

Sine Die Report

*A Publication of the Alabama District Attorneys Association
(ADAA) and the Office of Prosecution Services (OPS)*



From the Director

A statement from Barry Matson detailing the 2022 Session

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House and Senate Bills

Briefs of the House Bills and Senate Bills that were signed into law during the 2022 Session.

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Office of Prosecution Services, OPS

Barry D. Matson
Executive Director

Trisha Mellberg Cater
Deputy Director

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The 2022 Session – From the Director

I have the best job in the world. I work with dedicated professionals across Alabama who fight for justice and give voice to vulnerable and hurting victims. It is my office's goal to provide each district attorney and their offices with the tangible and intangible tools necessary to do justice for all the citizens of Alabama. Never is that goal more challenging than in a legislative session, fighting to be heard and to be relevant among the thousands of voices seeking the attention of the Alabama Legislature. Thanks to the leadership of the district attorneys, OPS staff, and every member of the Alabama Legislature, we have had another successful legislative session.

In this year's legislative session there were 339 Senate bills filed and 534 bills filed by the House of Representatives. The Office of Prosecution Services (OPS) is a small state agency with a huge responsibility in the legislative process. We carefully read and brief every bill filed in each session, creating a master list of "impact bills". These impact bills are bills that we believe will have a negative, positive, or consequential impact upon the Alabama Criminal Justice System and public safety. Once we have identified such a bill, we contact the bill's sponsor to discuss our issues. There are 105 Representatives in the House and 35 Senators in the Senate. Most of the time, sponsors are grateful to receive our input on their legislation. We work with sponsors and the Legislative Reference Service to amend impactful legislation which could lead to our support or ultimate opposition to legislation, all the while, continuing to perform our numerous other job duties at OPS and ADAA. Our stock and trade is an open and transparent opinion and honest answer to all inquiries of the legislature, judicial, and executive branches of government, regardless of consequence.

In the current climate, our small team has a daunting challenge with agenda-driven national media, well-funded special interest, charitable "non-profits" and social justice entities pushing incorrect narratives about the role of law enforcement, courts, and prosecution in our state. While we support and have been a force for reform in many areas, the tsunami of national and state groups that propose criminal justice reform is massive.

Because district attorneys (DAs), their employees and retired DAs are prohibited from service in the Alabama Legislature, our mission is critical. Our years of practical law enforcement and prosecution experience is vital to our goal of helping the Alabama Legislature produce meaningful criminal justice laws that keep the public safe, hold the guilty accountable, and protect the innocent.

It is our hope that you find this sine die report helpful and easy to follow. While hundreds of bills are filed and considered, this report contains a summary of only the bills that received final passage by the legislature and were signed into law by our Governor. I am grateful to each member of my staff at OPS. We have many responsibilities other than the legislative process and our team always accomplishes their tasks in a timely and professional manner. I am honored to work for each of Alabama's local district attorneys and to work with our OPS team. If you have any questions about this sine die report, please do not hesitate to call upon our office at any time.

With every good wish, I am,
Sincerely,

Barry D. Matson



The Alabama State House, Montgomery Alabama

IMPACT LEGISLATION

CRIMINAL OFFENSES

Secret Compartments

Act 2022-418

Senate Bill 207

Sponsor Senator Singleton

This Act prohibits a person from installing, creating, building, fabricating, selling, trading or otherwise disposing of a vehicle with a secret compartment. A false or secret compartment is any enclosure that is integrated into or attached to a vehicle to conceal, hide, or prevent discovery of a person, controlled substance, or contraband from law enforcement. It does not include compartments that existed at the time of manufacturing, or accessories offered by the manufacturer, distributor, or licensed dealer. Any vehicle seized shall be deemed contraband and may be forfeited pursuant to Section §20-2-93. A violation is a Class A misdemeanor unless the compartment is concealing a person for any unlawful purpose, or there is evidence of the previous concealment of a person for an unlawful purpose it is a Class B felony. Additionally, there is a fine up to \$60,000.

Effective: July 1, 2022

Assault II

Act 2022-416

Senate Bill 90

Sponsor Senator Weaver

This Act amends the crime of assault in the second degree to include with intent to cause physical injury to a pharmacist, pharmacy technician, pharmacy intern, pharmacy extern, pharmacy cashier, or a DHR employee or any employee performing social work, as defined in Section 34-30-1, during or as a result of the performance of his or her duty, he or she causes physical injury to any person. It also adds that assault in the second degree applies to assaults on home health care workers while they are in a private residence.

Effective: July 1, 2022

Alabama Vulnerable Child Compassion and Protection Act

Act 2022-289

Senate Bill 184

Sponsor Senator Shelnett

The Act is named the Alabama Vulnerable Child Compassion and Protection Act (V-CAP) and creates new criminal offenses for performing a medical procedure or prescribing a medication to a minor child that is intended to alter the appearance or perception of the minor child's gender or sex. There are exceptions for minors born with a medically verifiable disorder of sex development. A violation is a Class C felony.

The Act also creates a prohibition for school personnel at public or private schools from (1) encouraging or coercing a minor to withhold information about his or her gender or sex from the minor's parents or legal guardians, or (2) withholding information from the parents related to the minor's perception that their sex or gender is inconsistent with their sex. This is not a criminal provision and presumably would be limited to a civil cause of action or disciplinary action against the school personnel.

Effective: May 8, 2022

Critical Infrastructure

Act 2022-34

Senate Bill 17

Sponsor Senator Gudger

This Act further defines critical infrastructure to include pipelines, hydrocarbon production facilities, mining operations, beneficiation infrastructure and mining infrastructure. The

crime of unauthorized entry of a critical infrastructure is a Class A misdemeanor. This Act increases the penalty to a Class C felony if, during the commission of the crime, the person injures, removes, destroys, or breaks critical infrastructure property, or otherwise interrupts or interferes with the operations of a critical infrastructure asset. The Act also increases the penalty to a Class C felony if the person possesses or operates an unmanned aircraft system with an attached weapon, firearm, explosive, destructive device, or ammunition.

Effective: May 1, 2022

Catalytic Converters

Act 2022-114

Senate Bill 134

Sponsor Senator Chesteen

This Act makes it a crime for a person to sell, possess, purchase, or otherwise acquire, a used, detached catalytic converter, or any nonferrous part thereof, unless certain conditions are satisfied. Each catalytic converter that is purchased, possessed, obtained, sold, transported, or otherwise acquired is a separate violation. The first violation is a Class A misdemeanor and a second or subsequent violation within a 10-year period is a Class C felony. A used, detached catalytic converter possessed is contraband and subject to seizure and forfeiture pursuant to §20-2-93.

This Act also makes it unlawful for a possessor or seller of a used, detached catalytic converter, or any nonferrous part of a catalytic converter, to provide any false, fraudulent, altered, or counterfeit information or documentation required. The first violation is a Class A misdemeanor and a second or subsequent violation within a 10-year period is a Class C felony.

Effective: June 1, 2022

Tobacco Products

Act 2022-352

Senate Bill 216

Sponsor Senator Singleton

This Act addresses those that sell or who receive or distribute tobacco products for resale. It provides that anyone that transports tobacco is required to have a stamp or pay tax and have an active tobacco permit or transporters permit. A violation may result in the products being declared contraband that may be seized without a warrant by law enforcement. The contraband may be disposed of or destroyed by law enforcement. In addition, a vehicle used in the transportation of confiscated products may be subject to confiscation and sold at

public auction to the highest bidder after due advertisement pursuant to Chapter 13 of Title 32. The owner or driver of a vehicle used in a violation is guilty of a Class A misdemeanor unless the tobacco products being transported exceeds any of the following quantities: 25,000 cigars, 50,000 filtered cigars, 50,000 little cigars, 50,000 cigarettes, 25,000 cigar wraps, or 2,500 individual containers of loose or smokeless tobacco, it is a Class C felony. Any person convicted of a second or subsequent offense is guilty of a Class C felony.

Proof of the destination of the tobacco products shall be provided upon request of law enforcement. In addition to civil penalties, a person transporting tobacco products without possession of proper documentation shall be guilty of a Class A misdemeanor and a Class C felony for a second or subsequent violation.

Effective: January 1, 2023

Lead Reduction Act

Act 2022-426

Senate Bill 158

Sponsor Senator Singleton

Currently, the State Board of Health administers the Alabama Lead Reduction Act of 1997 to identify and reduce the threat to human health posed by exposure to lead. This bill would further regulate lead hazard reductions and revise the authority of the Board of Health to conduct lead inspections, enforce the Alabama Lead Reduction Act of 1997, and increase penalties for violations of the act. In addition to civil penalties, a person violating this chapter shall be guilty of a Class A misdemeanor.

Effective: July 1, 2022

Electricity

Act 2022-369

Senate Bill 305

Sponsor Senator Elliott

This Act provides that, in order to prevent back-feeding electricity onto the electric distribution system of the electric supplier, a portable electric generator that is capable of being connected directly into the electrical system of a commercial, industrial, or residential structure, would only allow the generator to be connected and used if the structure's electrical system and the electricity generated by the generator are isolated, at the main breaker panel of the structure, from the electrical distribution system. A violation is a Class C misdemeanor.

Effective: July 1, 2022

Deer

Act 2022-423

Senate Bill 311

Sponsor Senator Williams

The Act regulates any person, firm, corporation or association operating an enclosure for any game animals of the species of family Cervidae (deer). The Commissioner of Conservation and Natural Resources may promulgate rules and regulations and owners may register the enclosure with the Department of Conservation annually and pay a \$2,500 fee. Hunting period may begin on the earliest date set by the Commissioner for any deer season and shall not extend past the last date set for gun season on privately owned or leased lands. Conservation, game wardens and law enforcement are all authorized to enforce game and fish laws and regulations on all registered enclosures. Violations are a Class C misdemeanor.

Effective: April 14, 2022

Advanced Directives

Act 2022-434

House Bill 191

Sponsor Representative Oliver

The Act amends Section 22-8A-11, relating to situations where there is no advance directive for health care and a surrogate, qualified under this statute is making decisions for patient. The amendments remove the requirement that a surrogate have “duly notarized” forms in order to effectuate the decisions made on behalf of the patient. Providing knowingly false certifications under the act continues to be a Class C felony found in Section 22-8A-11(k)(1).

Effective: July 1, 2022

Police Jurisdiction

Act 2022-439

House Bill 315

Sponsor Representative Givan

The Act creates a new crime of misrepresenting the police jurisdiction of a municipality. Section (a)(1) of Act required that there must be a knowing misrepresentation by use of a sign, marker or other marking the police jurisdiction of a municipality. Section (a)(2) provides that a public official shall be guilty of a violation if they instruct another to misrepresent the police jurisdiction when they have knowledge of the true boundary of the

municipality. Violations of both sections are a Class A misdemeanor.

Effective: April 14, 2022

SENTENCING

Split Sentences

Act 2022-381

House Bill 52

Sponsor Representative Hill

The Act creates a separate statute that modifies and amends Section 15-18-8 to allow the sentencing judge to re-split a split sentence, within the remainder of the sentence. If a defendant's probation is revoked and the defendant was sentenced pursuant to 15-18-8, the sentencing judge may determine the length of the revocation sentence and may re-split within the remainder of the sentence. The Act also applies to any defendant who is subject to probation irrespective of when they were sentenced or committed the crime.

Effective: April 14, 2022

Correctional Incentive Time

Act 2022-322

House Bill 143

Sponsor Representative Pettus

The Act creates the "Sergeant Nick Risner Act" by amending correctional incentive time (a.k.a. "good time credit") statute found in Section 14-9-41(e)(1), to now prohibit it from being awarded to those convicted of manslaughter or criminally negligent homicide. The amendment adds "any crime that causes the death of another person, by means of a deadly weapon as defined in Section 13A-1-2" as an additional prohibited category of convictions that are not eligible for correctional incentive time. This category is in addition to the current excluded categories of (1) a Class A felony, (2) sentence to life, death or a sentence of more than 15 years, (3) convicted of a sex offense involving a child defined in Section 15-20A-4, all of which are currently ineligible to receive correctional incentive time.

Effective: July 1, 2022

CRIMINAL PROCEDURE

Wiretap

Act 2022-236

House Bill 17

Sponsor Representative Reynolds

The Act creates the Agent Billy Clardy III Act and adds a new chapter starting at **20-2A-1** (drug title). This authorizes ALEA officers or other designated law enforcement officers to apply for wiretaps through the Attorney General and local judges.

Effective: February 1, 2023

Protected Persons

Act 2022-201

House Bill 68

Sponsor Representative Simpson

This Act provides protected persons the same safeguards as children for the purposes of testifying in legal proceedings. The Act also expands the list of criminal offenses allowing safeguards for testifying in legal proceedings.

A protected person is one who has a developmental disability attributable to an intellectual disability, autism, cerebral palsy, epilepsy, or other disabling neurological condition that requires training or support similar to that required by a person with an intellectual disability, if any of the following apply:

- (1) The disability originates before the person attains 22 years of age, the disability can be expected to continue indefinitely, and the disability constitutes a substantial handicap to the ability of the person to function in society.
- (2) If the disability is attributable to an intellectual disability, the condition is manifested before the person attains years of age, the disability can be expected to continue indefinitely, and the disability constitutes a substantial handicap to the ability of the person to function in society.
- (3) The disability results in significant subaverage intellectual functioning with concurrent deficits in adaptive behavior that are manifested during the developmental period.

Relating to a physical offense, violent offense or sexual offense, this Act provides that a protected person may take a video deposition, testify by closed circuit testimony, use anatomically correct dolls to assist in testifying, have the right to a speedy trial, and provides

the ability to introduce out of court statements if the protected person testifies at the proceeding.

Effective: July 1, 2022

Serious Physical Injury

Act 2022-401

House Bill 403

Sponsor Representative Morris

The Act amends the definition of “serious physical injury” found in Section 13A-1-2 to include “penetrating gunshot wound inflicted by a firearm as defined in Section 13A-8-1”. Section 13A-8-1 defines a firearm as “a weapon from which a shot is discharged by gunpowder.”

Effective: July 1, 2022

Virtual Proceedings

Act 2022-375

Senate Bill 233

Sponsor Senator Barfoot

This Act allows virtual proceedings for first or subsequent appearance, bail, arraignment, or other pre-trial, bench trial, or post trial proceeding at the discretion of the court. If any party objects to a pre-trial, bench trial, or post trial hearing, an in-person hearing shall be held. Objections shall be filed within 10 days of the issuance of the order setting the hearing or at least 3 days prior to the hearing if the order is issued within 10 days of the hearing.

Effective: July 1, 2022

What is Sine Die?

Sine Die [Latin, Without day.] Without day; without assigning a day for a further meeting or hearing. A legislative body adjourns sine die when it adjourns without appointing a day on which to appear or assemble again.

Victim Notification

Act 2022-256

Senate Bill 196

Sponsor Senator Livingston

This Act proposes an amendment to the Constitution to require the Governor to make reasonable efforts to provide notice to the Attorney General and a designated member of the victim's family prior to granting a reprieve or commutation to a person under sentence of death.

COURT PROCEDURES

Name Change of Minors

Act 2022-123

Senate Bill 75

Sponsor Senator Barfoot

This Act gives the probate court jurisdiction over the name change of minors residing in their county, upon the filing of a declaration in writing, signed by the parent or legal guardian, along with the consent from all persons who have natural parental or legal rights of the minor. Consent of the minor is required if 14 or older. This does not apply when there is a pending domestic relations matter. This Act also provides the probate court and circuit court with concurrent general and original jurisdiction over protective service proceedings under the Adult Protective Services Act. Additionally, it authorizes probate judges who are members in good standing with the Alabama State Bar to issue elder abuse protection orders when authorized by a written standing order from the presiding circuit court judge.

Effective: June 1, 2022

Mental Health Commitments

Act 2022-202

House Bill 70

Sponsor Representative Reynolds

The Act amends the civil and criminal mental health commitment laws to provide for statutory definitions as well as providing for emergency custody and civil commitment uniformity. It amends a number of both criminal and civil statutes.

Effective: July 1, 2022

Payment of Court Fees

Act 2022-386

House Bill 95

Sponsor Representative Gray

The Act creates a one hundred eighty (180) day grace period for inmates released from the physical custody of the Alabama Department of Corrections (ADOC) to pay any outstanding court-assessed fines, fees or costs. Will not apply to any restitution owed to a victim nor supervision fees assessed as a condition of release from custody. The inmate shall contact the Clerk of Court in the jurisdiction(s) where they have financial obligations to set up a payment plan for outstanding court-assessed fines, fees or costs within thirty (30) days of release from physical custody. Inmates are exempt from paying court-assessed fines, fees or costs while in ADOC custody, however, they are not exempt if they are sentenced to a community corrections punishment authority or community corrections program.

Effective: July 1, 2022

FIREARMS

Permit-less Carry

Act 2022-133

House Bill 272

Sponsor Representative Stringer

The Act is “open carry” or “permit-less carry” legislation that amends several statutes and repeals some others to allow for the open and concealed carry of pistols without permits. It amends 13A-11-7, 13A-11-50, 13A-11-61.2, 13A-11-62, 13A-11-71, 13A-11-74, 13A-11-85, and 13A-11-90. Notably, the “rebuttable presumption” previously included in the Disorderly Conduct statute has been removed but adds in “brandishing” as a new element related to firearms. Also, the statutes related to employers have been amended as well as a new section for firearms rules on two and four-year colleges and universities. The Act provides for grants through Alabama Department of Economic and Community Affairs (ADECA) for County Commissions to replace any lost revenue from pistol permits. The grants will be administered by the Law Enforcement and Traffic Safety Division (LETS) of the ADECA.

Effective: January 1, 2023

Shotgun Definition

Act 2022-438

House Bill 513

Sponsor Representative Stringer

The Act amends Section 13A-11-62(5) to restore the definition of “shotgun” and reverse the amendments made to this definition in HB272, Act 2022-133. The definition currently reads and will continue to define a “shotgun” as “A weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.”

Effective: January 1, 2023

Second Amendment Preservation Act

Act 2022-323

Senate Bill 2

Sponsor Senator Allen

This Act creates the Alabama Second Amendment Preservation Act and prohibits an official, officer, employee, or agent of the state or political subdivision thereof, when acting in an official capacity, from enforcing or administering any executive order issued by the President which limits or restricts the ownership, use, or possession of firearms, ammunition, or firearm accessories by law-abiding residents of the state. Additionally, the Act provides that no state or local public funds may be expended for the enforcement of any executive order issued by the President which limits or restricts the ownership, use, or possession of firearms, ammunition, or firearm accessories by law-abiding residents of the state. The Attorney General may issue guidance to state and local officials to ensure uniform compliance with the Act. The Attorney General’s Office, Opinions Division can be contacted at (334)424-7300.

Effective: July 1, 2022

LAW ENFORCEMENT PROCEDURES

Artificial Intelligence

Act 2022-420

Senate Bill 56

Sponsor Senator Orr

This Act prohibits law enforcement from using artificial intelligence or facial recognition as the sole basis to establish probable cause in a criminal investigation or to make an arrest. The Act specifies that facial recognition may be used only in conjunction with other information and evidence lawfully obtained by law enforcement to establish probable cause in a criminal investigation or to make an arrest.

Effective: July 1, 2022

GOVERNMENTAL PROCEDURE

Purchase of United States or Alabama Flag

Act 2022-113

Senate Bill 77

Sponsor Senator Givhan

This Act prohibits a state agency from purchasing a United States or Alabama flag that was not manufactured in the United States.

Effective: June 1, 2022

MUNICIPAL PROCEDURE

911 Calls

Act 2022-363

House Bill 446

Sponsor Representative Standridge

The Act amends Section 11-98-12 relating to the disclosure of 911 calls as “public writings” under Section 36-12-40 and under what circumstances the actual call and/or a transcript

can be released. The Act sets out the requirement for a request and the length of time an emergency communications district must maintain the records. Neither the audio recording nor the victim's name may be released, except under certain conditions and pursuant to a court order. However, transcripts of the call may be released and are now considered "public writings," but the emergency communications district is authorized to redact the name, address, phone number of the caller, of any person involved in the facts or circumstances of the call or any personal identifying or sensitive information prior to the release of the transcript.

Effective: July 1, 2022

Municipal Reporting

Act 2022-425

Senate Bill 203

Sponsor Senator Orr

This Act requires the municipal clerk to provide the following information to AOC by December 1 of each year: (1) The total court cases for the fiscal year, (2) The total amount of municipal revenue collected and dispersed by the municipal court, (3) The total expenditures by the municipal court, including annual salaries for the judge(s), court clerk, and magistrate(s), (4) The total annual operating budget for the municipal court, and (5) The total annual operating budget for the municipality.

Not later than six months after the end of each fiscal year, AOC shall submit a report to the Legislature, the Attorney General, and the Governor. The report, the individual municipal data, and a list of any municipal court that failed to respond within 60 days of the due date, shall be made available on AOC's website. By January 1, 2023, the Department of Finance shall create an electronic version of the report and any clerk responsible for preparing the monthly report shall file the report electronically on or after January 1, 2023. The Department of Finance shall publish all reports on its website. Any municipal court that fails to submit the data within 60 days of the due date shall forfeit any fees and costs collected by the court that would otherwise remain with the municipal court or municipality until the data is submitted. Any forfeited fees and costs shall be transferred to the state Comptroller for distribution to AOC. Any municipal court that fails to submit the data within 60 days of the due date, at the request of the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Attorney General, or the Governor, shall be subject to a financial audit.

This Act also requires all municipal courts to use one of the following by January 1, 2025: (1) The state judicial information system, (2) A court information system in which the court software provider is properly integrated with the state judicial information system for reporting purposes.

Effective: July 1, 2022

Municipal Court Revenue

ACT 2022-419

Senate Bill 282

Sponsor Senator Gudger

This Act provides that a municipality may only retain 10 percent of its total general operating budget collected from fines and penalties generated from traffic tickets. Any remaining amount in excess of the 10 percent threshold shall be transferred to the Department of Finance for allocation, in equal amounts, to the Crime Victims' Compensation Fund and the Fair Trial Tax Fund. This Act excludes Class 1 municipalities.

Effective: July 1, 2022

CONTROLLED SUBSTANCES & ALCOHOL

Fentanyl Testing

Act 2022-154

Senate Bill 168

Sponsor Senator McClendon

This Act amends the drug paraphernalia statute and provides that a person may possess, deliver, or sell testing equipment designed to detect the presence of fentanyl or any synthetic controlled substance fentanyl analogue.

Effective: June 1, 2022

Table Wine

Act 2022-39

Senate Bill 22

Sponsor Senator Price

This Act allows a retail table wine licensee to dispense table wine at retail for off-premises consumption in containers approved by the ABC Board.

Effective: February 23, 2022

DID YOU KNOW?

This year a total of 873 Senate and House Bills were introduced. 171 of the House Bills passed and 127 of the Senate Bills passed.

Entertainment Districts

Act 2022-134

Senate Bill 41

Sponsor Senator Smitherman

This Act allows the governing body of a Class 1 municipality to establish up to 15 entertainment districts within its corporate limits. Each district shall have not fewer than four licensees holding a manufacturer's license that conducts tastings or samplings on the licensed premises, a restaurant retail liquor license, an on-premises alcoholic beverage license, or other retail liquor license in that area. Additionally, every district may not exceed one-half mile by one-half mile in area, but may be irregularly shaped.

Effective: June 1, 2022

Community Development Districts

Act 2022-50

Senate Bill 64

Sponsor Senator Chambliss

The Act amends the law relating to community development districts and allows the patrons, guests, or members of the entertainment district to exit those licensed premises with open containers within the confines of the entertainment district.

Effective: May 1, 2022

HUMAN TRAFFICKING

Definitions

Act 2022-435

House Bill 284

Sponsor Representative Coleman

The Act amends 13A-6-151 several definitions for Article 8, Human Trafficking including Sections 13A-6-150 through 13A-6-163.

The definition of "coercion" now includes "physical restraint or confinement," the use or threatened use of any law or legal process, and access to "medications" or controlled substances.

“Sexual conduct” is amended to include sexual intercourse, sodomy and sexual contact, sexual torture, and sexually explicit performances and commercial sex acts.

“Sexual servitude” requires “sexual conduct” for which anything of value is given, promised or received and the conduct is induced, coerced or obtained by deception or sexual conduct with a minor or “with any person who is incapable of consent by reason of being incapacitated, as defined in Section 13A-6-60” no coercion or deception is required.

Effective: January 1, 2023

Video Depositions and Closed Circuit Testimony

Act 2022-436

House Bill 434

Sponsor Representative Coleman

The Act creates a new code section to allow for the video deposition by certain victims and witnesses of human trafficking and to allow court testimony by closed circuit video equipment.

Effective: July 1, 2022

ELDER ABUSE

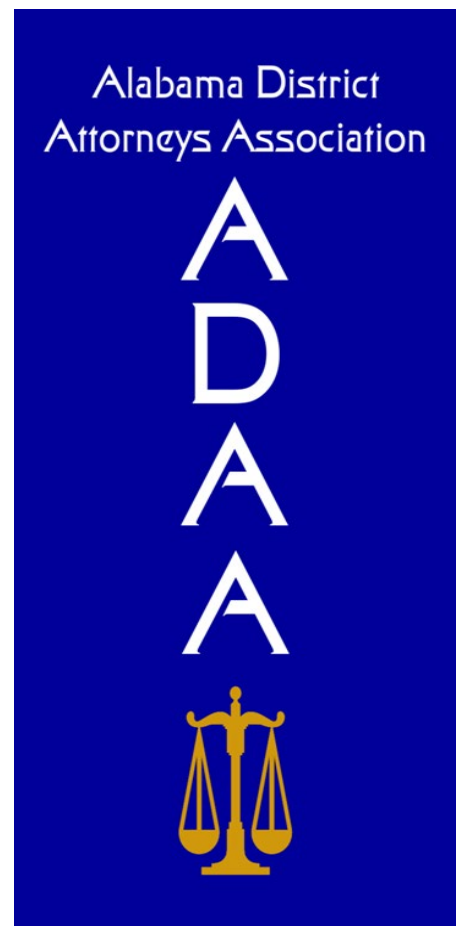
Elder Abuse Registry

Act 2021-161

House Bill 105

Sponsor Representative Gaston

This Act named “Shirley’s Law”, creates Alabama Elder and Adult in Need of Protective Services Abuse Registry that will be established and maintained by the Department of Human Resources (DHR). The registry will contain “the names of any individual” who has been convicted of: elder abuse 1st, 2nd, or 3rd, degree; financial exploitation of an elderly person 1st, 2nd, or 3rd degree; any act of elder abuse found in 38-9F-3; any act of abuse, neglect or exploitation under 38-9-7; or an elder abuse protection order, a protection from abuse order for the protection of an



elderly person or adult in need of protective services, or they have been found by the DHR to have committed an act of abuse, elder abuse, emotional abuse, exploitation, financial exploitation, intimidation, neglect, sexual abuse, or undue influence against an elderly person or an adult in need of protective services. The Act also requires all service providers to query the registry for any employee or prospective employee to confirm if the employee has committed any of the violations.

Effective: June 1, 2022

ELECTIONS

Campaign Officials Accepting Donations

Act 2022-321

House Bill 194

Sponsor Representative Alen

The Act creates a Class B misdemeanor and prohibits any state or local public official responsible for the conduct of an election or their employees from soliciting, accepting or using any donation in the form of money, grants, property or personal services from an individual or non-governmental entity for the purpose of funding an election related expense, voter education, outreach or registration programs. Does not prohibit acceptance of donations of space used for a polling place and creates a specific exception for donations related to donations during a proclaimed state public health emergency.

Effective: July 1, 2022

Statewide and Local Ballots

Act 2022-428

Senate Bill 313

Sponsor Senator Orr

This Act prohibits a public official or public employee from expending public funds to advocate in favor of or against statewide and local ballot measures. Providing an objective analysis or factual information on a ballot measure which does not advocate a specific position is not prohibited.

Effective: January 1, 2023



MISCELLANEOUS OFFENSES

Pilot Program for Small Business Development by Ex-Offenders

Act 2022-248

Senate Bill 59

Sponsor Senator Singleton

This Act repeals the current Pilot Program for Small Business Development by Ex-Offenders and would replace it with the following: On or before October 1, 2022, subject to the availability of funds, the Board of Pardons and Paroles, in consultation with the Department of Corrections, shall establish the PREP pilot program to assist individuals exiting DOC by providing: (1) Training in consultation with J. F. Ingram State Technical College, in how to establish small businesses; and (2) Assistance in obtaining funding to establish small businesses. They may also coordinate with other entities that offer to provide resources for the program. The Board of Pardons and Paroles and the Department of Corrections shall report to the Legislature annually by the fifth legislative day of each regular session on the effectiveness of the program in assisting individuals who have completed the Prison Entrepreneurship Training Program and who have been recently released from the correctional system in establishing successful, stable small businesses. This new section will be implemented on July 1, 2022 and remain effective for five years and six months. On December 31, 2027, this Act would be repealed.

Effective: April 5, 2022

OTHER

Adoption Promotion Act

Act 2022-424

Senate Bill 31

Sponsor Senator Jones

This Act creates the Adoption Promotion Act and allows a state employee who qualifies for donated leave to receive up to two weeks of donated leave per adoption and 12 weeks of unpaid family leave during the first year after birth or 1 year after placement for adoption. The Act also provides that an employer who provides paid leave to an employee for the birth and care of a child born to that employee, shall also provide the lesser of either (1) the equivalent paid leave, or (2) two-weeks paid leave to an employee for the care of a child placed with the employee in connection with adoption during the first year after the placement of the child with the employee.

Effective: July 1, 2022

Gambling Device

Act 2022-189

House Bill 40

Sponsor Representative C. Brown

The Act amends code Section 13A-12-27 (possession of a gambling device) to exempt the possession of slot machines manufactured prior to 1960, with the intent that it be used only for personal and private use or for public display as a historical artifact that is not accessible to the public. The statute otherwise remains unchanged.

Effective: June 1, 2022

RETIREMENT

RSA Death Beneficiary

Act 2022-184

House Bill 155

Sponsor Representative Ellis

The Act amends Sections 12-17-277.6 (district attorney), 12-18-156 (judge or clerk), 16-25-14 (Tier I and Tier II employees) and 36-27-16 (Tier I and Tier II employees) to change the

options available for surviving spouses, who are the sole beneficiaries under the retirement plan, of a retirement eligible member who dies while still in active service.

Effective: Retroactive to January 1, 2021

RSA Tier II Benefits

Act 2022-351

House Bill 308

Sponsor Representative Ingram

The Act amends the Tier II retirement system to create a thirty (30) years of creditable service provision for Tier II employees so that they can retire after thirty (30) years of service at any age but there will be a two percent (2%) reduction in the retirement allowance for each year between age sixty-two (62) and the age of retirement.

Effective: April 13, 2022

RSA Retirement Trust Fund

Act 2022-349

House Bill 352

Sponsor Representative Meadows

The Act creates the State Employee Retirees' Trust Fund Funding Act of 2022. The Act requires the State Employees' Retirement System Board of Control to establish a separate irrevocable trust fund known as the State Employee Retirees' Trust Fund. The trust will serve as a permanent trust and as an investment account for the purpose of periodic bonus checks for Alabama retired state employees. The trust shall be managed and controlled by its' trustees pursuant to the authority and requirements outlined in the Act.

Effective: July 1, 2022

FUNDING

Cost of Living Raise

Act 2022-160

Senate Bill 110

Sponsor Senator Albritton

This Act provides state employees a 4% cost of living raise.

Effective: March 24, 2022

Retirees' Bonus

Act 2022-229

Senate Bill 111

Sponsor Senator Albritton

This Act creates a one-time sum to be paid to retirees in the Employees' Retirement System whose effective date of retirement is prior to May 1, 2022 and who is receiving a monthly allowance from the Employees' Retirement System on April 30, 2022. Beneficiaries of deceased members would receive a payment if the date of death or retirement death is prior to May 1, 2022 and if the beneficiary was receiving benefits on April 30, 2022.

Effective: April 4, 2022

LOCAL LAWS

Act 2022- 253 (Blount County)

House Bill 478

Sponsor Representative Shedd

The Act allows the Blount Co. sheriff to conduct fundraising events and governs the use of the proceeds.

Effective: April 6, 2022

Act 2022- 188 (Butler County)

House Bill 436

Sponsor Representative Sells

The Act proposes a constitutional amendment to allow municipalities in Butler Co. to regulate use of golf carts on public roads with civil penalties.

Office of Prosecution Services, OPS

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Act 2022- 132 (Cherokee County)

Senate Bill 132

Sponsor Senator Jones

The Act establishes a \$25 service process fee to be charged by the sheriff of Cherokee County in district, circuit, juvenile, family court and for all actions instituted outside of the State. District Attorneys, law enforcement officials and grand juries are exempted from the fee.

Effective: June 1, 2022

Act 2022- 157 (Clay County)

Senate Bill 21

Sponsor Senator Price

This Act authorizes the governing body of the City of Lineville in Clay County, by ordinance, to permit the sale of draft or keg beer by retail licensees of the ABC Board for on-premises and off-premises consumption.

Effective: March 24, 2022

Act 2022- 105 (Etowah County)

Senate Bill 136

Sponsor Senator Jones

This Act abolishes the office of constable in Etowah County at the end of the current term or upon vacancy.

Effective: March 8, 2022

Act 2022- 192 (Franklin County)

House Bill 327

Sponsor Representative Kiel

The Act sets out the parameters and procedures to allow the Franklin Co. sheriff to be able to sell abandoned, stolen and unclaimed property at auction and how to dispose of the proceeds.

Effective: March 31, 2022

Act 2022- 269 (Geneva County)

Senate Bill 310

Sponsor Senator Chesteen

This Act allows the governing body of the City of Geneva, by ordinance, to authorize the sale of draft or keg beer by retail licensees of the ABC Board in the city. Any resolution or ordinance of the governing body relating to the sale, consumption, and possession of bottled or canned beer shall apply to draft or keg beer.

Effective: July 1, 2022

Act 2022- 102 (Henry County)

Senate Bill 105

Sponsor Senator Beasley

This Act allows law enforcement to take a person into protective custody if the officer has reason to believe that the individual has a mental illness and is an immediate danger to themselves or others. The Act requires the officer to transport the person to the hospital or designated treatment facility. If the person does not consent, the officer may use reasonable force to carry out the transport. The individual shall be released within 72 hours unless the probate court orders inpatient or outpatient treatment. If there is a determination that the person is not a danger to themselves or others, the hospital shall notify law enforcement and the officer shall coordinate the release unless there is legal cause to detain. If requested by the person, the officer shall return the person to their home if within the county. The officer and the medical provider are granted immunity under this section pursuant to 36-1-12.

Effective: June 1, 2022

Act 2022- 429 (Jefferson County, Bessemer Division)

Senate Bill 265

Sponsor Senator Smitherman

This bill authorizes an additional deputy district attorney in Jefferson County, Bessemer Division.

Effective: July 1, 2022

Act 2022- 121 (Marshall County)

Senate Bill 61

Sponsor Senator Scofield

This Act allows the City Council of the City of Albertville by ordinance to establish and regulate the operation of entertainment districts and authorize the city council to provide penalties for violations.

Effective: March 10, 2022

Act 2022- 118 (Mobile County)

Senate Bill 227

Sponsor Senator Figures

This Act proposes a constitutional amendment to create the Mobile County Judicial Commission for the purpose of nominating to the Governor persons for appointment for a vacancy. If the Governor fails to fill the vacancy from the nominations within the 90 day period, the appointment shall be made by the Chief Justice of the Alabama Supreme Court.

Constitutional Amendment: Election held in accordance with Section 284 of the Alabama Constitution, yet to be announced as of the date of publication of this report.

Act 2022- 18 (Shelby County)

House Bill 273

Sponsor Representative Bedsole

The Act proposes a local constitutional amendment to allow the Shelby County Commission and Shelby County municipalities to authorize and regulate the operation of low-speed vehicles (i.e., golf carts and the like) on certain public roads.

Constitutional Amendment: Election held in accordance with Section 284 of the Alabama Constitution, yet to be announced as of the date of publication of this report.

Act 2022- 193 (St. Clair County)

House Bill 345

Sponsor Representative Hill

The Act establishes a service process fee to be charged by the sheriff of St. Clair County in civil and criminal divisions and how the fee is distributed. District Attorneys, law enforcement officials and grand juries are exempted from the fee.

Effective: June 1, 2022

Act 2022- 407 (Tuscaloosa County)

House Bill 494

Sponsor Representative Almond

The Act amends the work hours and shifts that can be worked for law enforcement in Tuscaloosa County, City and the City of Northport.

Effective: April 14, 2022

Act 2022- 263 (Washington County)

House Bill 426

Sponsor Representative Easterbrook

The Act proposes a constitutional amendment to change Washington Co. from dry to wet and allow for sale of alcoholic beverages.

Constitutional Amendment: Election on the 2022 general election ballot.

RESOLUTIONS

Pretrial Services & Alternative Courts

Act 2022-109

Senate Joint Resolution 56

Sponsor Senator Singleton

This Act creates the Study Commission on Financial Obligations in Pretrial Services and Alternative Courts. The purpose of this study commission is to study and ascertain costs associated with participation in pretrial programs and alternative courts. The commission is composed of (1) The Executive Director of the Alabama Sentencing Commission (Chair), (2) Three members of the House of Representatives, (3) Three members of the Senate, (4) Two circuit judges, (5) A district attorney, (6) The Executive Director of OPS, (7) A practicing attorney, (8) Two representatives of a legal research organization , (9) A representative appointed by the Association of County Commissions, and (10) The Director of the Alabama Commission on the Evaluation of Services. The study commission shall hold its first meeting no later than September 1, 2022. The Commission shall submit a report of its findings and recommendations for Legislative action to the Senate President Pro Tempore and the Speaker of the House of Representatives on or before the first day of the Regular Legislative Session, at which time the Commission shall be dissolved.

Office of Prosecution Services, OPS

Mission Statement

To improve the criminal justice system of Alabama by promoting professionalism through education, legislation, fiscal services, and information; and to be advocates for the administration of justice; to be persons of honor, courage, and humility; to be firm and uncompromising in our principles, with fairness and honesty as our standard.





FINAL THOUGHT

The Office of Prosecution Services and the Alabama District Attorneys Association are fortunate to work with dedicated partners in the criminal justice arena. We at the ADAA and OPS cherish our professional relationships within each branch of state and federal government as well as other advocacy groups and professional associations. These valued partners work with us to engage in the process with the sole motivation being to keep Alabama's criminal justice system fair, just, and effective.

We hope this Sine Die report for District Attorneys, prosecutors, law enforcement and other criminal justice professionals provides a helpful guide for the legislation that passed in the 2022 Alabama Legislature.

TO OBTAIN A COPY OF A LEGISLATIVE ACT

If you would like a copy of any Act of the Legislature from the 2022 legislative session or from a prior year, please follow these directions.

To view a PDF of the actual legislation that is signed by the Governor, go to the Alabama Secretary of State's web site at <http://www.sos.alabama.gov>. Across the top of the screen is a tab labeled "Records". Click "Records" and you will be provided a drop down selection. Press the link for "Legislative Act" and when that screen opens, enter the Act number provided with each summary.

If you have any difficulty in accessing an Act of Alabama or need any assistance in obtaining an Act referenced in this Sine Die Report, please do not hesitate to call the Office of Prosecution Services at 334-242-4191.