

1 HB143
2 158968-2
3 By Representative Hill (M)
4 RFD: Judiciary
5 First Read: 05-MAR-15

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8 SYNOPSIS: Existing law provides immunity from tort
9 liability for peace officers for conduct while
10 performing in the line and scope of official law
11 enforcement duties.

12 This bill would extend immunity to each
13 firefighter paramedic or firefighter emergency
14 medical technician licensed by the State of Alabama
15 and employed by the state or a county or
16 municipality within the state, operating on-duty in
17 direct support of a tactical law enforcement unit;
18 to provide medical services, contingency planning,
19 and operational weapon support.

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21 A BILL
22 TO BE ENTITLED
23 AN ACT

24
25 Relating to immunity from tort liability for state
26 and local peace officers of this state; to amend Section
27 6-5-338 of the Code of Alabama 1975, to extend immunity to

1 each firefighter paramedic or firefighter emergency medical
2 technician licensed by the State of Alabama and employed by
3 the state or a county or municipality within the state,
4 operating on-duty in direct support of a tactical law
5 enforcement unit; to provide medical services, contingency
6 planning, and operational weapon support.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. Section 6-5-338 of the Code of Alabama
9 1975, is amended to read as follows:

10 "§6-5-338.

11 "(a) For the purpose of this section, the following
12 words shall have the following meanings:

13 "(1) PEACE OFFICER. Any person, excluding a
14 constable, employed or appointed pursuant to the constitution
15 or laws of this state, whether appointed or employed as a
16 peace officer by the state or a county or municipality of the
17 state, or by an agency or institution, corporate or otherwise,
18 created pursuant to the constitution or laws of this state and
19 authorized by the constitution or laws to appoint or employe
20 peace officers whose duties as prescribed by law, or by the
21 lawful terms of their employment or appointment, include the
22 enforcement of, or the investigation and reporting of
23 violations of, the criminal laws of this state, and who is
24 empowered by the laws of this state to execute warrants, to
25 arrest and to take into custody persons who violate, or who
26 are lawfully charged by warrant, indictment, or other lawful
27 process, with violation of, the criminal laws of this state.

1 "(2) TACTICAL MEDIC. A firefighter paramedic or
2 firefighter emergency medical technician licensed by the State
3 of Alabama and employed by the state or a county or
4 municipality within the state, operating on-duty in direct
5 support of a tactical law enforcement unit to provide medical
6 services.

7 "~~(a) Every peace officer, except constables, who is~~
8 ~~employed or appointed pursuant to the Constitution or statutes~~
9 ~~of this state, whether appointed or employed as such peace~~
10 ~~officer by the state or a county or municipality thereof, or~~
11 ~~by an agency or institution, corporate or otherwise, created~~
12 ~~pursuant to the Constitution or laws of this state and~~
13 ~~authorized by the Constitution or laws to appoint or employ~~
14 ~~police officers or other peace officers, and whose duties~~
15 ~~prescribed by law, or by the lawful terms of their employment~~
16 ~~or appointment, include the enforcement of, or the~~
17 ~~investigation and reporting of violations of, the criminal~~
18 ~~laws of this state, and who is empowered by the laws of this~~
19 ~~state to execute warrants, to arrest and to take into custody~~
20 ~~persons who violate, or who are lawfully charged by warrant,~~
21 ~~indictment, or other lawful process, with violations of, the~~
22 ~~criminal laws of this state,~~

23 "(b) Every tactical medic and peace officer shall at
24 all times be deemed to be officers of this state, and as such
25 shall have immunity from tort liability arising out of his or
26 her conduct in performance of any discretionary function

1 within the line and scope of his or her law enforcement
2 duties.

3 ~~"(b)~~ (c) This section is intended to extend immunity
4 only to tactical medic and peace officers and governmental
5 units or agencies authorized to appoint peace officers. No
6 immunity is extended hereby to any private non-governmental
7 person or entity, including any private employer of a
8 firefighter paramedic or firefighter emergency medical
9 technician or peace officer during that officer's off-duty
10 hours.

11 ~~"(c)~~ (d) Every private, non-governmental person or
12 entity who employs a peace officer during that officer's
13 "off-duty" hours to perform any type of security work or to
14 work while in the uniform of a peace officer shall have in
15 force at least \$100,000 of liability insurance, which
16 insurance ~~must~~ shall indemnify for acts the "off-duty" peace
17 officer takes within the line and scope of the private
18 employment. The failure to have in force the insurance herein
19 required shall make every individual employer, every general
20 partner of a partnership employer, every member of an
21 unincorporated association employer, and every officer of a
22 corporate employer individually liable for all acts taken by
23 an "off-duty" tactical medic or peace officer within the line
24 and scope of the private employment."

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

