

1 SB395
2 210546-1
3 By Senator Smitherman
4 RFD: Judiciary
5 First Read: 20-APR-21

SYNOPSIS: Under existing law there is no requirement that law enforcement officers undergo mental health evaluations as a condition of employment.

This bill would require that the administrative head of a law enforcement agency require officers to submit to mandatory health evaluations periodically throughout employment.

This bill would also provide for scheduling options for law enforcement to require that all officers undergo a mental health evaluation and would provide for exceptions.

A BILL
TO BE ENTITLED
AN ACT

Relating to law enforcement; to require law enforcement officers to undergo mental health evaluations; and to provide for exceptions.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. For the purposes of this act, the
2 following terms shall have the following meanings:

3 (1) ADMINISTRATIVE HEAD. The individual in charge of
4 the operations of a law enforcement agency, including but not
5 limited to, the Secretary of the Alabama State Law Enforcement
6 Agency, a sheriff, or a chief of police.

7 (2) MENTAL HEALTH ASSESSMENT. A mental health
8 evaluation of a law enforcement officer conducted by a
9 board-certified psychiatrist or licensed psychologist, who has
10 experience diagnosing and treating post-traumatic stress
11 disorder.

12 Section 2. (a) Beginning on January 1, 2022, every
13 law enforcement agency shall require each law enforcement
14 officer employed by the agency, as a condition of continued
15 employment, to submit to a periodic mental health assessment.

16 (b) Except as provide in subsection (g), each law
17 enforcement officer employed by a law enforcement agency shall
18 submit to the periodic mental health assessment not less than
19 once every five years.

20 (c) Any person conducting a mental health assessment
21 of a law enforcement officer pursuant to this section shall
22 provide a written copy of the results of the assessment to the
23 law enforcement officer and to the administrative head of the
24 employing law enforcement agency. The results shall include,
25 but are not limited to, information on whether the law
26 enforcement officer has ever been diagnosed with
27 post-traumatic stress disorder.

1 (d) In carrying out the provisions of this section,
2 the administrative head of each law enforcement agency may
3 stagger the scheduling of the mental health assessments in a
4 manner that results in all employed law enforcement officers
5 in the law enforcement agency receiving a mental health
6 assessment each year over a five year period.

7 (e) The administrative head of a law enforcement
8 agency may waive the requirement that a law enforcement
9 officer submit to a periodic mental health assessment when the
10 law enforcement officer has submitted to the administrative
11 head written notification of his or her decision to retire
12 from the law enforcement agency, provided the effective date
13 of the retirement is not more than six months beyond the date
14 on which the periodic mental health assessment is scheduled to
15 occur.

16 (f) In addition to the mental health assessments
17 required pursuant to subsection (a), the administrative head
18 of each law enforcement agency, for good cause shown, may
19 require a law enforcement officer to submit to an additional
20 mental health assessment.

21 (1) A law enforcement agency requiring an additional
22 mental health assessment shall provide the law enforcement
23 officer with a written statement setting forth the good faith
24 basis for requiring an additional mental health assessment.

25 (2) Upon receiving the written statement, the law
26 enforcement officer shall submit to the mental health

1 assessment not later than 30 days after the date of the
2 written request.

3 (g) A law enforcement agency that hires any person
4 as a law enforcement officer, who was previously employed as a
5 law enforcement officer by another law enforcement agency or
6 employed as a law enforcement officer in any other
7 jurisdiction, shall require the new hire to submit to a mental
8 health assessment not later than six months after the date of
9 hire.

10 (h) When determining whether a new hire shall be
11 required to submit to a mental health assessment, the law
12 enforcement agency shall give due consideration to factors
13 that include, but are not limited to, the date on which the
14 new hire most recently submitted to a mental health
15 assessment.

16 Section 3. This act shall become effective on the
17 first day of the third month following its passage and
18 approval by the Governor, or its otherwise becoming law.