

Sine Die Report

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



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From the Director

A statement from Trisha Mellberg Cater detailing the 2024 Session.

Page 2

House and Senate Bills

Briefs of the House Bills and Senate Bills that were signed into law during the 2024 Session.

Page 3

The 2024 Session

The 2024 Alabama Legislative Regular Session adjourned *sine die* on Thursday May 9, 2024. The 93-day session began on February 6, 2024. The Legislature introduced, enrolled, debated, amended, substituted, engrossed, and voted on 844 separate bills. This session 246 of the House Bills passed and 154 of the Senate Bills passed. A total of 278 bills were impactful on the criminal justice system, public safety, victims of crime, law enforcement, and prosecution.

Every legislative session, the team at the Office of Prosecution Services (OPS) identifies, briefs, and works diligently within the legislative process to assure that each bill upholds the fair administration of justice and public safety. We hope that this Sine Die Report will serve as a valuable resource as it summarizes and reviews all the criminal justice impact bills that passed during the 2024 legislative session and were signed into law by Governor Kay Ivey.

Trisha Mellberg Cater



The Alabama State House, Montgomery Alabama

IMPACT LEGISLATION

CRIMINAL OFFENSES

Assault 2nd

Act 2024-91

House Bill 75

Sponsor Representative Ensler

The Act amends § 13A-6-21 (*assault 2nd degree*) to add “letter carriers” as defined in § 32-6-380 to the categories of public employees who are elevated to assault 2nd degree, a Class C felony, when the intentional assault causes physical injury, and the injury is during or as a result of the performance of their duties.

Effective: October 1, 2024

Terrorist Threat

Act 2024-229

Senate Bill 34

Sponsor Senator Smitherman

The Act adds threats made against an elected public official or his or her staff to the crime of making a terrorist threat in the first degree, § 13-10-241.

Effective: October 1, 2024

Swatting

Act 2024-297

House Bill 78

Sponsor Representative Ensler

The Act creates a new crime of “swatting” found in § 13A-10-9.1.

Definitions for this section are contained in § 13A-10-9.1(a) including “emergency,” “emergency service provider” and “law enforcement agency.” Subsection 13A-10-9.1(b) sets out the elements of a “swatting” offense if someone “knowingly reports, or causes to be reported, false or misleading information regarding a crime or emergency to a law enforcement agency or emergency service provider under circumstances where the false or misleading information is likely to cause a response from a law enforcement agency or an emergency service provider.” Swatting is a Class A misdemeanor if the false or misleading report is of a misdemeanor. It is a Class C felony if the false or misleading report is of a felony

offense or emergency. It is a Class B felony if the false or misleading report is of a felony offense or emergency and the emergency response causes physical injury to any person. It is a Class A felony if the false or misleading report is of a felony offense or emergency and the emergency response causes serious physical injury or death to any person.

Subsection **13A-10-9.1(c)** sets out the venue for swatting offenses in any county “(i) where the false or misleading report was made, (ii) where the false or misleading report was received by a law enforcement agency or emergency service provider, or (iii) in which a law enforcement agency or emergency service provider responded to the false or misleading report.” Subsection **13A-10-9.1(d)** requires any person convicted under this act be ordered to pay restitution to any individual, agency or entity who incurs damages as a proximate result of responding to the false report.

Effective: October 1, 2024

Removing Squatters

Act 2024-237

House Bill 182

Sponsor Representative Lipscomb

The Act amends and creates new statutes to provide a timely and effective mechanism for removing squatters while protecting the rights of legitimate occupants.

Section 1 contains the legislative intent for these amendments and new statutes.

Section 2 amends §§ **13A-7-7** (*burglary 3rd degree*) and **13A-10-102** (*perjury 2nd degree*), adding new subsections related to “squatting.” Section **13A-7-7** (*burglary 3rd degree*) is amended to add a fourth method for committing burglary 3rd degree. This new subsection makes it a crime to knowingly enter or remain unlawfully in a dwelling and intentionally cause \$1,000 or more in damage to the dwelling. Burglary 3rd degree remains a Class C felony. Also, a new subsection is added to § **13A-10-102** (*perjury 2nd degree*), creating a new perjury offense if someone “[k]nowingly presents a false document purporting to be a lease agreement, deed, or other instrument conveying or providing a right to or in real property to another person with the intent to civilly detain or to remain upon the real property.” Perjury 2nd degree remains a Class A misdemeanor.

Section 3 creates the new crime of “fraudulent sale or lease of residential real property” which is a Class A misdemeanor. A person commits fraudulent sale or lease of residential real property if they: (1) List or advertise residential real property for sale knowing that he or she or the purported seller has no legal title or authority to sell the property; or (2) Rents or leases residential real property to another person knowing that he or she or the purported lessor has no legal ownership or other authority to lease the property.

Section 4 defines “dwelling” by reference to § 13A-7-1 and allows the owner of a dwelling or their agent to request the removal of an unauthorized individual from the dwelling by providing a sworn affidavit to law enforcement that contains all of the following: (1) The affiant is the owner of the dwelling or the agent of the owner of the dwelling, (2) An individual has entered and is remaining unlawfully in the dwelling, (3) The individual was not authorized to enter the dwelling or remain in the dwelling, (4) The individual is not a tenant (see § 35-9A-141) or a holdover tenant (see § 35-9A-441), (5) The affiant has requested that the unauthorized individual vacate the dwelling and the individual has not done so, (6) the unauthorized individual is not an immediate family member of the property owner and (7) there is no pending litigation related to the dwelling between the property owner and the unauthorized individual.

A form affidavit is provided in **Section 4, subsection (c)** and specifies false statements made in the affidavit, may be prosecuted “...under penalty of perjury as provided in Section 13A-10-9...” [EDITOR’S NOTE: the Act cites the incorrect code section for perjury in the language of the affidavit. Perjury offenses can be found in § 13A-10-100, et. seq.]. The submission to law enforcement of a false affidavit may be prosecuted under penalty of perjury as provided in § 13A-10-9 (*false reporting to a law enforcement officer*) a Class A misdemeanor. Law enforcement are to verify the affiant is the record owner of the dwelling or authorized agent and is entitled to relief. Upon such a verification and after at least 24 hours of receiving the affidavit, law enforcement must serve notice to the occupant(s) and may arrest, if appropriate, those found in the dwelling for trespass, burglary, theft, any other criminal act, or for an outstanding warrant. The notice must notify the occupants they have no right to the dwelling and must vacate immediately. The officer nor the agency may be held liable for any action or omission made in good faith pursuant to this section. This section also provides for civil actions related to disputing the proper ownership of the dwelling.

Section 5 defines “squatter” as “a person occupying a dwelling who is not entitled to occupy the dwelling under a lease or rental agreement nor authorized by a tenant to occupy the dwelling. The term does not include a tenant who holds over in periodic tenancy as described in § 35-9A-441, Code of Alabama 1975.” Also, the removal of a squatter does not require the use an eviction action as provided in Title 35, Chapters 9 and 9A.

Effective: June 1, 2024

False Reporting

Act 2024-345

House Bill 82

Sponsor Representative Shaw

The Act amends § 13A-10-9 (*false reporting to law enforcement*) to include “local, state or federal” law enforcement authorities. If someone makes a false report or causes the transmission of a false report to local, state or federal law enforcement authorities, it remains a Class A misdemeanor. However, the Act creates a new Class C felony if the false report

alleges imminent danger to a person or the public. **Subsection (c)** is added to require, upon conviction the payment of restitution where the false report results in an emergency response or investigation of the commission of the false reporting. Restitution includes any reasonable costs, directly incurred, including the costs of police, firefighting and emergency medical services as well as the personnel costs of those who respond to the incident.

Effective: October 1, 2024

Distribution of a Private Image

Act 2024-96

House Bill 161

Sponsor Representative P. Moore

The Act amends **§ 13A-6-240** (*distributing a private image without consent*) by adding a new offense in **subsection (a)(2)** of “creating a private image.” A person creates a private image if they knowingly create, record or alter a private image when the depicted individual has not consented to the creation, recording or alteration and the depicted individual had a reasonable expectation of privacy against the creation, recording or alteration of the private image.

A “private image” is defined as “a photograph, digital image, video, film, or other recording of an individual who is identifiable from the recording itself or from the circumstances of its transmission and who is engaged in any act of sadomasochistic abuse, sexual intercourse, sexual excitement, masturbation, breast nudity, genital nudity, or other sexual conduct all as defined in Section **§ 13A-12-190.**” The term also includes a recording that has been edited, altered, or otherwise manipulated from its original form. “Private image” now includes a “recording that a reasonable person would believe actually depicts an identifiable individual, regardless of whether any portion of the recording depicts another individual or is artificially generated.” It is a Class A misdemeanor for a first offense. A subsequent adjudication or conviction is a Class C felony. There is an exception for internet service providers, software developers and the like.

Effective: October 1, 2024

Electronic Monitoring

Act 2024-107

House Bill 127

Sponsor Representative Pettus

The Act amends **§§ 15-22-26.2** (*mandatory supervision period*), **15-22-29** (*conditions of parole*) and **15-22-52** (*conditions of probation*) to make it a Class D felony for “any individual to knowingly alter, disable, deactivate, tamper with, remove, damage, or destroy any device used to facilitate electronic monitoring under th[ese] subdivision[s].”

Effective: October 1, 2024

Unauthorized Entry of a Critical Infrastructure Facility

Act 2024-395

House Bill 453

Sponsor Representative Mooney

The Act amends § 13A-7-4.3 (*unauthorized entry of a critical infrastructure facility*), to redefine “critical infrastructure” and create a definition for “critical infrastructure facility.” The new definition of “critical infrastructure” is “[a] system or asset, whether physical or virtual, so vital to the United States that the incapacity or destruction of the system or asset would have a debilitating impact on security, national economic security, national public health, or national public safety.” The new definition of a “critical infrastructure facility” would now specifically include:

- a. A chemical, polymer, or rubber manufacturing facility.
- b. A pipeline.
- c. A refinery.
- d. An electrical power generating facility.
- e. The area surrounding an electrical power generating facility.
- f. An electrical transmission tower.
- g. An electrical substation and or distribution substation.
- h. An electric utility control center.
- i. Electrical communication equipment.
- j. An electrical switching station.
- k. Electric power lines, power storage equipment, or other utility equipment.
- l. Any portion of a public water system or public wastewater treatment system.
- m. A natural gas transmission compressor station.
- n. A liquefied natural gas (LNG) terminal or storage facility.
- o. A natural gas distribution facility, including, but not limited to, a pipeline interconnection, a city gate or town border station, a metering station, above ground piping, a regular station, or a natural gas or hydrocarbon storage or production facility.
- p. A mining operation.
- q. Beneficiation infrastructure or mining infrastructure.
- r. A transportation facility such as a port, airport, railroad operating facility, or trucking terminal.
- s. Wireline or wireless communications infrastructure.
- t. A gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas or natural gas liquids.
- u. A steelmaking facility that uses an electric arc furnace.
- v. A dam that is regulated by the state or federal government.
- w. A crude oil or refined products storage or distribution facility, including, but not limited to, a valve site, a pipeline interconnection, a pump station, a metering

station, below ground piping, above ground piping, or a truck loading or offloading facility.

The elements found in **§ 13A-7-4.3(b)** remain the same and the penalties in **§ 13A-7-4.3(c)** remain a Class A misdemeanor for unauthorized entry and Class C felonies for unauthorized entry causing injury, damage, interrupting or interfering with the operations, or possessing or operating a drone with an attached weapon, firearm, explosive, destructive device, or ammunition.

Effective: October 1, 2024

Loitering

Act 2024-326

Senate Bill 89

Sponsor Senator Smitherman

This Act amends **§ 13A-11-9** (*loitering*) to provide that it is unlawful to loiter or remain in any area within 30 feet of any interchange involving a controlled-access or limited-access highway. The Act defines an "interchange" as "a system of interconnecting roadways providing for traffic movement between two or more roadways that do not intersect at grade."

Effective: June 1, 2024

Drone Regulation Over Alabama Prisons Act

Act 2024-222

House Bill 345

Sponsor Representative Simpson

The Act creates the Drone Regulation Over Alabama Prisons Act, beginning with **§§ 13A-7-90** through **13A-7-95**.

Section 13A-7-91(a) creates a Class C felony for any person who (1) operates an unmanned aircraft system within a horizontal distance of 500 feet or a vertical distance of 200 feet from a facility; or (2) operates an unmanned aircraft system to conduct surveillance of or photograph or otherwise record images of a facility. Subsection (b) provides for exceptions to this prohibition for (1) a drone being used by the Department of Corrections; (2) someone authorized by federal regulations; (3) someone in the armed forces or national guard; or (4) with prior written permission, a contractor, law enforcement, emergency management or state or federal public utility. The sentence for this violation is not subject to suspension or probation and requires a minimum of 30 days in jail or prison.

Section 13A-7-92 creates a Class C felony for anyone who introduces or attempts to introduce contraband as defined in **§ 13A-10-30** via use of an unmanned aircraft. The

sentence for this violation is not subject to suspension or probation and requires a minimum of 30 days in jail or prison.

Section 13A-7-93 creates a Class C felony for anyone who introduces any individual piece of an unmanned aircraft into a facility. The sentence for this violation is not subject to suspension or probation and requires a minimum of 30 days in jail or prison.

Section 13A-7-94 gives the Department of Corrections the authority to confiscate and pursue civil forfeitures of unmanned aircraft systems and any property, weapons, and contraband attached to or dropped from unmanned aircraft systems used in violation of this article, pursuant to **§ 20-2-93**.

Section 13A-7-95 allows the Commissioner of the Department of Corrections to adopt regulations necessary to implement this section.

Effective: June 1, 2024

Massage Therapy

Act 2024-361

Senate Bill 137

Sponsor Senator Gudger

The Act terminates the Alabama Board of Massage Therapy and creates the Alabama Massage Therapy Licensing Board. Anyone who violates the chapter would be guilty of a Class C misdemeanor. The Act requires misconduct to be presented to the district attorney for review and appropriate action.

Effective: June 1, 2024

Registered Architects

Act 2024-379

House Bill 235

Sponsor Representative Lipscomb

The Act amends **§§ 34-2-33, 34-2-34, 34-2-35, 34-2-36, 34-2-37, 34-2-38, 34-2-39, 34-2-40** and **34-2-41**; repeals **§ 34-2-42**; and adds **§ 34-2-43** related to the Alabama Board for Registered Architects, their rulemaking authority and regulating the practice of architecture by entities. The definitions are slightly revised and the Board's ability to address disciplinary issues are amended as well. Violations of the chapter remain designated as Class A misdemeanors per **§ 34-2-36**, which remains unchanged.

Effective: October 1, 2024

Tax Liens

Act 2024-324

House Bill 335

Sponsor Representative Hill

The Act amends §§ 40-10-182, 40-10-183, 40-10-184, 40-10-186, 40-10-187, 40-10-191, 40-10-193, 40-10-198, 40-10-199 and 40-10-200, related to tax lien auctions and sales. **Section 40-10-200** provides a Class C misdemeanor with a fine not exceeding \$500 if the tax assessing/collecting official, commissioner of revenue, judge, or clerk of court with jurisdiction over the action, knowingly has a direct or indirect financial interest in the purchase of any tax lien sold for delinquent taxes in their jurisdiction. Any such sale is declared void by this statute, and it is not applicable to any attorney who represents any party in the sale.

Effective: June 1, 2024

Cultivated Meat

Act 2024-252

Senate Bill 23

Sponsor Senator Williams

This Act prohibits the manufacture, sale, or distribution of cultivated meat in Alabama. A violation is a Class C misdemeanor.

Effective: October 1, 2024

CONTROLLED SUBSTANCES & ALCOHOL

Possession of Electronic Battery-Powered Devices

Act 2024-79

Senate Bill 95

Sponsor Senator Figures

This Act adds “electronic battery-powered device[s] capable of being used to deliver any e-liquid, e-liquid substitute, tobacco, CBD oil, THC oil, herbal extract, or nicotine salt, or any analog thereof, or any other substance to the individual through the inhalation of vapor,” to the list of items in § 28-11-13 (*unlawful for individuals under the age of 21 years to purchase, use, possess, or transport tobacco, tobacco product, electronic nicotine delivery system, or alternative nicotine product*) that are unlawful for someone under 21 to possess. A violation is committed upon mere possession of the electronic nicotine delivery system or other electronic battery-powered device, irrespective of which e-liquid or other substance, if any, was contained or otherwise used in the device. This Act also changes the requirement of law

enforcement to notify a parent, legal guardian, or legal custodian of the minor and only requires them to “make reasonable efforts” to notify the parent, legal guardian, or legal custodian.

Effective: October 1, 2024

Manslaughter Fentanyl

Act 2024-103

House Bill 10

Sponsor Representative Pringle

The Act amends § 13A-6-3 (*manslaughter*), to include if someone knowingly sells, furnishes, gives away, delivers or distributes a controlled substance, that contains fentanyl, any mixture containing fentanyl, any synthetic controlled substance fentanyl or any synthetic controlled substance fentanyl analogue, in violation of § 13A-12-211 (*unlawful distribution of controlled substances*), and the person to whom the controlled substance is distributed, dies as a proximate result of the use of the controlled substance. There is an exemption for doctors, dentist and pharmacists who are practicing their respective specialty. It is not a defense to a charge under this subdivision that the person who sold, furnished, delivered, etc., the controlled substance, had no knowledge the substance contained fentanyl, any mixture containing fentanyl, any synthetic controlled substance fentanyl or any synthetic controlled substance fentanyl analogue.

Effective: April 23, 2024

Human Trafficking

Act 2024-87

House Bill 42

Sponsor Representative Givens

The Act amends Human Trafficking First Degree § 13A-6-152, to set a mandatory minimum sentence of life imprisonment for any defendant who is nineteen years old or older and the trafficking victim is a minor as defined in § 13A-6-151(5) as a person under the age of 19. Additionally, § 13A-6-152(a)(3) is amended to include “or attempts to give” monetary consideration or any other thing of value to engage in any sexual conduct with a minor or an individual he or she believes to be a minor.

Effective: October 1, 2024

CRIMES AGAINST CHILDREN

Clergy Member

Act 2024-189

House Bill 125

Sponsor Representative Hulsey

The Act creates a new felony offense for a clergy member to engage in sexual acts with a child, creating §§ 13A-6-85 through 13A-6-88.

Section 13A-6-85 creates the definitions to be used for these new statutes. A “child” is defined as a “person under 19 years of age or a protected person under 22 years of age, as defined in **Section 15-25-1.**” A “clergy member” is defined as “[a]ny of the following in a position of trust or authority over the child: A duly ordained, licensed, or commissioned minister, pastor, priest, rabbi, or practitioner of any bona fide established church or religious organization or any person who regularly, as a vocation, devotes a substantial portion of his or her time and abilities to the service of his or her church or religious organization.”

Section 13A-6-86 prohibits a clergy member from engaging in sexual intercourse or sodomy with a child. A violation is a Class B felony. **Section 13A-6-87** prohibits a clergy member from engaging in sexual contact with a child. This section also prohibits a clergy member from soliciting, persuading, encouraging, harassing or enticing a child to engage in a sex act. Both of these offenses are Class C felonies. Consent is not a defense to charges under either §§ 13A-6-86 nor 13A-6-87.

Section 13A-6-88 prohibits a clergy member from transmitting, distributing, or soliciting by any means, obscene matter depicting sexual intercourse, sexual excitement, masturbation, breast nudity, genital nudity, or other sexual conduct to a child. A violation is a Class C Felony.

Effective: May 3, 2023

Child Pornography and AI

Act 2024-98

House Bill 168

Sponsor Representative Woods

The Act amends §§ 13A-6-240 (*distributing a private image without consent*), 13A-12-190 (*definitions*), 13A-12-191 (*dissemination or public display of obscene matter containing visual depiction of persons under 17 years of age involved in obscene acts*), 13A-12-192 (*possession and possession with intent to disseminate obscene matter containing visual depiction of persons under 17 years of age involved in obscene acts*), 13A-12-193 (*proof of age of person contained in visual depiction; inferences as to age*), 13A-12-194 (*identity of person engaged*

in obscene act not required), **13A-12-196** (*parents or guardians permitting children to engage in production of obscene matter*), **13A-12-197** (*production of obscene matter containing visual depiction of person under 17 years of age involved in obscene acts*), and **13A-12-198** (*forfeiture of equipment, materials, vehicles, etc., used in production, transportation, dissemination, etc., of obscene matter*) related to child sexual abuse materials and offenses. Also, **§ 13A-12-195** (*indication of commercial exploitation of matter for prurient appeal may be considered in determining whether matter appeals to prurient interests, etc.*) is repealed.

Section 1 creates the *Alabama Child Protection Act of 2024*. This Act allows for prosecution of a visual depiction created, altered, or produced by digital, computer generated, or other means that a reasonable person would conclude is of an actual individual under 18 years of age engaged in sexually explicit conduct.

Section 2 outlines the Legislative findings and intent for this Act.

Section 3 amends §§ **13A-6-240**, **13A-12-190**, **13A-12-191**, **13A-12-192**, **13A-12-193**, **13A-12-194**, **13A-12-196**, **13A-12-197**, and **13A-12-198** related to child sexual abuse materials and offenses and the application or inclusion of AI images to these statutes.

Section 13A-6-240 is amended to change the reference to **§ 13A-12-190** by removing the current listing of “sexually explicit conduct” and simply referencing “sexually explicit conduct, as defined in **§ 13A-12-190**.” “Sexually explicit conduct” is a newly defined term included in **§ 13A-12-190(14)**. Otherwise, the changes to this statute are stylistic in nature. There is also an exception for internet service providers who are solely providing access to these websites.

Section 13A-12-190 is amended to reorder the definitions and makes several style changes to the existing definitions. “Knowingly” is amended to a person “knowingly acts when the person knows the nature of the child sexual abuse material.” And a person knows the nature of the material when either (1) they are aware of the character and content of the material, or they recklessly disregard circumstances suggesting the character and content of the material. The current definitions for “matter,” “obscene,” “local community” and “visual depiction” are removed. The definition for “separate offense” currently includes depiction of an individual less than 17 years of age which is amended to be less than 18 years of age. There are three new definitions added for “child sexual abuse material,” “sexually explicit conduct” and “virtually indistinguishable depiction.”

Section 13A-12-191 is amended to read “any person who shall knowingly disseminate or display publicly any child sexual abuse material shall be guilty of a Class B felony.” A new offense is created in **§ 13A-12-191(b)** making it a Class B felony for anyone to knowingly “advertise, promote, present, distribute, or solicit by any means, including by computer, any material or purported material in a manner that reflects the belief, or that is intended to cause another to believe, that the material or purported material is a visual depiction of an actual minor engaging in sexually explicit conduct.”

Section 13A-12-192(a) is amended to incorporate the new definitions in **§ 13A-12-190** and makes it a Class B felony to “knowingly possesses with intent to disseminate any child sexual abuse material.” **Section 13A-12-192(b)** is amended to comport with the new definitions and now reads “[a]ny person who knowingly possesses any child sexual abuse material” remains a Class C felony.

Section 13A-12-193(a) related to proof of age is amended to incorporate the new definitions found in **§ 13A-12-190**. In keeping with the new definitions in **§ 13A-12-190**, **subsection (a)** is amended to 18 years of age. **Section 13A-12-193(b)** sets out the inferences for the factfinder to use in determining if the person depicted is under 18 years of age and these factors remain the same as current law with some stylistic changes. **Section 13A-12-193(c)** is amended to incorporate the new definitions in **§ 13A-12-190**. Newly added **subsection 13A-12-193(d)** creates an affirmative defense a defendant can raise that the person depicted was 18 or older at the time of the offense.

Section 13A-12-194 is amended to incorporate the new definitions found in **§ 13A-12-190**. This section is amended to also include the state shall not be required to establish the actual existence or identity, incorporating the ability to prosecute for AI generated images.

Section 13A-12-196 is amended to incorporate the new definitions found in **§ 13A-12-190** and a violation remains a Class A felony.

Section 13A-12-197 is amended to read “any person who knowingly films, prints, records, photographs or otherwise produces any child sexual abuse materials” is guilty of a Class A felony.

Section 13A-12-198 is amended to incorporate the new definitions found in **§ 13A-12-190**.

Section 4 specifies that any violation of Division 4 of Article 4 of Chapter 12 of Title 13A (**§§ 13A-12-190** through **13A-12-198** inclusive) constitutes a separate offense. Also, this section creates an exception for internet service providers who are solely providing access to these websites.

Sections 5 and **6** create civil liability to the individual who is depicted in the images against any person who violates **§§ 13A-6-240, 13A-12-191, 13A-12-192, 13A-12-196, 13A-12-197**, which shall consist of actual damages, court costs and attorney fees and punitive damages.

Section 7 requires the State Board of Education to require local boards of education to develop written policies related to the distribution of private images for students and education.

Section 8 repeals **§ 13A-12-195** (*indication of commercial exploitation of matter for prurient*

appeal may be considered in determining whether matter appeals to prurient interests, etc.).

Effective: October 1, 2024

How Pornography is Reaching Children

Act 2024-97

House Bill 164

Sponsor Representative Robbins

The Act creates new code sections with new requirements related to adult websites and the distribution of pornography and how it is reaching children.

Section 1 provides for the legislative findings and need for this legislation.

Section 2 provides definitions for the new code sections created by this act.

Section 3 requires any commercial entity that “knowingly publishes or distributes sexual material harmful to minors through an adult website shall use a reasonable age-verification method to provide reasonable assurance that individuals under 18 years of age cannot access the material harmful to minors” and excludes bona fide news-gathering organizations.

Section 4 prohibits commercial entities or third parties performing the age verification procedures from retaining any personally identifying information of the individual after access has been granted to the sexual material. Any entity that unlawfully retains personally identifying information shall be civilly liable to the individual for damages resulting from the information retention, including court costs and reasonable attorney fees. This section also excludes bona fide news-gathering organizations.

Section 5 provides an exception for internet service providers, search engines and the like, that solely provide access to such websites.

Section 6 allows anyone injured for a violation of **Section 3**, **Section 8**, or **Section 9** to bring a civil action to recover actual and punitive damages, court costs and reasonable attorney fees. Upon filing, the plaintiff must send a copy of the complaint to the Attorney General who may recover a civil penalty of up to \$10,000 upon a finding of a violation of these sections by a court.

Section 7 provides violations of **Section 3**, **Section 8**, or **Section 9** shall also be considered a violation of the *Deceptive Trade Practices Act* under **§ 8-19-1**, et. seq.

Section 8 requires a commercial entity, before knowingly publishing or distributing a private image as defined in **§ 13A-6-240** through an adult website, to “obtain written consent to publish or distribute the private image from every individual depicted in the

private image.” The written consent shall be signed by the person depicted, sworn by a notary, and retained for at least five calendar years from the publication of the image.

Section 9 sets out the requirements and notifications required for any commercial entity required to use reasonable age verification methods under **Section 3**. Violations of this provision are also subject to the penalties outlined in **Section 6** and **Section 7**.

Section 10 sets a 10% tax on the gross receipts of all “sales, distributions, memberships, subscriptions, performances, and all other content amounting to material harmful to minors that is produced, sold, filmed, generated, or otherwise based in this state.” The taxes collected are to be distributed to the Department of Mental Health for the care and treatment of individuals with behavioral health needs, including prevention, treatment, and recovery services and support.

Section 11 amends **§13A-6-240** (*distributing a private image without consent*), specifies the consent in **subsection (a)** of this code section be in writing. The definitions of “private image” and the acts that qualify under this section refer back to **§13A-12-190** (*definitions*) when defining the sexual acts under the “private image” definition. Violations of **§13A-6-240** remain a Class A misdemeanor for a first offense and a Class C felony for subsequent adjudications and convictions. In addition to these criminal penalties, **subsection (g)** is added that allows the Attorney General to petition for an emergency injunction and other necessary relief against someone violating **§13A-6-240**. Like **Section 5** of this Act, there is an exception from violating this section for internet service providers, search engines and the like, that solely provide access to such websites.

Section 13 allows the Department of Revenue to adopt rules for the implementation of this Act.

Effective: October 1, 2024

Child Labor Law

Act 2024-285

Senate Bill 119

Sponsor Senator Stewart

This Act increases the fines and penalties for those who violate the child labor laws pursuant to **§25-8-59**. A first conviction is a Class C felony if the minor has serious physical injury or death. A second conviction is a Class B felony.

Effective: October 1, 2024

Educators

Act 2024-289

Senate Bill 56

Sponsor Senator Orr

This Act provides, as of July 1, 2024, that an individual convicted of a teacher student sex offense or an offense involving child pornography forfeit his/her right to any pension, annuity, retirement allowance, amount attributable to the employer contribution to a defined contribution plan, or any other right or benefit accrued or accruing to that individual under Chapter 25 or 25C of Title 16, Code of Alabama 1975. Additionally, upon conviction, the court is required to notify the Board of Control of the Teachers' Retirement System of Alabama. The Board of Control may stay any proceeding to terminate an individual's benefits forfeited under subsection until an appeal of the conviction is concluded or the time for appeal expires.

Effective: July 1, 2024

DOMESTIC VIOLENCE

Filing Fees

Act 2024-449

Senate Bill 84

Sponsor Senator Bell

This Act provides that no filing fee may be collected for a motion for a qualified domestic relations order that is filed within 120 days of the final order. The term "qualified domestic relations order" has the same meaning as **26 U.S.C. § 414(p)**.

Effective: October 1, 2024

ELDER ABUSE

Alabama Adults with Disabilities Protection Act

Act 2024-384

House Bill 60

Sponsor Representative Colvin

The Act adds Article 13 to Title 13A, Chapter 6, creating the "*Alabama Adults with Disabilities Protection Act*" in §§ **13A-6-280** through **13A-6-289**.

Section 13A-6-281 provides the definitions for the act, including “adult with a disability” as “[a]ny of the following: (i) an individual 18 years of age or older who has physical or mental impairment that substantially limits one or more major life activities; and (ii) any protected person as defined in Section 38-9-2.” “Neglect” is defined as “[t]he failure of a caregiver to provide food, shelter, clothing, medical services, medication, or health care for an adult with a disability.” Also defined are caregiver, financial exploitation, intimidation, person, and undue influence.

Section 13A-6-282 creates the crime of abuse and neglect of an adult with a disability in the first degree, a Class A felony, if a person abuses or neglects any adult with a disability and the abuse or neglect causes serious physical injury.

Section 13A-6-283 creates the crime of abuse and neglect of an adult with a disability in the second degree, a Class B felony, if a person (1) intentionally abuses or neglects any adult with a disability and the abuse or neglect causes physical injury, (2) recklessly abuses or neglects any adult with a disability and the abuse or neglect causes physical injury or (3) recklessly abuses or neglects any adult with a disability after being previously convicted of abuse or neglect of an adult with disability third degree in any court.

Section 13A-6-284 creates the crime of abuse and neglect of an adult with a disability in the third degree, a Class A misdemeanor, if a person recklessly abuses or neglects any adult with a disability and the abuse or neglect causes physical injury.

Financial exploitation of an adult with a disability is created in §§ 13A-6-285 through 13A-6-287. The term “financial exploitation” is defined in §§ 13A-6-281(3) as any of the following:

- a. The wrongful or unauthorized taking, appropriating, or use of money, assets, or property of an adult with a disability.
- b. Any act or omission taken by a person, including through the use of a power of attorney, guardianship, or conservatorship of an adult with a disability, to:
 1. Obtain control through deception, intimidation, or undue influence over the money, assets, or property of an adult with a disability to deprive the adult with a disability of the ownership, use, benefit, or possession of his or her money, assets, or property; or
 2. Convert money, assets, or property of the adult with a disability to deprive the adult with a disability of the ownership, use, benefit, or possession of his or her money, assets, or property.

Section 13A-6-285 creates the crime of financial exploitation of an adult with a disability in the first degree, a Class B felony, if a person takes property that exceeds \$2,500.

Section 13A-6-286 creates the crime of financial exploitation of an adult with a disability in the second degree, a Class C felony, if a person takes property that exceeds \$500 but does not exceed \$2,500.

Section 13A-6-287 creates the crime of financial exploitation of an adult with a disability in the third degree, a Class A misdemeanor, if a person takes property that does not exceed \$500.

Section 13A-6-288 states “the crime shall be considered to be committed in any county in which any party to the offense was located at the time of the commission of the offense, regardless of whether the defendant was ever actually present in that county, or in the county of residence of the person who is the victim of the financial exploitation.” Also, **subsection (b)** sets the statute of limitations is within seven (7) years of the date of the discovery of the offense and per **subsection (c)** it is not a defense that the defendant reasonably believed the victim was not an adult with a disability.

Section 13A-6-289 specifies this article does not limit remedies available to the victim pursuant to any state law, including domestic violence, the *Adult Protective Services Act* or any other applicable law.

Effective: October 1, 2024

TRAFFIC OFFENSES AND MARITIME

Motorboats

Act 2024-212

House Bill 209

Sponsor Representative Oliver

The Act adds the waters impounded by Martin Dam (Lake Martin) and Weiss Dam (Weiss Lake) to the waters of the state in **§ 33-5-26.1** (*wakeboarding and wake surfing in certain waters of the state*). The Act adds the prohibition of the operation of a motorboat above idle speed within 100 feet from any shoreline, dock, pier, boathouse, or other structure on the same impounded waters of the state, subject to the same penalties found in **§ 33-5-26.1(e)**. For one year following October 1, 2024, the first violation is a written warning; however, any subsequent violation is an actionable violation.

Effective: October 1, 2024

Off Road Vehicles

Act 2024-190

House Bill 233

Sponsor Representative Sorrells

This Act defines an off-road vehicle and an off-road vehicle dealer. It requires every off-road vehicle manufactured on or after January 1, 2026, to receive a certificate of title at the time

of purchase. It also requires dealers of off-road vehicles to obtain a master dealer license and authorizes the dealers to issue certificates of title for off-road vehicles.

Effective: October 1, 2024

First Responders

Act 2024-379

House Bill 241

Sponsor Representative Lovvorn

The Act requires drivers to exercise due care to avoid colliding with first responders and would require a driver to yield the right-of-way to first responders on a sidewalk. It distinguishes a first responders performing official duties from pedestrians as well.

Effective: October 1, 2024

Exhibition Driving

Act 2024-323

House Bill 474

Sponsor Representative Treadaway

The Act amends § 13A-11-300 (*certain motor vehicle speed contests, motor vehicle exhibitions of speed, motor vehicle sideshows, etc. prohibited*) to authorize any local governing body to enforce the prohibition against exhibition driving through the use of automated photographic or video traffic enforcement systems that have the ability to record violations. Also, it provides that if a violation is observed by a traffic enforcement officer or recorded by an automated traffic enforcement system, the vehicle may be impounded for a minimum of 48 hours. Additionally, it provides that a violation may be committed if a person gives consent for another person to use his or her motor vehicle to commit a violation.

Effective: May 9, 2024

John Hubbard Move Over Act

Act 2024-295

House Bill 315

Sponsor Representative Marques

The Act amends § 32-5A-58.2, also known as the “Alabama Move Over Act” and will now be known as the “John Hubbard Move Over Act.” The Act adds maintenance, construction, and survey vehicles to the list of vehicles traffic must attempt to move over for on the roadway. It also amends the penalty section and adds new enhancements and violations within the

statute. The fine for each offense is increased for each offense:

1st- From \$100 to \$200

2nd- From \$150 to \$250

3rd- From \$200 to \$300 and includes a 90-day license suspension.

The Act doubles the fine if a person commits any of the following crimes when failing to move over or slow down: DUI, Reckless Driving, Speeding in a Construction Zone, violation of the Hands-Free Act, or Racing. The Act provides criminal penalties if a violation is the proximate cause of physical injury, serious physical injury, or death.

Effective: October 1, 2024

Nonresident Boater Safety Certification

Act 2024-394

House Bill 375

Sponsor Representative Shaver

The Act amends § 33-5-52 (*boater safety certification – required; expiration and renewal; exemptions*) to require all nonresidents to procure a boater safety certification in their home state or country, or procure a Nonresident Alabama Boater Safety Certification prior to operating a vessel on the waters of this state, except under certain conditions. The main exemption is for those operating a vessel registered with ALEA as a rental vessel and the operator meets the conditions outlined in § 33-5-52(g).

Effective: October 1, 2024

Right-of -Way

Act 2024-332

Senate Bill 283

Sponsor Senator Hovey

This Act requires drivers to exercise due care to avoid colliding with first responders and requires a driver to yield the right-of-way to first responders on a sidewalk. It distinguishes a first responders performing official duties from pedestrians as well.

Effective: October 1, 2024

SENTENCING

Garnishment

Act 2024-408

Senate Bill 32

Sponsor Senator Barfoot

This Act revises circumstances when an RSA or TSA recipient's benefits can be garnished. Currently, restitution, fines, court costs, fees, or any other financial obligations in a criminal case ordered by a circuit or district court judge can be garnished if (a) The amount of the restitution ordered is \$1,000 or greater; (b) The person subject to the order is a retiree or beneficiary who is currently receiving benefits from the Employees' Retirement System; and (c) The case has been assigned to the district attorney's restitution recovery division. The Act removes requirement (c) that the case has been turned over to the district attorneys' restitution recovery division so that now only requirement (a) and (b) are necessary to garnish.

Effective: October 1, 2024

PROBATION AND PAROLE

Parole Court

Act 2024-405

Senate Bill 255

Sponsor Senator Givhan

Currently, the Board of Pardons and Paroles is required to hold a parole court, in person or by electronic means, within 20 business days of the request. If a parole court is not held within 20 business days, the parolee shall be released from custody. This Act would allow up to 40 business days if there is a proclaimed state of emergency.

Effective: October 1, 2024

Aaron's Law

Act 2024-191

House Bill 81

Sponsor Representative Treadaway

The Act amends and renames § 15-22-27.3 (*parole of persons convicted of sex offense involving a child*) as "Aaron's Law." The current parole restriction of § 15-22-27.3 is now designated as **subsection (a)** and it still prohibits any person who has been convicted of (1)

a sex offense, (2) that is either a Class A or Class B felony and (3) involves a child as defined in § 15-20A-4, from being eligible for a parole.

The newly created § 15-22-27.3(b) will prohibit any person who has been convicted of a sex offense involving a child as defined in § 15-20A-4 from being eligible for a pardon.

Effective: October 1, 2024

JUVENILE

Juvenile Confidentiality – Automatic Transfers

Act 2024-335

Senate Bill 235

Sponsor Senator Barfoot

This Act removes the juvenile confidentiality provisions when a juvenile is subject to automatic transfer from juvenile Court when a hearing has been held pursuant to § 15-13-3 (persons charged with capital murder; pretrial detention hearing; denial of bail in particular cases. a.k.a. *Aniah's Law*), there has been a probable cause determination by a district or circuit court judge, or an indictment has been issued by a grand jury. It also adds that nothing in this section shall be construed to prohibit or otherwise limit a prosecuting authority from disclosing confidential law enforcement records relating to a defendant as needed to investigate or prosecute the case, provided that the disclosure is in furtherance of or related to the investigation or prosecution. Lastly, it amends the violation from “directly or indirectly” discloses to “knowingly discloses”.

Effective: June 1, 2024

CRIMINAL PROCEDURE

Involuntary Commitments

Act 2024-193

Senate Bill 240

Sponsor Senator Barfoot

Currently, a person can petition the probate court for an involuntarily commitment of another person for inpatient or outpatient treatment upon a finding of clear and convincing evidence. This Act provides for the commitment of a person suffering from a substance use disorder that occurs secondarily to a primary diagnosis of one or more mental illnesses. This Act authorizes the judge of probate, when determining whether to place limitations on the respondent's liberty pending a final hearing, to interview the respondent and any other available individual, and seek an evaluation by a licensed medical physician or qualified

mental health provider who has willingly consented to treating the respondent. This Act further provides a procedure for a probate court to petition the district court or municipal court (if the defendant is confined) to suspend criminal proceedings temporarily for a subsequently entered commitment order to be fulfilled. The court shall give the prosecuting attorney the opportunity to object.

Effective: January 1, 2025

LAW ENFORCEMENT

Polygraph Examiners

Act 2024-383

House Bill 421

Sponsor Representative Faulkner

The Act amends §§ 34-25-2, 34-25-3 (*instrumentation*), and 34-25-20 (*required; authorized practice*) related to the Polygraph Examiners Board to specify that a polygraph device does not include equipment or devices used for the purpose of computer voice stress analysis. Penalties for violating these provisions remain unchanged, are found in § 34-25-8, and remain an unclassified misdemeanor with a fine of between \$100 - \$1,000 and not more than six months in county jail.

Effective: May 15, 2024

COURTS

Retired Judges

Act 2024-315

House Bill 62

Sponsor Representative Hill

The Act amends §§ 12-18-10 (*retirement and disability benefits of justices of supreme court, judges of courts of appeals, and judges of circuit courts; payment of benefits to spouses upon death of justices or judges; active duty status of retired justices or judges; transfers between active and inactive status*) and 12-18-61 (*call to active duty of retired district judges; requirements for retired judges on active duty; removal from active duty*) related to when a retired judge or justice may be called to active duty. This Act adds the ability for a presiding circuit judge, with the approval of the Chief Justice, to call a retired circuit or district court judge to interim active-duty status with the consent of the retired judge.

Effective: October 1, 2024

FUNDING

Cost of Living

Act 2024-284

Senate Bill 68

Sponsor Senator Albritton

The Act provides for a 2% cost of living increase for state employees.

Effective: May 8, 2024

JURISDICTION

Military Installations

Act 2024-327

Senate Bill 210

Sponsor Senator Smitherman

This Act allows the state to exercise concurrent jurisdiction over a military installation of the United States Department of Defense in a matter relating to a violation of federal law by a juvenile within the boundaries of that military installation, if (1) The United States Attorney or the United States District Court for the applicable district in this state waives exclusive jurisdiction; and (2) The violation of federal law is also a crime under state law. When concurrent jurisdiction has been established, the juvenile court has exclusive original jurisdiction over any case involving a juvenile who is alleged to be delinquent as the result of an act committed within the boundaries of a military installation that is a crime under state law.

Effective: October 1, 2024

ELECTIONS

Influencing Elections

Act 2024-349

House Bill 172

Sponsor Representative Chestnut

The Act creates new statutes related to the distribution of materially deceptive media intended to influence an upcoming election, creates a criminal act, and allows for civil remedies.

Section 1 provides definitions for terms used in the act for (1) artificial intelligence, (2) creator, (3) depicted individual, (4) election, (5) materially deceptive media and (6) sponsor.

Section 2 prohibits any person from distributing or entering into an agreement with another to distribute materially deceptive media if all of the following apply: (1) the person knows the media falsely represents a depicted individual; (2) the distribution occurs within 90 days before an election; (3) the person intends the distribution to harm the reputation or electoral prospects of a candidate in the coming election, and the distribution is reasonably likely to cause that result; and (4) The person intends the distribution to change the voting patterns of electors in the coming election by deceiving the electors into incorrectly believing that the depicted individual in fact engaged in the speech or conduct depicted, and the distribution is reasonably likely to cause that result.

Subsection (b) provides for an exception if all the following are met:

- 1 The creator, sponsor, or purchaser includes a disclaimer in any presentation of the media informing the viewer both that the media has been manipulated by technical means and depicts speech or conduct that did not occur. The following disclaimer is sufficient, but not necessary, to satisfy the requirements of this subdivision: "This media has been manipulated by technical means and depicts speech or conduct that did not occur."
- 2 If the media is a video, the disclaimer meets all of the following requirements:
 - a. Appears throughout the entirety of the video.
 - b. Is clearly visible to and readable by the average viewer.
 - c. Is in letters in a size that is easily readable by the average viewer.
 - d. Is in the same language as the language used in the video media.
- 3 If the media consists only of audio and contains no image or video, the disclaimer is read at the beginning and end of the media in a clearly spoken manner, in a pitch that can be easily heard by the average listener, and in the same language as the audio media.
- 4 If the media is an image, the disclaimer meets all of the following requirements:
 - a. Is clearly visible to and readable by the average viewer.
 - b. Is in the same language as the language used in the image media.
- 5 If the media was generated by editing an existing image, audio, or video, the media includes a citation directing the viewer or listener to the original source from which the unedited version of the existing image, audio, or video was obtained.

Per **subsection (c)**, a first violation is a Class A misdemeanor and second or subsequent violations within a 5-year period is a Class D felony.

Subsection (d) provides several different exceptions to the Act, including for websites, broadcasters, television operators, and the like. There are exceptions for rights, obligations or immunities created by **47 U.S.C. Chapter 5** or under the regulations of the Federal Communications Commission pertaining to the broadcast or distribution of political programming or campaign advertising, or under any other federal law, or under **47 U.S.C. §**

230. An exception is also included for satire or parody and broadcasters including commentary on news stories that include material prohibited under this Act.

Section 3 creates injunctive relief that can be sought by the Attorney General, the depicted individual, candidate for office who has been injured or any entity that represents the interests of the voters who were likely deceived by the media.

Effective: October 1, 2024

Sentencing Enhancement for Offenses Committed Against Election Officials

Act 2024-341

House Bill 100

Sponsor Representative Clarke

The Act adds **§ 13A-5-14** creating a sentencing enhancement for any offense where it is shown beyond a reasonable doubt that the crime was committed against an election official, and it was motivated by the victim's actual or perceived role as an election official. **Section 13A-5-14** sets minimum sentences based on the class of the predicate offense that is committed as (1) Class A felony, not less than 15 years; (2) Class B felony, not less than 10 years; (3) Class C felony, not less than 2 years; (4) Class D felony, not less than 18 months; and (5) on conviction of any misdemeanor, shall be sentenced for a Class A misdemeanor with a minimum sentence of 3 months. A defendant who receives a minimum sentence under **§ 13A-5-14** shall also be subject to the enhanced punishments found in the *Habitual Felony Offender Act* found in **§ 13A-5-9**, if they have any prior felony convictions. An "election official" is defined as "any absentee election manager, clerk, inspector, poll worker, registrar, judge of probate or his or her employee, or the Secretary of State or his or her employee."

The Act also amends **§ 17-3-30.1**, (*felony voter disqualification act*), adding several offenses of moral turpitude that will disqualify a person from voter eligibility. Per **§ 17-3-30.1(c)** the current list of felonies involving moral turpitude will now also include: (1) any felony committed against an election official pursuant to **§ 13A-5-14**, (2) Compelling street gang membership (**§ 13A-6-26(d)**), (3) aggravated stalking (**§ 13A-6-91**), (4) domestic violence 1st degree (**§ 13A-6-130**), (5) domestic violence 2nd degree (**§ 13A-6-131**), (6) domestic violence by strangulation or suffocation (**§ 13A-6-138**), and (7) elder abuse (**§ 38-9-7(b)**). **Subsection (d)** is added to also include any attempts (**§ 13A-4-2**), conspiracies (**§ 13A-4-3** and **§ 13A-4-4**) or solicitations (**§ 13A-4-1**) to commit any of the offenses of moral turpitude listed in **§ 17-3-30.1(c)**.

Effective: October 1, 2024

Absentee Ballots

Act 2024-33

Senate Bill 1

Sponsor Senator Gudger

This Act creates a Class C misdemeanor for a person to knowingly order, request, collect, prefill, obtain, or deliver an absentee ballot application or absentee ballot other than his/her own. However, a voter requiring assistance may obtain it from a second-degree kin family member, a resident of the household who has resided for a minimum of 6 months, the Secretary of State or employee designated in writing, the judge of probate or an employee designated in writing, or the absentee election manager for the county or municipality where the person votes. This section does not apply to those voting by absentee ballot through the Uniformed and Overseas Citizens Absentee Voting Act. It is not a violation if the assisted person is blind, disabled, or unable to read or write.

The Act creates a Class C felony if a person receives payment for distributing, ordering, requesting, collecting, prefilling, completing, obtaining or delivering an absentee ballot. The Act creates a Class B felony if a person pays a third party to distribute, order, request, collect, prefill, complete, obtain, or deliver an absentee ballot.

Effective: March 20, 2024

Ranked-Choice Voting

Act 2024-338

Senate Bill 186

Sponsor Senator Orr

The Act prohibits the use of any ranked-choice voting method in elections except for electors who vote by absentee ballot pursuant to the *Uniformed and Overseas Citizens Absentee Voting Act*.

Effective: October 1, 2024

Municipal Offices

Act 2024-104

House Bill 156

Sponsor Representative Robertson

The Act exempts candidates for municipal offices from the reporting requirements of §§ 17-5-4 (*filing statement to show principal campaign committee; duties and procedures; dissolution*) and 17-5-8 (*electronic filings; reports of contributions and expenditures; filing requirements*), unless and until they receive more than \$1,000 in campaign contributions.

Effective: June 1, 2024

STATUTE OF LIMITATIONS

Insurance Fraud

Act 2024-371

Senate Bill 65

Sponsor Senator Kitchens

This Act increases the statute of limitation on insurance fraud from 2 to 7 years after the violation is detected. Currently, the Insurance Fraud Unit within the Department of Insurance may execute warrants and arrest on fraud charges. This would expand their authority to other state laws during the course of the investigation.

Effective: October 1, 2024

Civil Actions – Sex Offense Against a Minor

Act 2024-36

Senate Bill 18

Sponsor Senator Coleman

This Act provides an exception to the statute of limitations for a civil action for injury resulting from a sex offense against a minor if the action is filed against a bankruptcy estate. Currently the statute of limitation is 6 years after the individual turns 19 years old. It has retroactive application. This Act will be repealed on December 31, 2026.

Effective: April 3, 2024

OTHER

In Vitro Fertilization

Act 2024-20

Senate Bill 159

Sponsor Senator Melson

This Act, as amended, provides that no action, suit, or criminal prosecution for the damage to or death of an embryo shall be brought or maintained against any individual or entity when providing or receiving services related to in vitro fertilization. This applies retroactively to any act, omission, or course of services which are not the subject of litigation on the effective date of this act.

Effective: March 6, 2024

Public Records

Act 2024-278

Senate Bill 270

Sponsor Senator Orr

This Act establishes procedures for requesting and obtaining public records. It excludes the judicial branch of state government and any office identified in **Article VI** of the Constitution of Alabama 2022 (District Attorneys), from the new requirements of §§ **36-12-43** through **36-12-45**. The Office of Prosecution Services (OPS) would be subject to these new provisions as OPS is not included in Article VI of the Constitution of Alabama 2022.

Effective: October 1, 2024

Expungements

Act 2024-407

Senate Bill 153

Sponsor Senator Jones

Currently, expungements apply to those who have been convicted of a misdemeanor offense, violation, traffic violation, or municipal ordinance violation. This Act specifies that expungements also apply to a person who has been adjudged as a youthful offender of those offenses.

Effective: October 1, 2024

Alabama Genetic Data Privacy Act

Act 2024-384

House Bill 21

Sponsor Representative Brown

The Act creates the “Alabama Genetic Data Privacy Act” to require genetic testing companies to protect the confidentiality of customers’ genetic information and requires the customers’ consent for certain usages of the genetic information.

Section 2 provides definitions to be used as part of this Act and it applies to “genetic testing company[ies]” who provide commercial genetic testing, defined as:

[a]ny person, other than a health care provider, that directly solicits a biological sample from a consumer for analysis in order to provide products or services to the consumer which include disclosure of information that may include, but is not limited to, the following:

- a. The genetic link of the consumer to certain population groups based on ethnicity, geography, or anthropology.
- b. The probable relationship of the consumer to other individuals based on matching DNA for purposes that include genealogical research.
- c. Recommendations to the consumer for managing wellness which are based on physical or metabolic traits, lifestyle tendencies, or disease predispositions that are associated with genetic markers present in the consumer's DNA.

Section 3 requires companies provide notice to customers of policies and procedures governing the collection, use, maintenance, and disclosure of genetic data. The genetic testing company must also obtain express consent from the customer and obtain releases for transferring genetic information of customers to 3rd parties. There is a law enforcement exception in responding to subpoenas and a non-disclosure provision to the customer for law enforcement requests for data. Violations are a civil action that may be brought by the Attorney General's Consumer Division, who may bring a civil suit for either injunctive relief or a \$3,000 penalty for each violation. These can be waived if the company has made full restitution or actual damages to the customer who was injured by violations of this Act.

Effective: October 1, 2024

Notaries

Act 2024-314

Senate Bill 289

Sponsor Senator Coleman

Currently, a notary public is prohibited from acknowledging a document that is required for a transaction in which the notary has a financial interest. This Act provides that this prohibition does not apply to professionals such as attorneys, accountants, or real estate brokers, or their employees who may lawfully notarize the documents that are a necessary part of the professional services for which they are paid.

Effective: October 1, 2024

Whistleblower

Act 2024-112

House Bill 121

Sponsor Representative Carns

The Act extends the "whistleblower" protection enjoyed by state employees per **§ 36-26A-3** (*discharge for reporting violation of law prohibited*) to county and municipal employees.

Effective: October 1, 2024

Teachers

Act 2024-409

Senate Bill 157

Sponsor Senator Orr

This Act establishes procedures for putting disorderly students out of the classroom. The Act states that an education employee may not be held civilly or criminally liable for actions carried out in conformity with rules of the State Board of Education or policies of the local board of education where he or she is employed, except when: (1) The education employee engages in excessive force or cruel and unusual punishment; (2) The education employee acts willfully, maliciously, fraudulently, in bad faith, beyond his or her authority, or under a mistaken interpretation of the law; or (3) The education employee violates the United States Constitution, the Constitution of Alabama, or the laws of Alabama.

The Act provides that each local board of education may reimburse reasonable expenses for legal services for education employees of officers of the board if they are charged civilly or criminally for actions arising out of their assigned duties and responsibilities. If the education employee prevails, they shall award reasonable legal expenses. If the employee is adjudicated guilty, the employee shall reimburse the board for legal services.

The Act establishes a rebuttable presumption that the teacher was taking necessary action to restore or maintain the safety or instructional atmosphere of the classroom. A teacher may not be reprimanded or disciplined if their actions are legal and in conformance with the policies of the local or state board of education.

Effective: June 1, 2024

Firearms

Act 2024-232

Senate Bill 281

Sponsor Senator Melson

The Act prohibits a financial institution from requiring merchants to use a merchant category code (MCC) to distinguish a firearms retailer from a general merchandise retailer or a sporting goods retailer during a firearms transaction amounting to financial surveillance and from disclosing financial information regarding the transaction.

This Act also authorizes the Attorney General to investigate alleged violations of this Act, to enforce this Act by bringing an action to recover civil penalties, and to restrain and enjoin an individual or entity from violating this Act.

Effective: October 1, 2024

LOCAL LAWS

Act 2024-312 (Etowah County)

Senate Bill 263

Sponsor Senator Jones

The Act provides a service of process fee for the Sheriff of Etowah County of \$35. The District Attorney and Grand Juries are exempted.

Effective: December 1, 2024, contingent upon ratification by vote.

Act 2024-188 (Tallapoosa County)

House Bill 319

Sponsor Representative Oliver

The Act would authorize the sheriff to charge and collect reasonable fees for administrative services including, but not limited to, fees for fingerprinting, fees for criminal history investigations and reports thereon when otherwise authorized by law, and fees for copies of various requested records. This fee does not apply to “a law enforcement agency for a law enforcement purpose” or for pistol permits.

Effective: June 1, 2024

Act 2024-430 (Cullman County)

House Bill 371

Sponsor Representative Harbison

The Act establishes a condemnation process for abandoned and stolen firearms to provide a process for their disposal in Cullman County. The proceeds of the sale of any firearm under this Act, after deducting and paying all expenses shall be dispersed 70% to the sheriff and 30% to the district attorney. The sheriff may establish procedures to destroy firearms.

Effective: October 1, 2024

Act 2024-420 (Tuscaloosa County)

House Bill 384

Sponsor Representative Bolton

The Act amends **Section 2 of Act 99-219 of the 1999 Regular Session**, providing a \$60 service of process fee for service of process in civil matters originating in the State of Alabama and \$85 for those originating outside of the state, that require personal service of process by the sheriff's office. The Act provides for the distribution of the fees among the circuit clerk (\$3) the judge of probate (\$3), the remaining shall be divided equally between

the sheriff and the district attorney for matters originating within the state. For matters originating outside of the state, the total collected is to be divided equally between the sheriff and the district attorney. Also, it would repeal **Section 3 of Act 99-219**, relating to contracting for service of process by the county.

Effective: June 1, 2024

Act 2024-205 (Coffee County)

House Bill 416

Sponsor Representative Marques

The Act creates an additional fee of \$8 for each motor vehicle registration in Coffee County, \$3 of which goes to the district attorney solicitor's fund and \$5 of which goes to the County General Fund for operation of the Coffee County sheriff's office.

Effective: October 1, 2024

Act 2024-320 (Lawrence County)

House Bill 429

Sponsor Representative Yarbrough

The Act creates the Lawrence County Community Corrections and Court Services Commission and creates a temporary release program.

Effective: October 1, 2024

Act 2024-432 (Marengo County)

House Bill 447

Sponsor Representative McCampbell

The Act creates a civil service of process fee in Marengo County. The sheriff may contract with or enter into agreement with a private, public, or governmental entity for the purpose of service of process. The service of process fee is in the civil division, for the service of civil documents at rates of \$50 for each document for any matter commenced within the state of Alabama and \$75 for each document for matters commenced in a court outside of the state. The fee may be waived, if the court finds it will create a substantial hardship. In order for the fee to be waived the individual must file a verified signed statement requesting the fee be waived with the clerk of court once approved by the judge.

Effective: October 1, 2024

Act 2024-206 (Houston County)

House Bill 431

Sponsor Representative Rehm

The Act amends § 45-35-81.01 (*additional court costs – criminal and civil cases*) related to local court costs in Houston County, raising the amount to be distributed to the district attorney's office from currently \$9 up to \$10.

Effective: October 1, 2024

Act 2024-134 (Dale County)

House Bill 107

Sponsor Representative Clouse

The Act proposes a constitutional amendment to authorize municipalities in the county to permit the limited operation of golf carts on municipal streets or public roads subject to restrictions and civil penalties for violations in Dale County.

Effective: Upon ratification by vote

Act 2024-254 (Marshall County)

House Bill 262

Sponsor Representative Colvin

The Act proposes a constitutional amendment to provide that Marshall County would be a wet county for the purposes of the laws of this state relating to alcoholic beverages and would further authorize the regulation of the sale of alcoholic beverages in the unincorporated areas of the county.

Effective: Upon ratification by vote

TO OBTAIN A COPY OF A LEGISLATIVE ACT

If you would like a copy of any Act of the Legislature from the 2024 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](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 Acts" 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.

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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.

