

1 SB354
2 209065-1
3 By Senator Livingston
4 RFD: Fiscal Responsibility and Economic Development
5 First Read: 30-MAR-21

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8 SYNOPSIS: This bill would restrict the disclosure or
9 publishing of the home address or telephone number
10 of law enforcement officers, judges, and
11 prosecutors and would impose civil and criminal
12 penalties for violation.

13 Amendment 621 of the Constitution of Alabama
14 of 1901, now appearing as Section 111.05 of the
15 Official Recompilation of the Constitution of
16 Alabama of 1901, as amended, prohibits a general
17 law whose purpose or effect would be to require a
18 new or increased expenditure of local funds from
19 becoming effective with regard to a local
20 governmental entity without enactment by a 2/3 vote
21 unless: it comes within one of a number of
22 specified exceptions; it is approved by the
23 affected entity; or the Legislature appropriates
24 funds, or provides a local source of revenue, to
25 the entity for the purpose.

26 The purpose or effect of this bill would be
27 to require a new or increased expenditure of local

1 funds within the meaning of the amendment. However,
2 the bill does not require approval of a local
3 governmental entity or enactment by a 2/3 vote to
4 become effective because it comes within one of the
5 specified exceptions contained in the amendment.

6
7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 Relating to law enforcement officers, judges, and
12 prosecutors; restricting the disclosure of addresses or
13 telephone numbers of those individuals; providing for
14 penalties; and in connection therewith would have as its
15 purpose or effect the requirement of a new or increased
16 expenditure of local funds within the meaning of Amendment 621
17 of the Constitution of Alabama of 1901, now appearing as
18 Section 111.05 of the Official Recompilation of the
19 Constitution of Alabama of 1901, as amended.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. For the purpose of this act, the
22 following terms will have the following meanings:

23 (1) DISCLOSE. To transmit, publish, distribute,
24 advertise, or otherwise communicate information to the public,
25 by means of any device or process, to members of the public
26 capable of receiving the information.

1 (2) LAW ENFORCEMENT OFFICER. As used in this
2 section, the term includes an employee, as defined in Section
3 41-13-7 of the Code of Alabama 1975, for purposes of
4 nondisclosure of personal information in public records and an
5 officer employed by any state, county, or municipality who is
6 certified by the Alabama Peace Officers' Standards and
7 Training Commission and has the power of arrest.

8 (3) PERSON. An individual, corporation, business
9 trust, estate, trust, partnership, limited liability company,
10 association, joint venture, government, governmental
11 subdivision, agency, or instrumentality, public corporation,
12 or any other legal or commercial entity.

13 Section 2. (a) (1) No person may disclose the home
14 address or unpublished home telephone number of any active or
15 retired law enforcement officer or the spouse or child of a
16 law enforcement officer with the intent of exposing the law
17 enforcement officer or spouse or child of an active or retired
18 law enforcement officer to harassment or the risk of harm to
19 life or property or in disregard of the possibility of such
20 exposure.

21 (2) A violation of this section is a Class C
22 misdemeanor.

23 (b) Any person that violates subsection (a) shall be
24 liable to the individual or individuals residing at the home
25 address of the active or retired law enforcement officer for
26 damages, pecuniary or otherwise, which occurred as a result of
27 disclosing the address.

1 (c) The court may award any of the following:

2 (1) Any actual damages, but not less than liquidated
3 damages, computed at the rate of one thousand dollars (\$1,000)
4 for each violation of this act.

5 (2) Any punitive damages upon proof of willful or
6 reckless disregard of the law.

7 (3) Reasonable attorney's fees and other litigation
8 costs reasonably incurred.

9 (4) Any other preliminary and equitable relief as
10 the court determines to be appropriate.

11 Section 3. Although this bill would have as its
12 purpose or effect the requirement of a new or increased
13 expenditure of local funds, the bill is excluded from further
14 requirements and application under Amendment 621, now
15 appearing as Section 111.05 of the Official Recompilation of
16 the Constitution of Alabama of 1901, as amended, because the
17 bill defines a new crime or amends the definition of an
18 existing crime.

19 Section 4. This act shall become effective on the
20 first day of the third month following its passage and
21 approval by the Governor, or its otherwise becoming law.