

SB339 INTRODUCED



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



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A BILL
TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

(2) LAW ENFORCEMENT OFFICER. Any state, county, or municipal officer certified by the Alabama Peace Officers'



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29 Standards and Training Commission.

30 (b) (1) Concurrently with Article 1 of Chapter 52 of
31 Title 22, Code of Alabama 1975, a law enforcement officer from
32 a designated law enforcement agency may take an individual
33 into protective custody when the officer has reasonable cause
34 to believe that the individual is mentally ill and is an
35 immediate danger to himself, herself, or others.

36 (2)a. Upon placement of an individual under protective
37 custody pursuant to subdivision (1), the law enforcement
38 officer shall transport the individual to a hospital or other
39 treatment facility providing care and treatment to those with
40 mental illnesses for an evaluation and treatment.

41 b. If the individual does not consent to the transport,
42 the officer may use reasonable force to carry out the
43 transport.

44 c. The individual shall be released from the hospital
45 or designated treatment facility within 72 hours, exclusive of
46 Saturday, Sunday, or any legal holiday, unless a judge of
47 probate orders further inpatient or outpatient treatment for
48 the individual as provided in Article 1 of Chapter 52 of Title
49 22, Code of Alabama 1975.

50 d. Upon a determination by an attending physician,
51 nurse practitioner, or physician assistant at a hospital
52 licensed in this state that an individual transported to the
53 hospital pursuant to this section is not mentally ill or a
54 danger to himself, herself, or others, the hospital shall
55 promptly communicate this information to the appropriate law
56 enforcement officer. The law enforcement officer shall



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57 coordinate the immediate release of the individual from the
58 hospital and shall release the individual from protective
59 custody unless the law enforcement officer has some legal
60 cause for detaining the individual other than the individual's
61 mental condition. After the individual is released, and upon
62 request of the individual, the law enforcement officer shall
63 transport the individual to his or her residence or other
64 place of abode if it is within the county.

65 (c) Protective custody by a law enforcement officer
66 under this section shall not be considered an arrest for any
67 purpose, and no entry or other record may be made to indicate
68 that an individual subject to temporary protective custody by
69 a law enforcement officer under this section has been detained
70 or charged with any crime.

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



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85 under Section 36-1-12, Code of Alabama 1975, as any other
86 state employee or agent of the state.

87 (2) Nothing in this section shall modify, amend,
88 repeal, or supersede any provision of Section 6-5-333, Code of
89 Alabama 1975; the Alabama Medical Liability Act of 1987,
90 commencing with Section 6-5-540, Code of Alabama 1975; or the
91 Alabama Medical Liability Act of 1996, commencing with Section
92 6-5-548, Code of Alabama 1975; or any amendment to any of
93 these laws or any judicial interpretation of these laws.

94 Section 3. This act shall become effective on October
95 1, 2026.