



Attorney General Luther Strange

Office of Attorney General

2016 Legislative Summary



The following list provides a brief summary of Law Enforcement / Criminal Justice legislation from the 2016 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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2016-29	<u>Murder, aggravated child abuse resulting in death of child, commission or attempt constitutes murder, Sec. 13A-6-2 amended.</u>
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To amend Section 13A-6-2 of the Code of Alabama 1975; to provide that a person commits the crime of murder if he or she commits or attempts to commit aggravated child abuse and he or she causes the death of another person during the commission or attempt; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

Effective: May 1, 2016.

2016-43	<u>Child abuse, crimes and offenses, aggravated child abuse of a child under age of six, penalties, Sec. 26-15-3.2 added</u>
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Relating to child abuse; to provide for the crime of aggravated child abuse of a child less than six years of age; to provide for penalties; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901.

Effective: June 1, 2016.

2016-109 [Theft of cargo in commercial transportation and fifth wheel tampering, crimes defined, penalties, Secs. 13A-8-3.1, 13A-8-3.2 added; Sec. 13A-8-1 amended.](#)

To amend Section 13A-8-1 of the Code of Alabama 1975, and to add Sections 13A-8-3.1 and 13A-8-3.2 to the Code of Alabama 1975; to define cargo theft and fifth wheel tampering; to provide penalties; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

Effective: July 1, 2016.

2016-132 [Relating to service dogs; to make it a crime to harass, injure, or cause death of a service dog](#)

Relating to service dogs; to make it a crime to harass, injure, or cause the death of a service dog under certain conditions; to provide penalties; to provide for restitution of certain expenses; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

Effective: July 1, 2016.

2016-141 [Protection of Vulnerable Adults from Financial Exploitation Act](#)

Relating to the protection of vulnerable adults; to require that qualified individuals who reasonably believe that financial exploitation of a vulnerable adult may have occurred, been attempted, or is being attempted, to notify promptly the Department of Human Resources and the Alabama Securities Commission; to authorize the disclosure to third parties in certain instances where a vulnerable adult has some relationship; to prohibit disclosure to the third party if the qualified individual suspects the third party of the financial exploitation; to provide that broker-dealers and investment advisers may delay disbursing funds from a vulnerable adult's account; to provide immunity for administrative and civil actions based on certain actions of disclosure or delayed disbursements; and to require that broker-dealers and investment advisers to comply with certain requests for information.

Effective: July 1, 2016.

2016-152 [Motor vehicles, courts required to forward certain traffic offenses to Alabama Law Enforcement Agency, penalties for specified traffic offenses at railroad highway crossing grades revised, time frame for reporting nonresident commercial traffic violations, reduced, Secs. 32-5A-195, 32-5A-304, 32-6-49.11, 32-6-49.14 amended.](#)

Relating to motor vehicles; to amend Sections 32-5A-195, 32-5A-304, 32-6-49.11, and 32-6-49.14, Code of Alabama 1975, to reduce the number of days in which a court must forward to the Alabama Law Enforcement Agency a record of conviction of certain traffic offenses; to revise the penalties for persons operating commercial vehicles who are convicted of specified offenses relating to railroad-highway grade crossings; to reduce the number of days in which the agency must notify the driver's license issuing authority in the licensing state of a nonresident who is convicted of certain commercial vehicle traffic offenses; to require retention of certain information on a person's driving record under certain conditions; and to make other technical, non-substantive changes.

Effective: April 26, 2016.

2016-166 [Alabama School Bus Safety Act](#)

Authorizing automated enforcement related to overtaking a school bus in counties and municipalities as a civil offense; authorizing a county or municipal board of education to approve, in their respective jurisdiction, a civil process of automated detection device of a school bus violation enforcement; requiring certain procedures to be followed by a county or municipal board of education using automated school bus enforcement; making the owner of the vehicle involved in a violation presumptively responsible for payment of a civil fine, but providing procedures to contest responsibility or transfer responsibility to another person; providing for jurisdiction in district courts and in municipal courts over the civil offenses; providing for procedures for administrating this act; allowing a law enforcement agency or a local governing entity to enter agreements with contractors providing automated devices; providing for the destruction of recorded information after certain time periods; and allowing appeals to the circuit court.

Effective: July 1, 2016.

2016-268 [Leni's Law](#)

This act is intended to authorize only the limited use of nonpsychoactive cannabidiol (CBD) as defined by the act only for specified debilitating conditions

that produce seizures, and is not intended as a generalized authorization of medical marijuana.

Effective: June 1, 2016.

2016-292 [Relating to law enforcement; to amend section 32-5-171](#)

Relating to law enforcement; to amend Section 4 32-5-171, Code of Alabama 1975, to specify that a law enforcement officer may arrest a person subsequent to a traffic accident under certain conditions; and to authorize a law enforcement officer to issue a traffic citation subsequent to a traffic accident to a driver involved in the accident under certain conditions.

Effective: August 1, 2016.

2016-336 [Relating to law enforcement; to amend section 32-6-1](#)

To amend Section 32-6-1, Code of Alabama 1975, relating to driver's license to provide for the period of time before expiration of the driver's license in which a person may renew the license; and to provide an exception for certain active duty members of the U.S. Armed Forces.

Effective: August 1, 2016.

2016-340 [Relating to criminal surveillance; to provide that a judge may issue a warrant for tracking devices](#)

Relating to criminal surveillance; to provide that an authorized judge may issue a warrant for the installation, removal, maintenance, use, and monitoring of a tracking device; to provide requirements for the warrant; and to specify procedures for law enforcement officers regarding tracking devices.

Effective: August 1, 2016.

2016-342 [To allow certain retired military personnel to obtain a pistol permit at no cost](#)

To allow certain retired military personnel to obtain a pistol permit, at no cost, and to specify that the permit shall be permanent unless revoked by the sheriff.

Effective: August 1, 2016.

2016-354 **[Children, criminal penalties for distribution of harmful material to minor by school employee, out of court statements by minors allowed under certain conditions, certain individuals with certain credentials auth. to work in child care facilities, criminal penalties for sexual abuse by foster parents, Sec. 38-7-20 added; Secs. 13A-12-200.5, 15-25-31, 26-14-3, 38-7-2 amended.](#)**

Relating to children; to add Section 13A-6-82.1, to the Code of Alabama 1975, to create the crime of a school employee transmitting obscene material to a student; to amend 13A-6-80, 13A-6-81, 13A-6-82, Code of Alabama 1975, relating to sexual conduct by school employees, to further provide for the crimes of sexual contact or soliciting a sex act with a student; to amend Section 15-25-31, Code of Alabama 1975, to provide for the admissibility of certain out-of-court statements by children under the age of 12 years in certain child abuse and neglect criminal proceedings; to amend Section 26-14-3, Code of Alabama 1975, to reference a specific definition of child abuse and neglect in mandatory child abuse and neglect reporting provisions; to amend Section 38-7-2, Code of Alabama 1975, to revise the definition of day care center; to add Section 38-7-20 to the Code of Alabama 1975, to authorize an individual under 19 years of age with certain credentials to work in a day care center and to count in the staff-child ratio; to provide specific criminal penalties for sexual offenses by foster parents against foster children; to amend Section 15-20A-5, Code of Alabama 1975, as last amended by Act 2015-463, to specify that a conviction of a sex offense by a foster parent would subject a defendant to sex offender registration; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

Effective: May 11, 2016.

2016-360 **[Sentencing, juvenile offenders convicted of capital offenses and certain other offenses, maximum sentence of life, Secs. 13A-5-2, 13A-5-39, 13A-5-43, 13A-6-2 amended.](#)**

To amend Sections 13A-5-2, as last amended by Act 4 2015-463, 13A-5-39, 13A-5-43, and 13A-6-2, Code of Alabama 1975, relating to capital offenses, to provide that a person convicted of a capital offense committed when under the age of 18 years may, in the alternative, be sentenced to life imprisonment; to provide generally that a person convicted of a non-homicide crime committed when under the age of 18 years is subject to a maximum sentence of life imprisonment, rather than life imprisonment without parole; and to provide a burden of proof.

Effective: May 11, 2016.

2016-390 [Trespassing, critical infrastructure, crime established, penalties](#)

Relating to crimes and offenses; to enact the crime of unlawful entry of a critical infrastructure and to provide criminal penalties; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

Effective: August 1, 2016.

2016-392 [Motor vehicles, window tint law, medical exemption for light-sensitive porphyria, applicable to all areas of windshield, Sec. 32-5C-4 amended.](#)

To amend Section 32-5C-4, Code of Alabama 1975, relating to medical exemptions from the window tinting law; to provide that the exemption applies to the top six inches of a motor vehicle windshield unless otherwise prescribed by the department or by a physician requesting the medical exemption on behalf of a patient diagnosed with light-sensitive porphyria; and to provide for the issuance of a decal to be placed on the windshield of the motor vehicle of an exempt person.

Effective: August 1, 2016.

2016-399 [Controlled substances, children, exposure to by mother, immunity from criminal liability upon good faith belief that use was pursuant to lawful prescription; reporting of chemical endangerment not required under certain conditions, Sec. 26-15-3.3 added](#)

To add Section 26-15-3.3 to the Code of Alabama 1975; to provide that no one would violate the Alabama Child Abuse Act, including the chemical endangerment of a child laws, if the responsible person was the mother of the unborn child, and she was, or there is a good faith belief that she was, taking the controlled substance pursuant to a lawful prescription; to provide that no one shall be required to report under Chapter 14, Title 26, Code of Alabama 1975, the exposing of an unborn child to a controlled substance if the responsible person was the mother of the unborn child, and she was, or there is a good faith belief that she was, taking that controlled substance pursuant to a lawful prescription.

Effective: May 12, 2016.

2016-402 [Trespassing, placement of purple paint to mark posted property, authorized, Sec. 13A-7-1 amended.](#)

To amend Section 13A-7-1, Code of Alabama 1975, relating to definitions for crimes of trespass and burglary, to specify that the posting of property in a conspicuous manner includes signs posted on the property or the placement of identifying purple paint marks on trees or posts on the property, provided the marks meet certain requirements; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

Effective: August 1, 2016.

2016-420 [Self-defense, pretrial hearing required in cases which the defense is claimed, burden of proof, dismissal of charges under certain conditions, Sec. 13A-3-23 amended.](#)

To amend Section 13A-3-23, Code of Alabama 1975, relating to the use of force in defense of a person, to require a pretrial hearing in which a defendant claiming self-defense must prove by a preponderance of the evidence that the force, including deadly force, was justified; to require the entry of an order dismissing the case under certain conditions; and allowing certain defendants to continue to claim self-defense at trial.

Effective: August 1, 2016.

Resolutions

2016-80 [Establishing an Emergency Task Force on School Safety and Security.](#)

2016-125 [Designating Nov 19 each year as Drowsy Driver Awareness Day](#)

2016-158 [Commending officer Jonathan McMichael for outstanding public service](#)

2016-164 [Creating the AL Juvenile Justice Task Force](#)

2016-180 [Commending Deputy Jeff Burt as a Nominee for the 2016 Legislative Medal of Honor for Law Enforcement](#)

- 2016-181 [Commending Officer Larry Sharpley as a Nominee for the 2016 Legislative Medal of Honor for Law Enforcement](#)
- 2016-182 [Commending Sgt. Steve Adams as a Nominee for the 2016 Legislative Medal of Honor for Law Enforcement](#)
- 2016-183 [Commending Deputy Stephen Thomas as a Nominee for the 2016 Legislative Medal of Honor for Law Enforcement](#)
- 2016-184 [Commending Sgt. John Sharp as a Nominee for the 2016 Legislative Medal of Honor for Law Enforcement](#)
- 2016-185 [Commending Officer James Harton as a Nominee for the 2016 Legislative Medal of Honor for Law Enforcement](#)
- 2016-186 [Commending Lt. Corey Boothe as a Nominee for the 2016 Legislative Medal of Honor for Law Enforcement](#)
- 2016-187 [Commending Officer Spencer Youmans as a Nominee for the 2016 Legislative Medal of Honor for Law Enforcement](#)
- 2016-206 [Commending Officer Joey Brown as a Nominee for the 2016 Legislative Medal of Honor for Law Enforcement](#)
- 2016-240 [Commending Cpl. Joshua Troop Himes as a Nominee for the 2016 Legislative Medal of Honor for Law Enforcement](#)
- 2016-241 [Commending Sgt. Joe Cotner of Mobile Police Dept as 2016 Legislative Medal of Honor](#)