

## HB38 ENROLLED



1 HB38  
2 5DZN36M-2  
3 By Representative Hill  
4 RFD: Judiciary  
5 First Read: 04-Feb-25  
6 PFD: 29-Aug-24



## HB38 Enrolled

Enrolled, 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, is essential to the fair and just application of the criminal laws of this state.

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

(4) The Legislature hereby declares a prosecuting



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attorney providing legal advice, as part of the investigatory and charging process, to law enforcement officers on any matter related to the application of any statute or rule is a vital prosecutorial function and an inherent part of the prosecution of any criminal or civil law or rule within the prosecuting attorney's scope of authority.

§12-17-184.2

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

Section 2. This act shall become effective immediately.

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53 Speaker of the House of Representatives  
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58 President and Presiding Officer of the Senate  
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60 House of Representatives  
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62 I hereby certify that the within Act originated in and  
63 was passed by the House 11-Feb-25.  
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65 John Treadwell  
66 Clerk  
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72 Senate

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74 **06-May-25**  
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Passed