



Attorney General Luther Strange

Office of Attorney General

2014 Legislative Summary



The following list provides a brief summary of Law Enforcement / Criminal Justice legislation from the 2014 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 or by clicking on the Act name listed below.

ACT # NAME & DESCRIPTION

2014-017 **[STATE OF EMERGENCY DECLARATION: Affected Counties](#)**

This Act amends 31-9-8, relating to the Alabama Emergency Management Act of 1955; to require that when the Governor or the Legislature declares a state of emergency affecting less than the entire state, those counties to which a state of emergency applies be designated. *Effective 02/18/2014*

2014-071 **[ETHICS COMMISSION: Redact Confidential Information](#)**

This Act amends 36-25-4.3, as amended by Act 2013-172, relating to the State Ethics Commission electronic database; to require the State Ethics Commission to redact certain information included on a statement of economic interest filed by a public official or public employee and included within the database on August 1, 2013. *Effective 02/25/2014*

2014-072 **[ALABAMA EMA SURPLUS PROPERTY TO LOCAL AGENCY](#)**

This Act authorizes the Alabama Emergency Management Agency to offer surplus property to local emergency management agencies through sale, gift, grant, or loan. *Effective 02/25/2014*

2014-138 **[AIRBAG FRAUD](#)**

This Act repeals 13A-11-271, relating to the fraudulent sale of a motor vehicle without an airbag, and amends 13A-11-270; to provide definitions; to provide criminal penalties for selling, installing, or reinstalling a device in a motor vehicle that causes the vehicle's diagnostic system to inaccurately indicate that the vehicle is equipped with a functional airbag; or for installing or requesting another to install a counterfeit or nonfunctional airbag and selling or offering to sell the vehicle with the intent to deceive the purchaser about the existence of the counterfeit or nonfunctional airbag in the vehicle; establishes the penalty for violation as a Class A misdemeanor; and provides an enhanced penalty of a Class C felony for committing airbag fraud that causes physical injury.

Effective 06/01/2014

2014-156 **[FAULKNER UNIVERSITY: Appoint Police Officers](#)**

This Act amends 16-22-1, as amended by Act 2013-191, relating to the appointment of police officers at certain educational institutions; to grant such authority to the president or chief executive officer of Faulkner University. *Effective 06/01/2014*

2014-157 **[RAPID RESPONSE IN DECLARED EMERGENCIES](#)**

This Act creates the Facilitating Business Rapid Response to Declared Disasters Act of 2014; to provide definitions; to provide a means for out-of-state businesses and out-of-state employees to establish temporary presence and residency in the state for purposes of responding to a declared state of emergency in the state; and to provide exemptions from certain state and local taxes, licensing, registration, or filing requirements, not including transaction-based taxes or professional licensing fees, under certain conditions. *Effective 03/13/2014*

2014-160 **[ALARM COMPANIES: Require Two Verification Attempts](#)**

This Act amends 34-1A-1, as amended by Act 2013-221, and adds 34-1A-11, relating to the Electronic Security Board of Licensure; to require an alarm monitoring company to make two reasonable attempts to verify that an alarm signal is valid prior to requesting law enforcement be dispatched to the location, except in cases of fire alarms, panic or robbery-in-progress alarms, or other certain conditions; and to exempt certain persons from the definition of locksmith, under certain conditions. *Effective 06/01/2014*

2014-164 **[OPEN CONTAINERS: Exemption for Recorked / Resealed](#)**

This Act amends 28-3A-20.1, authorizing certain licensees of the Alcoholic Beverage Control Board to remove a recorked or resealed bottle of wine from the licensed premises; to delete certain language in the law providing that the recorked or resealed bottle of wine would not be considered an open container of alcoholic beverages; and to specifically provide for the manner of transportation of a recorked or resealed bottle of wine in a motor vehicle considering the type of vehicle and available storage space in the vehicle. *Effective 03/13/2014*

2014-165 **[HABITUAL OFFENDER: Repeal Retroactive Application](#)**

This Act repeals 13A-5-9.1, which provided that the provisions the Habitual Offender Act are applied retroactively in the consideration of early parole. *Effective 03/13/2014*

2014-184 **[CONTROLLED SUBSTANCES: Additional Drugs, Increase Weight for Synthetic, aka "Landon's Law"](#)**

This Act amends 13A-12-231 and 20-2-23, relating to Schedule I controlled substances; to increase the requisite weight for trafficking in synthetic controlled substance or a controlled substance analogue; and to include additional synthetic controlled substances and analogues to the Schedule I controlled substances list. *Effective 03/18/2014*

2014-199 **[HUMAN TRAFFICKING TASK FORCE](#)**

This Act establishes the Alabama Human Trafficking Task Force; to combat all aspects of human trafficking, including sex trafficking and labor trafficking; to pursue a comprehensive response to crimes of human trafficking; to coordinate strategies to provide necessary services for victims of human trafficking; to focus prevention efforts to end the demand for human trafficking and create awareness through education and community initiatives; and to develop legislation to prevent, intervene, and treat human trafficking; establishes membership, appointing authority, minimum meeting and quorum requirements; and requires submission of an annual report. *Effective 04/02/2014*

2014-218 **[PATENT INFRINGEMENT](#)**

This Act relating to patents prohibits a person from asserting a claim of patent infringement in bad faith; authorizes the Attorney General to investigate claims, issue subpoenas, and file civil enforcement actions; provides for the venue of enforcement suits; authorizes targets of patent infringement assertions in bad faith to file suit in circuit court for damages; provides for exemplary damages; provides factors for consideration by the court when determining whether a patent infringement assertion was made in bad faith; provides limitations on actions; and establishes criminal penalties for violations as a Class A misdemeanor. *Effective 07/01/2014*

2014-222 **[DUI: IGNITION INTERLOCK](#)**

This Act amends 32-5A-191, 32-5A-191.4, 32-5A-301, and 32-5A-304, relating to driving under the influence; to provide for ignition interlock devices on the automobiles of certain persons convicted of driving under the influence; to provide further for the distribution of the fee required of offenders for monitoring the ignition interlock device; creates an additional fee of \$100 to be paid by the offender who successfully completes a pretrial diversion or deferral program; and provides for installation of the device where the offender is indigent. *Effective 07/01/2014*

2014-239 **[INTERFERENCE WITH PUBLIC SAFETY COMMUNICATION](#)**

This Act establishes the crime of interference with public safety communication; to provide definitions; to provide exemptions for certain persons; to provide for forfeiture of equipment used in violation of this section; and classifies violations as a Class C felony. *Effective 07/01/2014*

2014-240 **[WORKERS COMP: Burial Expense Increase](#)**

This Act amends 25-5-67, to increase the maximum burial expense when an employee dies as a result of an employment related accident or occupational disease from \$3,000 to \$6,500. *Effective 07/01/2014*

2014-245 **[AUTONOMY OF NON-PUBLIC SCHOOLS: Effect on Law Enforcement](#)**

This Act clarifies the autonomy of nonpublic schools, including private, church, parochial, religious, and home-school, and establishes that such schools are not subject to regulation by the State Department of Education. Law enforcement applicants were previously required to obtain a certificate of high school equivalency issued by General Education Development (GED), OR, to have graduated and received a regular or advanced high school diploma as approved or recognized by the Alabama State Department of Education, which recognizes only those schools that are accredited or recognized by the Southern Association of Colleges and Schools (SACS). As a result of this Act, the Alabama Peace Officers Standards & Training Commission (APOSTC) will promulgate rules and regulations to determine if an applicant meets the educational requirements for acceptance in a training academy. *Effective 07/01/2014*

2014-275 **[BESTIALITY](#)**

This Act establishes the crime of bestiality; provides for definitions; and establishes the penalty for violation as a Class A misdemeanor. *Effective 07/01/2014*

2014-277 **[MARIJUANA: Defense of Necessity, aka "Carly's Law"](#)**

This Act relating to the possession and use of cannabidiol (CBD); to provide a defense of necessity in a prosecution for the unlawful possession of marijuana when the defendant has a debilitating epileptic condition and possesses or uses cannabidiol (CBD) pursuant to an authorized prescription;

to provide a defense of necessity in a prosecution for the unlawful possession of marijuana when a parent or caretaker possesses cannabidiol (CBD) on behalf of a person with an authorized prescription for the medication due to a debilitating epileptic condition and where the parent or caretaker's possession of the cannabidiol (CBD) is on behalf of the prescribed person's use only; to provide that the Department of Neurology at the University of Alabama at Birmingham will establish a research and development study purposed to determine medical uses and benefits of cannabidiol (CBD) for individuals with debilitating epileptic conditions; to provide the Department of Neurology at the University of Alabama at Birmingham with the exclusive authorization for the prescription and use of cannabidiol (CBD) in the treatment of individuals diagnosed with debilitating epileptic conditions; and requires the Department of Neurology at the University of Alabama at Birmingham to determine medical uses and benefits of cannabidiol (CBD) for individuals with the condition. This Act terminates in five years. *Effective 07/01/2014*

2014-279 **[LANDLORD-TENANT ACT: Revisions](#)**

This Act amends 35-9A-201, 35-9A-421, and 35-9A-423, relating to the Uniform Landlord and Tenant Act; to further provide for the refund of deposits, landlord obligations, termination of a lease for noncompliance, abandonment of the property, and eviction procedures. *Effective 07/01/2014*

2014-292 **[EXPUNGEMENT](#)**

This Act allows a person to petition a court to have the record of certain felony or misdemeanor offenses, violations, traffic violations, or municipal ordinance violations expunged under certain conditions; specifies procedures to include filing fees, distribution of fees, and filing of objection; establishes procedures for expungement and forwarding of records to ACJIC; and provides criminal penalties and limited immunity for unauthorized disclosure. *Effective 07/07/2014*

2014-297 **[RETIREMENT BENEFITS: Part-Time / Contract Employees](#)**

This Act amends 16-25-26 and 36-27-8.2, relating to retirees under the Teachers' Retirement System and the Employees' Retirement System; to allow and include part-time service by a retiree as an independent contractor; to require the employing authority to pay the employer contribution for each retiree; and to require the retiree to provide written notice of the postretirement employment to the appropriate retirement system. *Effective 04/08/2014*

2014-301 **[MOTOR VEHICLE REGISTRATION: 2-Year Renewal Option](#)**

This Act relates to motor vehicle registrations; to allow a county official authorized to issue motor vehicle registrations to offer an optional two-year registration for motor vehicles operated on the public highways of this state; to specify the payment of local issuance fees, license taxes and registration fees, and ad valorem taxes. *Effective 01/01/2015*

2014-306 **[FORFEITURE, aka "Alabama Comprehensive Criminal Proceeds Forfeiture Act"](#)**

This Act provides for the seizure and forfeiture of property, proceeds and other instrumentalities, acquired directly or indirectly through the commission of certain criminal offenses; provides procedures for the seizure and forfeiture of property, proceeds and other instrumentalities; provides for the interest of owners and bona fide lienholders of the seized property; provides for the disposition of abandoned forfeited property and proceeds; and provides that a portion of proceeds remaining from the sale of forfeited property may be used to pay restitution for victims of the

underlying offenses. This Act does not apply to or limit forfeiture under 20-2-93, 13A-11-84 (firearms), 13A-12-30 (gambling devices), or 13A-12-198 (obscene matter). *Effective 04/07/2014*

2014-335 [CRIME VICTIM COMPENSATION: Increase Compensation](#)

This Act amends 15-23-3, 15-23-5, and 15-23-15, to increase the amount of expense a victim or other claimant may receive; to further provide for the definition work loss; to increase the maximum amount of compensation of victims and other claimants; and to provide for administrative expenditures of the commission. *Effective 10/01/2014*

2014-346 [CODIFY 2013 REGULAR SESSION ACTS: Elder Abuse](#)

This Act codifies those general and permanent laws of the state enacted during the 2013 Regular Session and makes certain corrections; relating to Elder Abuse: to redesignate 38-9E-1 to 38-9E-12 inclusive, as 13A-6-190 to 13A-6-201 inclusive. *Effective 04/09/2014*

2014-348 [STATUTE OF LIMITATIONS: Theft by Deception / Securities Fraud /
Unclassified Felonies](#)

This Act amends 8-6-18, 13A-8-2, and 15-3-1, to increase the statute of limitations for certain felonies; and to provide that the statute of limitations for prosecutions of theft by deception and certain securities violations do not commence or begin to accrue until discovery of the facts constituting the deception. *Effective 07/01/2014*

2014-419 [PUBLIC ASSISTANCE: Prohibit Purchase of Alcohol / Tobacco](#)

This Act relating to public assistance benefits; to prohibit a recipient of public assistance from using benefits to purchase any alcoholic beverage, tobacco product, or lottery ticket; to prohibit a recipient of public assistance benefits from withdrawing or using public assistance benefits in a retail establishment that primarily sells alcoholic beverages, a casino, a tattoo or body piercing facility, a facility providing psychic services, or an establishment that provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state; to provide penalties for violations; to allow a parent of a minor child who is disqualified from receiving benefits to designate a third party to receive the benefits for the benefit of the minor child; to require the Department of Human Resources to notify applicants and recipients of public assistance of the restrictions and penalties for violations; to require the Department of Human Resources to consult with providers of automatic teller machine services to consider and implement a program or method of blocking access to cash benefits from Electronic Benefits Transfer cards issued by the department at automatic teller machines located in certain establishments if feasible; to provide rulemaking authority to the department; and to require the department to perform monthly matches to determine eligibility based upon incarceration and whether the recipient is deceased. *Effective 07/01/2014*

2014-421 [SEX OFFENDER: School Property](#)

This Act amends 15-20A-17, to provide that it is a Class C felony for an adult sex offender convicted of a sex offense involving a minor, to enter onto the property of a K-12 school while school is in session or attend any K-12 school activity without first notifying and reporting to the principal and complying with school rules regarding the visit. *Effective 04/10/2014*

2014-424 **PUBLIC ASSISTANCE FRAUD**

This Act relates to public assistance fraud; to provide a definition; to prohibit certain conduct in obtaining public assistance under any state or federally funded public assistance program; to provide penalties; to provide for the admissibility of certain records relating to public assistance fraud; to provide for the forfeiture of any funds, proceeds, or property obtained by fraudulent conduct in obtaining public assistance; and to amend 40-18-100, to provide for the interception of state income tax refunds of persons fraudulently or improperly obtaining public assistance from a housing authority.
Effective 07/01/2014

2014-427 **HOMICIDE / ASSAULT 1ST: Under the Influence**

This Act amends 13A-6-4 and 13A-6-20, relating to the offense of criminally negligent homicide and assault in the first degree, respectively; and providing for when the offenses are committed by persons unlawfully driving a motor vehicle under the influence of alcohol or drugs; to provide that the offense may be committed by a person while driving or operating any vehicle, including a vessel, while unlawfully under the influence of alcohol or drugs; and to repeal 32-5A-192, providing for the crime of homicide by vehicle or vessel.
Effective 07/01/2014

2014-431 **E-911 BOARD: Additional Members**

This Act amends 11-98-1, 11-98-4.1, and 11-98-5, relating to E-911 services; to clarify the definition of a subscriber; to allow the Governor to appoint 911 Board members from multiple candidates recommended for designated positions by certain trade associations, governmental entities, and industry groups; to require the statewide 911 Board to establish the maximum number of wireline 911 charges imposed at a single subscriber location; and to clarify and affirm the application of the 911 charge for users served by certain digital service platforms.
Effective 04/10/2014

2014-432 **JUVENILE / YOUTHFUL OFFENDER RECORDS: Accessibility**

This Act amends 12-15-133 and 154-19-7, to allow prosecutors representing this state to access certain records, reports, and information in juvenile courts concerning children; and to allow prosecutors representing this state to access all fingerprints, photographs, and other records of a person adjudged a youthful offender.
Effective 07/01/2014

2014-435 **CAPITAL OFFENSE: Include Person under Protection Order, aka "Kelley's Law"**

This Act amends 13A-5-40, relating to capital offenses: to make it a capital offense for a defendant to murder a person in violation of a protection order issued on behalf of the victim against the defendant or if the protective order was issued as a condition of the defendant's pretrial release.
Effective 07/01/2014

2014-444 **NEGOTIATING WORTHLESS INSTRUMENT: Electronic Draft**

This Act amends 13A-9-13.1, relating to the crime of negotiating a worthless negotiable instrument; to specify that a negotiable instrument includes electronic drafts in 13A-9-13.1 to 13A-9-13.3 inclusive.
Effective 07/01/2014