issued before the



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occurrence of the relevant conduct, and must have been made available to the law enforcement officer. Whether the law enforcement officer actually read the written rule, regulation, instruction, or directive is not determinative.

§6-5-338.2

(a) Except as provided in subsection (b), a law enforcement officer shall be immune from any claim that seeks to impose civil liability on the law enforcement officer for conduct performed within a law enforcement officer's discretionary authority.

(b) A law enforcement officer shall not be immune in either of the following circumstances:

(1) The conduct constitutes a tort against the plaintiff that is actionable under the laws of this state and the law enforcement officer acted recklessly without law enforcement justification.

(2) The conduct constitutes a tort against the plaintiff that is actionable under the laws of this state and the conduct violated a clearly established state statutory or constitutional right of the plaintiff of which every reasonable law enforcement officer would have known at the time of the law enforcement officer's conduct.

(c) Notwithstanding the exceptions to immunity provided in subsection (b), the immunity provided in Section 36-1-12(c) is available to a law enforcement officer subject to the exceptions set forth in Section 36-1-12(d) and subject to the provisions of this section, Section 6-5-338.3, and Section 6-5-338.4. A law enforcement officer, as defined in Section



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6-5-338.1, shall be considered an officer, agent, or employee of the state for purposes of Section 36-1-12.

(d) In any civil action against a law enforcement officer in his or her personal or individual capacity premised on conduct performed within the law enforcement officer's discretionary authority, the complaint must identify with particularity, for each defendant and for each claim, each of the following:

(1) The legal authority that assertedly creates the claim against the law enforcement officer.

(2) Specific factual allegations to satisfy each element of each asserted claim.

(3) Specific factual allegations demonstrating that the law enforcement officer lacks immunity pursuant to subsection (a).

(e) In any civil action against a law enforcement officer in his or her personal or individual capacity premised on conduct performed within the law enforcement officer's discretionary authority, the court shall promptly dismiss any claim for which either of the following is true:

(1) The complaint lacks the legal and factual particularity required under subsection (d), as long as the law enforcement officer, or his or her employer or appointing authority, has complied with any valid discovery request made pursuant to paragraph (f)(2)c. or paragraph (f)(2)d. in compliance with the Alabama Rules of Civil Procedure which was validly served no later than 14 days after the law enforcement officer first appears or otherwise defends against the



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197 lawsuit.

198 (2) The complaint's factual allegations, taken as true,
199 fail to overcome the immunity established by subsection (a).

200 (f)(1) Except as provided in subdivision (2), the
201 pendency of a motion to dismiss pursuant to subsection (e)
202 shall automatically stay the obligation of any party or
203 non-party to make disclosures or respond to discovery requests
204 of any kind.

205 (2) The automatic stay of discovery shall remain in
206 effect during the pendency of a motion to dismiss filed
207 pursuant to subsection (e) and any mandamus petition filed
208 pursuant to Section 6-5-338.3 except to the extent that one or
209 more of the following circumstances exists:

210 a. The party seeking disclosure or discovery
211 establishes that the motion to dismiss or mandamus petition is
212 frivolous.

213 b. The party seeking disclosure or discovery
214 establishes that an exception to the stay is necessary to
215 prevent a failure or delay of justice within the meaning of
216 Alabama Rule of Civil Procedure 27(a)(3).

217 c. The plaintiff seeks production of a written policy
218 governing the law enforcement officer's conduct at the time of
219 a specific event described in the complaint.

220 d. The plaintiff seeks production of a law enforcement
221 recording created at the time of a specific event described in
222 the complaint and the plaintiff is someone to whom a custodial
223 law enforcement agency has made a determination to disclose
224 the recording under Section 36-21-213(a).



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e. The parties agree to an exception to the stay of discovery.

(3) Nothing in this section shall be construed to do any of the following:

a. Alter or amend any privilege, discovery protection, or other ground for nondisclosure under Section 12-21-3.1, the Alabama Rules of Civil Procedure, or any other source of law.

b. Alter or amend any provision of law regarding disclosure of any writing, record, recording, or other document or communication in the possession of a public entity.

c. Preclude the entry of any protective order pursuant to the Alabama Rules of Civil Procedure. A law enforcement recording shall not be produced except pursuant to a protective order protecting the law enforcement recording from public disclosure.

(4) Unless otherwise ordered by the court, during the pendency of the stay established by this section, the legal responsibilities of the parties concerning the preservation of evidence shall continue.

(g) A law enforcement officer may seek entry of dismissal or judgment as a matter of law, including summary judgment, on grounds that he or she is immune pursuant to subsection (a) as allowed under the Alabama Rules of Civil Procedure.

(h) (1) A law enforcement officer asserting immunity under subsection (a) bears the burden of establishing that the claim is premised on conduct performed within the law



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enforcement officer's discretionary authority as that term is defined in Section 6-5-338.1.

(2) Once the law enforcement officer satisfies his or her burden under subdivision (1), the burden shifts to the plaintiff to establish that the law enforcement officer committed a tort against the plaintiff that is actionable under the laws of this state and that the law enforcement officer is not immune pursuant to subsection (b).

§6-5-338.3

(a) The improper denial of a motion to dismiss or motion for judgment as a matter of law, including a motion for summary judgment, based on the immunity provided under Section 6-5-338.2(a), or any action improperly allowing discovery in violation of Section 6-5-338.2(f), shall entitle a law enforcement officer to mandamus relief from the Alabama Supreme Court. Any petition for a writ of mandamus pursuant to this subsection shall be filed pursuant to the Alabama Rules of Appellate Procedure.

(b) The filing of a petition for a writ of mandamus shall automatically stay further proceedings in the trial court unless, and to the extent that, the court validly finds upon motion of any party that further proceedings are necessary to prevent irreparable harm to the plaintiff.

§6-5-338.4

(a) The protections afforded a law enforcement officer under Sections 6-5-338.2 and 6-5-338.3 apply to any cause of action that accrued on or after the effective date of this act.



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(b) The protections available to law enforcement officers under Sections 6-5-338.2 and 6-5-338.3 are in addition to, and supplemental of, any protections available to a law enforcement officer pursuant to Section 36-1-12; Section 36-22-3; Section 14-6-1; Article I, Section 14 of the Constitution of Alabama of 2022; or any other source of law.

(c) Section 6-5-338.2 extends immunity only to a law enforcement officer for conduct performed within a law enforcement officer's discretionary authority and to the law enforcement officer's employer or appointing authority. No immunity is extended to any private non-governmental person or entity, including any private employer of a law enforcement officer during that officer's off-duty hours.

(d) Every private, non-governmental person or entity who hires a law enforcement officer during that officer's off-duty hours to perform any type of security work or to work while in the uniform of a law enforcement officer shall have in force at least five hundred thousand dollars (\$500,000) of liability insurance, which insurance must indemnify for acts the off-duty law enforcement officer takes within the line and scope of the private employment or contract. The failure to have in force the insurance required by this subsection shall make every individual employer, every general partner of a partnership employer, and every member of an unincorporated association employer individually liable for all acts taken by the off-duty law enforcement officer within the line and scope of the private employment or contract.

Section 2. Sections 14-6-1 and 36-22-3, Code of Alabama



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1975, are amended to read as follows:

"§14-6-1

The sheriff has the legal custody and charge of the jail in his or her county and all prisoners committed thereto, except in cases otherwise provided by law. The sheriff may employ persons to carry out his or her duty to operate the jail and supervise the inmates housed therein for whose acts he or she is civilly responsible. Persons so employed by the sheriff shall be acting for and under the direction and supervision of the sheriff and shall be entitled to the same immunities and legal protections granted to the sheriff under the general laws and the Constitution of Alabama of ~~1901~~ 2022, as long as such ~~persons are acting within the line and scope of their duties and are acting in compliance with the law~~ conduct is deemed conduct performed within a law enforcement officer's discretionary authority as defined in Section 6-5-338.1."

"§36-22-3

(a) It shall be the duty of the sheriff to do all of the following:

(1) ~~To execute~~ Execute and return the process and orders of the courts of record of this state and of officers of competent authority with due diligence when delivered to him or her for that purpose, according to law.

(2) ~~To attend~~ Attend upon the circuit courts and district courts held in his or her county when in session and the courts of probate, when required by the judge of probate, and to obey the lawful orders and directions of such courts.



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337 (3) ~~To, three~~Three days before each session of the
338 circuit court in his or her county, render to the county
339 treasury or custodian of county funds a statement in writing
340 and on oath of the moneys received by him or her for the
341 county, specifying the amount received in each case, and from
342 whom the amount is received, and pay the amount to the county
343 treasurer or custodian of county funds.

344 (4) ~~To, with~~With the assistance of deputies as
345 necessary, ferret out crime, apprehend and arrest criminals
346 and, insofar as within their power, secure evidence of crimes
347 in their counties and present a report of the evidence so
348 secured to the district attorney or assistant district
349 attorney for the county.

350 (5) ~~To perform~~Perform such other duties as are or may
351 be imposed by law.

352 (b) Any of the duties of the sheriff set out in
353 subsection (a) or as otherwise provided by law may be carried
354 out by deputies, reserve deputies, and persons employed as
355 authorized in Section 14-6-1 as determined appropriate by the
356 sheriff in accordance with state law. Persons undertaking such
357 duties for and under the direction and supervision of the
358 sheriff shall be entitled to the same immunities and legal
359 protections granted to the sheriff under the general laws and
360 the Constitution of Alabama of ~~1901~~ 2022, as long as ~~he or she~~
361 ~~is acting within the line and scope of his or her duties and~~
362 ~~is acting in compliance with the law~~ such conduct is deemed
363 conduct performed within a law enforcement officer's
364 discretionary authority as defined in Section 6-5-338.1.



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(c) Notwithstanding ~~the provisions of~~ Sections 14-6-1, 32-7-23, and this section, nothing in Section 14-6-1 and this section shall serve as a bar to an individual's or entity's recovery under the uninsured motorist coverage of the individual or entity, or prevent an insured from being legally entitled to recover damages under the uninsured motorist coverage of the insured."

Section 3. Sections 13A-3-20, 13A-3-27, and 13A-3-28, Code of Alabama 1975, are amended to read as follows:

"§13A-3-20

The following definitions are applicable to this article:

(1) BUILDING. Any structure which may be entered and utilized by persons for business, public use, lodging, or the storage of goods, and includes any vehicle, aircraft, or watercraft used for the lodging of persons or carrying on business therein. Each unit of a building consisting of two or more units separately occupied or secured is a separate building.

(2) CONDUCT PERFORMED WITHIN A LAW ENFORCEMENT OFFICER'S DISCRETIONARY AUTHORITY. Governmental conduct by a law enforcement officer performing a legitimate job-related function or pursuing a job-related goal through means that were within the law enforcement officer's plausible power to utilize. In determining whether governmental conduct was performed within a law enforcement officer's discretionary authority, a court must temporarily put aside that the conduct may have been committed for an improper or unconstitutional



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purpose, in an improper or unconstitutional manner, to an improper unconstitutional extent, or under improper or constitutionally inappropriate circumstances. The court must determine whether, if done for a proper purpose, the conduct was within, or reasonably related to, the outer perimeter of a law enforcement officer's governmental discretion in performing his or her official duties.

~~(2)~~ (3) DEADLY PHYSICAL FORCE. Force which, under the circumstances in which it is used, is readily capable of causing death or serious physical injury.

(4) DETENTION FACILITY OFFICER. Any guard or detention or jail officer who, in the exercise of his or her discretionary authority, is authorized to use physical force against persons and who is employed in a facility used for the confinement, pursuant to law, of any of the following persons:

- a. Someone charged with or convicted of an offense.
- b. Someone charged with being or adjudicated a youthful offender, a neglected minor, or juvenile delinquent.
- c. Someone held for extradition.
- d. Someone otherwise confined pursuant to an order of a court.

~~(3)~~ (5) DWELLING. A building which is usually occupied by a person lodging therein at night, or a building of any kind, including any attached balcony, whether the building is temporary or permanent, mobile or immobile, which has a roof over it, and is designed to be occupied by people lodging therein at night.

~~(4)~~ (6) FORCE. Physical action or threat against



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another, including confinement.

(7) LAW ENFORCEMENT OFFICER. Any peace officer or detention facility officer.

~~(5)~~ (8) PREMISES. The term includes any building, as defined in this section, and any real property.

~~(6)~~ (9) RESIDENCE. A dwelling in which a person resides either temporarily or permanently or is visiting as an invited guest.

~~(7)~~ (10) VEHICLE. A motorized conveyance which is designed to transport people or property."

"§13A-3-27

~~(a) A peace officer is justified in using that degree of physical force which he reasonably believes to be necessary, upon a person in order:~~

~~(1) To make an arrest for a misdemeanor, violation or violation of a criminal ordinance, or to prevent the escape from custody of a person arrested for a misdemeanor, violation or violation of a criminal ordinance, unless the peace officer knows that the arrest is unauthorized; or~~

~~(2) To defend himself or a third person from what he reasonably believes to be the use or imminent use of physical force while making or attempting to make an arrest for a misdemeanor, violation or violation of a criminal ordinance, or while preventing or attempting to prevent an escape from custody of a person who has been legally arrested for a misdemeanor, violation or violation of a criminal ordinance.~~

~~(b) A peace officer is justified in using deadly physical force upon another person when and to the extent that~~



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~~he reasonably believes it necessary in order:~~

~~(1) To make an arrest for a felony or to prevent the escape from custody of a person arrested for a felony, unless the officer knows that the arrest is unauthorized; or~~

~~(2) To defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force.~~

~~(c) Nothing in subdivision (a) (1), or (b) (1), or (f) (2) constitutes justification for reckless or criminally negligent conduct by a peace officer amounting to an offense against or with respect to persons being arrested or to innocent persons whom he is not seeking to arrest or retain in custody.~~

~~(d) A peace officer who is effecting an arrest pursuant to a warrant is justified in using the physical force prescribed in subsections (a) and (b) unless the warrant is invalid and is known by the officer to be invalid.~~

(a) A law enforcement officer shall be justified in making any use of physical force against a person if the use of force is conduct performed within the law enforcement officer's discretionary authority and does not constitute excessive force as provided in subsection (b).

(b) No law enforcement officer shall be justified, as provided in this section, for any use of physical force against a person if the use of force violates that person's rights, under the Constitution of Alabama of 2022 or the Constitution of the United States, to be free from excessive force.

~~(e)~~ (c) Except as provided in subsection ~~(f)~~ (d), a



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person who has been directed by a ~~peace officer~~ law enforcement officer to assist him or her to effect an arrest or to prevent an escape from custody is justified in using physical force when and to the extent that he or she reasonably believes that force to be necessary to carry out the ~~peace officer's~~ law enforcement officer's direction.

~~(f)~~ (d) A person who has been directed to assist a ~~peace law enforcement~~ officer under circumstances specified in subsection ~~(e)~~ (c) may use deadly physical force to effect an arrest or to prevent an escape only when:

(1) He or she reasonably believes that force to be necessary to defend himself or herself or a third person from what he or she reasonably believes to be the use or imminent use of deadly physical force; or

(2) He or she is authorized by the ~~peace law enforcement~~ officer to use deadly physical force and does not know that the ~~peace law enforcement~~ officer ~~himself~~ is not authorized to use deadly physical force under the circumstances.

~~(g)~~ (e) (1) A private person acting on his or her own account is justified in using physical force upon another person when and to the extent that he or she reasonably believes it necessary to effect an arrest or to prevent the escape from custody of an arrested person whom he or she reasonably believes has committed a felony and who in fact has committed that felony, ~~but he~~.

(2) A private person is justified in using deadly physical force for the purpose only when he or she reasonably



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believes it necessary to defend himself or herself or a third person from what he or she reasonably believes to be the use or imminent use of deadly physical force.

~~(h) A guard or peace officer employed in a detention facility is justified:~~

~~(1) In using deadly physical force when and to the extent that he reasonably believes it necessary to prevent what he reasonably believes to be the escape of a prisoner accused or convicted of a felony from any detention facility, or from armed escort or guard;~~

~~(2) In using physical force, but not deadly physical force, in all other circumstances when and to extent that he reasonably believes it necessary to prevent what he reasonably believes to be the escape of a prisoner from a detention facility.~~

~~(3) "Detention facility" means any place used for the confinement, pursuant to law, of a person:~~

- ~~a. Charged with or convicted of an offense; or~~
- ~~b. Charged with being or adjudicated a youthful offender, a neglected minor or juvenile delinquent; or~~
- ~~c. Held for extradition; or~~
- ~~d. Otherwise confined pursuant to an order of a criminal court.~~

(f) (1) A person who uses force, including deadly physical force, as justified and permitted in this section, is immune from criminal prosecution for the use of such force, unless the force is determined to be unlawful under this section.



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533 (2) A defendant shall be entitled to assert
534 justification and immunity under this section before a trial
535 by filing a written motion. Except for good cause shown, the
536 defendant shall file any motion made pursuant to this
537 subdivision at the same time as any motion the defendant makes
538 pursuant to Section 13A-3-23(d) (2).

539 (3) Prior to the commencement of a trial, and within 45
540 days after the defendant's motion is filed, the court having
541 jurisdiction over the case shall conduct a pretrial hearing to
542 determine whether force, including deadly force, used by the
543 defendant was justified or was unlawful under this section. To
544 the extent practicable, the court shall set the hearing on the
545 same calendar day as any pretrial hearing conducted pursuant
546 to Section 13A-3-23(d) (2). During any pretrial hearing to
547 determine immunity, the defendant must show by a preponderance
548 of the evidence that he or she is immune from criminal
549 prosecution.

550 (4) Prior to the commencement of a trial, and within 45
551 days after a pretrial hearing conducted under subdivision (3),
552 the court shall enter a written order setting forth reasons
553 why the defendant either possesses or lacks immunity from
554 criminal prosecution under this section. To the extent
555 practicable, the court shall issue the written order at the
556 same time as any order issued pursuant to Section
557 13A-3-23(d) (3). If the court concludes that the defendant has
558 proven by a preponderance of the evidence that the force he or
559 she used, including deadly force, was justified, the court
560 shall enter an order finding the defendant immune from



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561 criminal prosecution under this section and dismissing the
562 criminal charges.

563 (5) If the defendant does not meet his or her burden of
564 proving immunity at the pretrial hearing, he or she may
565 continue to pursue justification and immunity under this
566 section as a defense at trial. Once the issue of justification
567 and immunity under this section has been raised by the
568 defendant, the state continues to bear the burden of proving
569 beyond a reasonable doubt all of the elements of the charged
570 conduct.

571 (g) (1) A court order improperly denying immunity under
572 this section, entered after the pretrial hearing provided
573 under subsection (f), shall entitle the defendant to mandamus
574 relief from the Alabama Supreme Court. Any petition for a writ
575 of mandamus pursuant to this subsection shall be filed
576 pursuant to the Alabama Rules of Appellate Procedure.

577 (2) The filing of a petition for a writ of mandamus
578 pursuant to subdivision (1) shall automatically stay further
579 proceedings in the trial court. The stay shall remain in
580 effect while the mandamus petition remains pending.

581 (h) A law enforcement agency may use standard
582 procedures for investigating the use of force described in
583 subsection (a), but the agency may not arrest the person for
584 using force unless it determines that there is probable cause
585 that the force used was unlawful under this section.

586 (i) No justification or immunity set forth in this
587 section shall affect the legal standards applicable to a
588 motion made in a criminal proceeding regarding the suppression



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589 for use as evidence of anything obtained through an allegedly
590 unlawful search or seizure."

591 "§13A-3-28

592 A person may not use physical force to resist a lawful
593 arrest by a ~~peace~~ law enforcement officer who is known or
594 reasonably appears to be a ~~peace~~ law enforcement officer."

595 Section 4. Section 36-21-55.5 is added to the Code of
596 Alabama 1975, to read as follows:

597 §36-21-55.5

598 (a) Each state, county, and municipal law enforcement
599 agency shall collect all of the following information with
600 respect to each use of force complaint received by the agency:

601 (1) A description of the type of use of force alleged.

602 (2) A description of the race or ethnicity of any law
603 enforcement officer alleged to have used excessive force and
604 of any individual alleged to have been subjected to excessive
605 force.

606 (b) The information shall be reported no less than
607 annually to the Alabama Peace Officers' Standards and Training
608 Commission according to procedures established by the
609 commission. The commission shall de-identify the information
610 and compile the information into a report for presentation to
611 the Legislature not later than the first legislative day of
612 each legislative session. At the commission's discretion, the
613 report may consist of aggregated information.

614 Section 5. (a) Effective October 1, 2026, the Joint
615 Legislative Study Commission on Law Enforcement Legal
616 Protections shall be established. The commission shall be



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617 composed of the following members:

618 (1) The Chair of the House Judiciary Committee.

619 (2) The Chair of the Senate Judiciary Committee.

620 (3) The Chair of the Senate Veterans, Military Affairs,
621 and Public Safety Committee.

622 (4) The Chair of the House Public Safety and Homeland
623 Security Committee.

624 (5) The House Minority Leader.

625 (6) The Senate Minority Leader.

626 (b) The members of the study commission shall convene
627 its initial meeting not later than November 1, 2026, at which
628 meeting the members shall elect a chair and vice chair. The
629 study commission may meet as necessary to perform its duties.

630 (c) The study commission, to the extent feasible, shall
631 study the implementation and impact of the law enforcement
632 legal protections established and enhanced by this act. To
633 this end, the commission's study may include, but shall not
634 necessarily include, any of the following topics to the extent
635 feasible:

636 (1) The interpretation and application of this act in
637 the courts.

638 (2) The effects of this act to determine its effect on
639 the recruitment and retention of law enforcement officers at
640 the state, county, and municipal level, as well as the
641 recruitment and retention of correctional officers through the
642 Department of Corrections.

643 (3) The effect of this act on law enforcement officer
644 training programs.



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(4) The effect of this act on the costs of defending civil litigation filed against law enforcement officers after the effective date of this act.

(5) The effect of this act on reducing crime.

(6) The feasibility and desirability of a legislative mandate that law enforcement agencies adopt a model or uniform written policy as defined in Section 6-5-338.1.

(7) The feasibility and desirability of legislation to improve law enforcement officer training.

(8) The feasibility and desirability of nonlegislative means to improve law enforcement officer training.

(d) The study commission, not later than the 10th legislative day of the 2027 Regular Session, shall provide its recommendations to the Legislature for further revisions to this act and the Code of Alabama 1975, as needed to support the recruitment and retention of law enforcement officers and correctional officers in a cost effective manner that benefits the residents of the State of Alabama. After the submission of the proposed legislation, the study commission shall stand dissolved.

(e) The members of the study commission shall be entitled to their legislative compensation, per diem, and travel expenses for each day they attend a meeting of the study commission pursuant to Section 49 of the Constitution of Alabama of 2022.

Section 6. Section 6-5-338, Code of Alabama 1975, relating to peace officer immunity, is hereby repealed.

Section 7. This act shall become effective on October



HB202 Enrolled

673 1, 2025.



HB202 Enrolled

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and
was passed by the House 06-Mar-25, as amended.

John Treadwell
Clerk

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|--------|------------------------------|----------------------------------|
| Senate | <hr/> 14-May-25 <hr/> | Amended and Passed |
| House | <hr/> 14-May-25 <hr/> | Concurred in Senate Amendment |