

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

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ENROLLED, An Act,

Relating to the Clay County Community Corrections Program; to provide that the director and employees of the program may have the powers of law enforcement officers and are authorized to arrest defendants assigned to their program and authority to arrest any person committing a crime in any program facility.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Director of the Clay County Community Corrections Program and employees of the program shall constitute law enforcement officers of the State of Alabama with authority to make arrests and serve arrest and search warrants in the performance of their official duties to the same extent as deputy sheriffs are authorized and empowered in the counties, so long as he or she holds a current certification from the Alabama Peace Officers' Standards and Training Commission. The powers of arrest under this section shall be limited to investigations and arrests involving criminal acts committed at facilities of the program and acts committed by persons under their supervision which constitute a violation of supervision or the commission of a criminal offense. The program director or any community corrections employee with law enforcement authority may arrest any person under his or her supervision if he or she has probable cause

1 to believe the offender has committed a criminal offense or  
2 violated the conditions of supervision. In case of an arrest  
3 without a warrant, the community corrections director or  
4 employee shall prepare a written warrant setting forth that  
5 the offender has, in his or her judgment, violated a condition  
6 or conditions of supervision or committed a criminal offense,  
7 and the warrant shall be sufficient for having the offender  
8 brought forthwith before the court for determination as to  
9 probable cause of the commission of a crime or charge of  
10 violation of a condition of supervision. The court may order  
11 detention of the offender pending further hearing, after which  
12 the court may revoke probation or participation in the  
13 community corrections program, or both, pursuant to Section  
14 15-18-175(3), Code of Alabama 1975.

15 Section 2. The director and employees of the Clay  
16 County Community Corrections Program given power of arrest by  
17 this act shall be required to comply with the minimum  
18 standards now in effect relating to state law enforcement  
19 officers.

20 Section 3. The provisions of this act are severable.  
21 If any part of this act is declared invalid or  
22 unconstitutional, that declaration shall not affect the part  
23 which remains.

1                   Section 4. This act shall become effective  
2 immediately following its passage and approval by the  
3 Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

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House of Representatives

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I hereby certify that the within Act originated in  
9 and was passed by the House 04-APR-19.

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Jeff Woodard

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Clerk

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Senate

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02-MAY-19

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Passed

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