

Attorney General Steve Marshall



Office of Attorney General 2017 Legislative Summary



The following list provides a brief summary of Law Enforcement / Criminal Justice legislation from the 2017 Regular Legislative Session. Local legislative acts are not included in this list. This list is provided for informational purposes only, please review the specific Act prior to enforcement. Acts may be viewed in their entirety on the Alabama Attorney General's website located at: www.ago.state.al.us under "Resources" or by clicking on the Act name listed below.

ACT #	NAME & DESCRIPTION
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[2017-398 \(HB5, Hanes\) Kelsey Smith Act](#)

To require a wireless communications service provider to provide location information to a law enforcement agency, upon request, in an emergency situation involving a risk of death or serious bodily harm.

Effective Date: May 26, 2017

[2017-399 \(HB50, Boyd\) Excessive Force by Law Enforcement](#)

To require the Alabama Criminal Justice Information System (ACJIS) to collect data regarding allegations of excessive force by state, county, and municipal law enforcement officers; to require the ACJIS to compile certain data related to incidents involving excessive force; and to require the ACJIS to submit an annual report relating to incidents involving excessive force to certain legislative committees.

Effective Date: May 26, 2017

2017-231 (HB96, Butler) Assisted Suicide Ban Act

To prohibit a person or a health care provider from providing aid in dying under certain conditions; to provide civil and criminal penalties.

Effective Date: May 4, 2017

2017-422 (HB170, Beech)- Pharmacy Regulation

To expand the regulation of pharmacies by the State Board of Pharmacy and its inspectors (renamed investigators); criminal penalties established for violations; frequency of drug supply chain registration increased; further regulation of entities within drug supply chain provided; resale of compound drug products prohibited; licensure and regulation of pharmacy technicians amended.

Effective Date: May 26, 2017

2017-364 (HB222, Treadaway)- Rehiring Retired Law Enforcement Officers and Firefighters

To amend state ethics laws to authorize a municipality to rehire a retired law enforcement officer or firefighter of the municipality at any time if authorized by local law; to require notice be given to the Director of the Ethics Commission.

Effective Date: May 24, 2017

2017-377 (HB279, Baker)- Expungement of Criminal Records

To amend Section 15-27-2, Code of Alabama 1975, relating to the expungement of criminal records, to expand the expungement of criminal records to include all felony charges, including violent offenses, when the person has been found not guilty of the crime.

Effective Date: May 24, 2017

2017-360 (HB377, Treadaway)- Pension Calculation for State Law Enforcement Officers

To amend Section 36-27-1, Code of Alabama 1975, relating to the Employees' Retirement System, to revise the definition of "state policeman"; and to remove the separate calculation of employer contribution percentage rate made to the Pension Accumulation Fund by the employer for state policemen.

Effective Date: May 24, 2017

2017-131 (SB16, Brewbaker)- Eliminating Judicial Override in Capital Cases

To amend Sections 13A-5-45, 13A-5-46, and 13A-5-47, Code of Alabama 1975, relating to capital cases and to the determination of the sentence by courts; to prohibit a court from overriding a jury verdict.

Effective Date: April 11, 2017

2017-64 (SB61, Williams)- Extradition **Attorney General's Bill**

To amend Section 15-9-34, Code of Alabama 1975, to authorize extradition of a person to another state if the person has been charged, whether by indictment or by other criminal procedure, in the other state for committing an act resulting in a crime in that state.

Effective Date: March 14, 2017

2017-336 (SB82, Pittman)- Marshall James Walton Highway Safety Act

To create the crime of homicide by vehicle under certain conditions; to provide criminal penalties.

Effective Date: May 19, 2017

2017-66 (SB85, Pittman)- Medicaid Fraud **Attorney General's Bill**

To amend Section 22-1-11, Code of Alabama 1975, relating to false statements or claims on applications for payment of medical benefits from the Medicaid Agency; to provide that a person must knowingly engage in the conduct in order to be subject to the criminal penalties; to provide that the criminal penalties do not apply to certain activity excepted by federal law; to provide for a six-year statute of limitations; and to define person to include business entities

Effective Date: March 14, 2017

2017-355 (SB87, Pittman)- Medical Parole for Inmates with Certain Health Conditions

To require the Department of Corrections to annually identify all inmates who have spent thirty or more days in an infirmary or under a physician's care and provide that information to the Board of Pardons and Paroles for consideration of medical paroles by the Board under certain conditions; to provide for the medical parole of identified inmates under certain conditions; and to require the board to report certain information relating to medical parole to certain legislative committees.

Effective Date: May 24, 2017

2017-281 (SB102, Ross)- ID Cards for Parolees

To give the Secretary of the Alabama State Law Enforcement Agency, in coordination with the Commissioner of the Department of Corrections, the authority to establish a program to issue a nondriver identification card to a resident parolee upon his or her release from prison.

Effective Date: May 16, 2017

2017-417 (SB187, Ward)- Fair Justice Act **Attorney General's Bill**

To provide that Rule 32.2(c) of the Alabama Rules of Criminal Procedure shall apply only to non-death penalty cases; to provide a specific time frame for an appellant to file petitions for post-conviction remedies in death penalty cases; to require appellants to

pursue direct appellate remedies and post-conviction remedies under Rule 32 of the Alabama Rules of Criminal Procedure concurrently; to require the trial court judge in death penalty cases to appoint appellate counsel for both direct appeal and post-conviction remedies within a specified time; to prohibit consideration of petitions for post-conviction relief or writs within a specified time after the direct appeal has concluded; and to provide that properly filed petitions for post-conviction relief under Rule 32 of the Alabama Rules of Criminal Procedure that are still pending at the time of the conclusion of direct appeal and affirmation of death sentence may be considered for a specified amount of time.

Effective Date: May 26, 2017

2017-414 (SB301, Figures)- Sex Offenses **Attorney General/OPS Bill**

To create the crimes of distributing a private image, sexting, sexual extortion, assault with bodily fluids, and directing a child to engage in sexual intercourse or deviate sexual intercourse, and to provide further for the crime of electronic solicitation of a child; to amend Sections 13A-6-122, 15-20A-4, 15-20A-5, 15-20A-7, 15-20A-8, 15-20A-10, 15-20A-11, 15-20A-12, 15-20A-13, 15-20A-14, 15-20A-15, 15-20A-16, 15-20A-18, 15-20A-21, 15-20A-23, 15-20A-24, 15-20A-25, 15-20A-26, 15-20A-27, 15-20A-28, 15-20A-31, 15-20A-32, 15-20A-34, 15-20A-37, 15-20A-42, and 15-20A-43 of the Code of Alabama 1975, to add crimes to the list of enumerated sex offenses for purposes of registration and notification; to create a definition for reside, require certain sex offenders to notify law enforcement of each place the sex offender resides, and provide further for the notification requirements associated with establishing a residence or residences and vacating a residence; to further specify information that may or may not appear on the public registry website; to provide further for the process by which a court may relieve certain sex offenders from registration and notification requirements; to specify additional procedures for payment of the filing fees associated with the petition for relief; to define the term volunteer position and to limit locations in which a sex offender may accept a volunteer position and to require certain sex offenders accepting a volunteer position to notify law enforcement.

Effective Date: May 26, 2017