

1 HB1
2 164692-5
3 By Representatives Pettus and Rowe (Constitutional Amendment)
4 RFD: Public Safety and Homeland Security
5 First Read: 02-FEB-16
6 PFD: 01/12/2016

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8 SYNOPSIS: Under existing law, certain law enforcement
9 officers may arrest a person at the scene of a
10 traffic accident if the officer has reasonable
11 grounds to believe that the person was driving
12 under the influence of alcohol or a controlled
13 substance.

14 This bill would specify that a law
15 enforcement officer may arrest a person subsequent
16 to a traffic accident if there are reasonable
17 grounds to believe that the person was driving
18 under the influence.

19 This bill would also authorize a law
20 enforcement officer to issue a traffic citation
21 subsequent to an accident to a driver involved in a
22 traffic accident if, based on the personal
23 investigation of the officer, there are reasonable
24 grounds to believe that the person committed a
25 traffic offense for which a citation may be
26 written.

1 A BILL
2 TO BE ENTITLED
3 AN ACT
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5 Relating to law enforcement; to amend Section
6 32-5-171, Code of Alabama 1975, to specify that a law
7 enforcement officer may arrest a person subsequent to a
8 traffic accident under certain conditions; and to authorize a
9 law enforcement officer to issue a traffic citation subsequent
10 to a traffic accident to a driver involved in the accident
11 under certain conditions.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. Section 32-5-171, Code of Alabama 1975,
14 is amended to read as follows:

15 "§32-5-171.

16 "(a) ~~A uniformed police officer, state trooper,~~
17 ~~county sheriff, or his or her deputy or member of a municipal~~
18 ~~police force~~ law enforcement officer as defined in Section
19 36-21-40, may arrest, ~~at the scene of~~ subsequent to a traffic
20 accident, any driver of a vehicle involved in the accident if
21 upon personal investigation, including information from
22 eyewitnesses, the officer has reasonable grounds to believe
23 that the person by violating Section 32-5A-191 contributed to
24 the accident. He or she may arrest such a person without a
25 warrant although he or she did not personally see the
26 violation.

1 "(b) A law enforcement officer as defined in Section
2 36-21-40, subsequent to a traffic accident, may issue a
3 traffic citation to a driver of a vehicle involved in the
4 accident when, based on personal investigation, the officer
5 has reasonable grounds to believe that the person has
6 committed any offense under this title. Chapters 5, 5A, 6, 7,
7 or 7A of Title 32."

8 Section 2. This act shall become effective on the
9 first day of the third month following its passage and
10 approval by the Governor, or its otherwise becoming law.