



A BILL
TO BE ENTITLED
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 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 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



85 this state and authorized by the constitution or laws to
86 appoint or employ police officers or other peace officers or
87 tactical medics, and whose duties prescribed by law, or by the
88 lawful terms of their employment or appointment, include the
89 enforcement of, or the investigation and reporting of
90 violations of, the criminal laws of this state, or who is
91 empowered by the laws of this state to execute warrants, to
92 arrest and to take into custody persons who violate, or who
93 are lawfully charged by warrant, indictment, or other lawful
94 process, with violations of, the criminal laws of this state.
95 The term includes a detention facility officer. The term
96 includes a public safety dispatcher. The term includes any
97 individual designated a peace officer for purposes of immunity
98 under Section 6-5-338 as that section existed on February 5,
99 2025.

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

108 (6) RECKLESSLY WITHOUT LAW ENFORCEMENT JUSTIFICATION. A
109 law enforcement officer acts recklessly without law
110 enforcement justification if he or she is aware of, and
111 consciously disregards, a risk of death or substantial bodily
112 injury without reasonable law enforcement justification. A law



113 enforcement officer who creates a risk of death or substantial
114 bodily injury in the absence of reasonable law enforcement
115 justification but is unaware of that risk by reason of
116 voluntary intoxication, as defined in Section 13A-3-2(e)(2),
117 acts recklessly with respect thereto. Whether a law
118 enforcement officer acts recklessly without law enforcement
119 justification is a question of law to be decided by the court,
120 taking into account the wide range of a law enforcement
121 officer's duties. A law enforcement officer acts without law
122 enforcement justification when the law enforcement officer
123 harms the plaintiff by failing, in an objectively unreasonable
124 manner, to comply with written policies of the law enforcement
125 officer's employer or appointing authority or when the law
126 enforcement officer harms the plaintiff through conduct
127 premised on the law enforcement officer's objectively
128 unreasonable interpretation of such a policy.

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

138 (8) WRITTEN POLICY. A written rule, regulation,
139 instruction, or directive issued by a law enforcement
140 officer's employer or appointing authority, and applicable to



conduct within a law enforcement officer's discretionary authority, specifying the particular manner in which a law enforcement officer should exercise discretion in specific situations or scenarios. The written rule, regulation, instruction, or directive must have been issued before the 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 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



197 authority, has complied with any valid discovery request made
198 pursuant to paragraph (f)(2)c. or paragraph (f)(2)d. in
199 compliance with the Alabama Rules of Civil Procedure which was
200 validly served no later than 14 days after the law enforcement
201 officer first appears or otherwise defends against the
202 lawsuit.

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

205 (f)(1) Except as provided in subdivision (2), the
206 pendency of a motion to dismiss pursuant to subsection (e)
207 shall automatically stay the obligation of any party or
208 non-party to make disclosures or respond to discovery requests
209 of any kind.

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

215 a. The party seeking disclosure or discovery
216 establishes that the motion to dismiss or mandamus petition is
217 frivolous.

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

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



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

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 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.



281 §6-5-338.4

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

286 (b) The protections available to law enforcement
287 officers under Sections 6-5-338.2 and 6-5-338.3 are in
288 addition to, and supplemental of, any protections available to
289 a law enforcement officer pursuant to Section 36-1-12; Section
290 36-22-3; Section 14-6-1; Article I, Section 14 of the
291 Constitution of Alabama of 2022; or any other source of law.

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

299 (d) Every private, non-governmental person or entity
300 who hires a law enforcement officer during that officer's
301 off-duty hours to perform any type of security work or to work
302 while in the uniform of a law enforcement officer shall have
303 in force at least five hundred thousand dollars (\$500,000) of
304 liability insurance, which insurance must indemnify for acts
305 the off-duty law enforcement officer takes within the line and
306 scope of the private employment or contract. The failure to
307 have in force the insurance required by this subsection shall
308 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 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.

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

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

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

(b) Any of the duties of the sheriff set out in subsection (a) or as otherwise provided by law may be carried out by deputies, reserve deputies, and persons employed as authorized in Section 14-6-1 as determined appropriate by the sheriff in accordance with state law. Persons undertaking such duties for and under the direction and supervision of the sheriff 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 ~~he or she~~
~~is acting within the line and scope of his or her duties and~~
~~is acting in compliance with the law~~ such conduct is deemed
conduct performed within a law enforcement officer's
discretionary authority as defined in Section 6-5-338.1.

(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 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 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 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



477 against a person if the use of force violates that person's
478 rights, under the Constitution of Alabama of 2022 or the
479 Constitution of the United States, to be free from excessive
480 force.

481 ~~(e)~~ (c) Except as provided in subsection ~~(f)~~ (d), a
482 person who has been directed by a ~~peace officer~~ law
483 enforcement officer to assist him or her to effect an arrest
484 or to prevent an escape from custody is justified in using
485 physical force when and to the extent that he or she
486 reasonably believes that force to be necessary to carry out
487 the ~~peace officer's~~ law enforcement officer's direction.

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

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

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

501 ~~(g)~~ (e) (1) A private person acting on his or her own
502 account is justified in using physical force upon another
503 person when and to the extent that he or she reasonably
504 believes it necessary to effect an arrest or to prevent the



505 escape from custody of an arrested person whom he or she
506 reasonably believes has committed a felony and who in fact has
507 committed that felony, ~~but he.~~

508 (2) A private person is justified in using deadly
509 physical force for the purpose only when he or she reasonably
510 believes it necessary to defend himself or herself or a third
511 person from what he or she reasonably believes to be the use
512 or imminent use of deadly physical force.

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

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

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

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

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



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

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

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

555 (4) Prior to the commencement of a trial, and within 45
556 days after a pretrial hearing conducted under subdivision (3),
557 the court shall enter a written order setting forth reasons
558 why the defendant either possesses or lacks immunity from
559 criminal prosecution under this section. To the extent
560 practicable, the court shall issue the written order at the



561 same time as any order issued pursuant to Section
562 13A-3-23(d) (3). If the court concludes that the defendant has
563 proven by a preponderance of the evidence that the force he or
564 she used, including deadly force, was justified, the court
565 shall enter an order finding the defendant immune from
566 criminal prosecution under this section and dismissing the
567 criminal charges.

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

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

582 (2) The filing of a petition for a writ of mandamus
583 pursuant to subdivision (1) shall automatically stay further
584 proceedings in the trial court. The stay shall remain in
585 effect while the mandamus petition remains pending.

586 (h) A law enforcement agency may use standard
587 procedures for investigating the use of force described in
588 subsection (a), but the agency may not arrest the person for



589 using force unless it determines that there is probable cause
590 that the force used was unlawful under this section.

591 (i) No justification or immunity set forth in this
592 section shall affect the legal standards applicable to a
593 motion made in a criminal proceeding regarding the suppression
594 for use as evidence of anything obtained through an allegedly
595 unlawful search or seizure."

596 "§13A-3-28

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

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

602 §36-21-55.5

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

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

607 (2) A description of the race or ethnicity of any law
608 enforcement officer alleged to have used excessive force and
609 of any individual alleged to have been subjected to excessive
610 force.

611 (b) The information shall be reported no less than
612 annually to the Alabama Peace Officers' Standards and Training
613 Commission according to procedures established by the
614 commission. The commission shall de-identify the information
615 and compile the information into a report for presentation to
616 the Legislature not later than the first legislative day of



each legislative session. At the commission's discretion, the report may consist of aggregated information.

Section 5. (a) Effective October 1, 2027, the Joint Legislative Study Commission on Law Enforcement Legal Protections shall be established. The commission shall be composed of the following members:

(1) The Chair of the House Judiciary Committee.

(2) The Chair of the Senate Judiciary Committee.

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

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

(5) The House Minority Leader.

(6) The Senate Minority Leader.

(b) The members of the study commission shall convene its initial meeting not later than November 1, 2027, at which meeting the members shall elect a chair and vice chair. The study commission may meet as necessary to perform its duties.

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

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

(2) The effects of this act to determine its effect on the recruitment and retention of law enforcement officers at



the state, county, and municipal level, as well as the recruitment and retention of correctional officers through the Department of Corrections.

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

(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 2028 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



673 study commission pursuant to Section 49 of the Constitution of
674 Alabama of 2022.

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

677 Section 7. This act shall become effective on October
678 1, 2025.