

1 HB248  
2 197019-1  
3 By Representative Hurst (N & P)  
4 RFD: Local Legislation  
5 First Read: 20-MAR-19

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9 A BILL  
10 TO BE ENTITLED  
11 AN ACT  
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13 Relating to the Clay County Community Corrections  
14 Program; to provide that the director and employees of the  
15 program may have the powers of law enforcement officers and  
16 are authorized to arrest defendants assigned to their program  
17 and authority to arrest any person committing a crime in any  
18 program facility.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. The Director of the Clay County Community  
21 Corrections Program and employees of the program shall  
22 constitute law enforcement officers of the State of Alabama  
23 with authority to make arrests and serve arrest and search  
24 warrants in the performance of their official duties to the  
25 same extent as deputy sheriffs are authorized and empowered in  
26 the counties, so long as he or she holds a current  
27 certification from the Alabama Peace Officers' Standards and

1 Training Commission. The powers of arrest under this section  
2 shall be limited to investigations and arrests involving  
3 criminal acts committed at facilities of the program and acts  
4 committed by persons under their supervision which constitute  
5 a violation of supervision or the commission of a criminal  
6 offense. The program director or any community corrections  
7 employee with law enforcement authority may arrest any person  
8 under his or her supervision if he or she has probable cause  
9 to believe the offender has committed a criminal offense or  
10 violated the conditions of supervision. In case of an arrest  
11 without a warrant, the community corrections director or  
12 employee shall prepare a written warrant setting forth that  
13 the offender has, in his or her judgment, violated a condition  
14 or conditions of supervision or committed a criminal offense,  
15 and the warrant shall be sufficient for having the offender  
16 brought forthwith before the court for determination as to  
17 probable cause of the commission of a crime or charge of  
18 violation of a condition of supervision. The court may order  
19 detention of the offender pending further hearing, after which  
20 the court may revoke probation or participation in the  
21 community corrections program, or both, pursuant to Section  
22 15-18-175(3), Code of Alabama 1975.

23 Section 2. The director and employees of the Clay  
24 County Community Corrections Program given power of arrest by  
25 this act shall be required to comply with the minimum  
26 standards now in effect relating to state law enforcement  
27 officers.

1                   Section 3. The provisions of this act are severable.  
2                   If any part of this act is declared invalid or  
3                   unconstitutional, that declaration shall not affect the part  
4                   which remains.

5                   Section 4. This act shall become effective  
6                   immediately following its passage and approval by the  
7                   Governor, or its otherwise becoming law.