

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

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
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 publicly available on the
25 Internet, by means of any device or process.

26 (2) LAW ENFORCEMENT OFFICER. As used in this
27 section, the term includes an employee, as defined in Section

1 41-13-7 of the Code of Alabama 1975, for purposes of
2 nondisclosure of personal information in public records and an
3 officer employed by any state, county, or municipality who is
4 certified by the Alabama Peace Officers' Standards and
5 Training Commission and has the power of arrest.

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

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12 the home address or unpublished home telephone number of any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

19 (2) A violation of this section is a Class C
20 misdemeanor.

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

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

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

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

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

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

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

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

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Senate

Read for the first time and referred to the Senate
committee on Fiscal Responsibility and Economic
Development..... 30-MAR-21

Read for the third time and passed as amended 20-APR-21

Yeas 28
Nays 0

Patrick Harris,
Secretary.