

SB339 ENROLLED



1 SB339
2 KH6KJU5-2
3 By Senator Barfoot (N & P)
4 RFD: Local Legislation
5 First Read: 03-Mar-26



SB339 Enrolled

1 Enrolled, An Act,

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3 Relating to Crenshaw County; to authorize a law
4 enforcement officer from a designated law enforcement agency
5 to take an individual whom the officer believes to have a
6 mental illness into protective custody under certain
7 conditions; to provide for transportation of the individual to
8 a hospital or other facility for evaluation and treatment; and
9 to provide protection from civil liability to law enforcement
10 officers who, in good faith, place individuals with mental
11 illness into protective custody.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. This act shall only apply in Crenshaw
14 County.

15 Section 2. (a) For the purposes of this section, the
16 following terms have the following meanings:

17 (1) DESIGNATED LAW ENFORCEMENT AGENCY. A law
18 enforcement agency within Crenshaw County that is authorized
19 by the sheriff to exercise the authority described in this
20 section.

21 (2) LAW ENFORCEMENT OFFICER. Any state, county, or
22 municipal officer certified by the Alabama Peace Officers'
23 Standards and Training Commission.

24 (b) (1) Concurrently with Article 1 of Chapter 52 of
25 Title 22, Code of Alabama 1975, a law enforcement officer from
26 a designated law enforcement agency may take an individual
27 into protective custody when the officer has reasonable cause
28 to believe that the individual is mentally ill and is an



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29 immediate danger to himself, herself, or others.

30 (2)a. Upon placement of an individual under protective
31 custody pursuant to subdivision (1), the law enforcement
32 officer shall transport the individual to a hospital or other
33 treatment facility providing care and treatment to those with
34 mental illnesses for an evaluation and treatment.

35 b. If the individual does not consent to the transport,
36 the officer may use reasonable force to carry out the
37 transport.

38 c. The individual shall be released from the hospital
39 or designated treatment facility within 72 hours, exclusive of
40 Saturday, Sunday, or any legal holiday, unless a judge of
41 probate orders further inpatient or outpatient treatment for
42 the individual as provided in Article 1 of Chapter 52 of Title
43 22, Code of Alabama 1975.

44 d. Upon a determination by an attending physician,
45 nurse practitioner, or physician assistant at a hospital
46 licensed in this state that an individual transported to the
47 hospital pursuant to this section is not mentally ill or a
48 danger to himself, herself, or others, the hospital shall
49 promptly communicate this information to the appropriate law
50 enforcement officer. The law enforcement officer shall
51 coordinate the immediate release of the individual from the
52 hospital and shall release the individual from protective
53 custody unless the law enforcement officer has some legal
54 cause for detaining the individual other than the individual's
55 mental condition. After the individual is released, and upon
56 request of the individual, the law enforcement officer shall



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57 transport the individual to his or her residence or other
58 place of abode if it is within the county.

59 (c) Protective custody by a law enforcement officer
60 under this section shall not be considered an arrest for any
61 purpose, and no entry or other record may be made to indicate
62 that an individual subject to temporary protective custody by
63 a law enforcement officer under this section has been detained
64 or charged with any crime.

65 (d) (1) It is the policy of this state to encourage a
66 law enforcement officer, hospital, physician, medical
67 provider, or other designated treatment facility to act in the
68 best interest of the state by detaining individuals who are
69 mentally ill and a danger to themselves or others for
70 evaluation and treatment. The state finds that these actions
71 are necessary to protect the individuals and the public. These
72 entities and individuals are acting in the name of the state
73 and are acting as state agents, when acting pursuant to this
74 section, in making determinations, detaining, releasing,
75 admitting, discharging, or otherwise taking action under this
76 section. When acting pursuant to this section, a law
77 enforcement officer, hospital, physician, medical provider, or
78 other designated treatment facility shall be afforded immunity
79 under Section 36-1-12, Code of Alabama 1975, as any other
80 state employee or agent of the state.

81 (2) Nothing in this section shall modify, amend,
82 repeal, or supersede any provision of Section 6-5-333, Code of
83 Alabama 1975; the Alabama Medical Liability Act of 1987,
84 commencing with Section 6-5-540, Code of Alabama 1975; or the



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85 Alabama Medical Liability Act of 1996, commencing with Section
86 6-5-548, Code of Alabama 1975; or any amendment to any of
87 these laws or any judicial interpretation of these laws.

88 Section 3. This act shall become effective on October
89 1, 2026.



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President and Presiding Officer of the Senate

Speaker of the House of Representatives

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Senate 10-Mar-26

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris,
Secretary.

House of Representatives

Passed: 17-Mar-26

By: Senator Barfoot