

1 HB413
2 166368-1
3 By Representative Ball
4 RFD: State Government
5 First Read: 02-APR-15

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8 SYNOPSIS: Under existing law, the Division of
9 Investigation and Intelligence of the Department of
10 Corrections investigates violations of law relating
11 to correctional facilities and inmates or the
12 operation of the department. Under existing law, if
13 a court issues a search warrant relating to an
14 investigation of the division, the law enforcement
15 officers of the division are not authorized to
16 execute the warrant.

17 This bill would clarify the current name of
18 the division, would delete language relating to the
19 execution of warrants by law enforcement officers
20 of the division, and would specify that
21 investigations may include associates of inmates
22 and employees of the department concerning
23 violations relating to correctional facilities and
24 inmates or the operation of the department.

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26 A BILL
27 TO BE ENTITLED

1 AN ACT

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3 Relating to the Department of Corrections; to amend
4 Section 14-3-9 of the Code of Alabama 1975, to clarify the
5 name of the Investigation and Intelligence Division; to delete
6 language relating to the execution of search warrants; and to
7 further provide for investigation relating to the operation of
8 correctional facilities and the department.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. Section 14-3-9 of the Code of Alabama
11 1975, is amended to read as follows:

12 "§14-3-9.

13 "(a) It shall be the duty of all employees of the
14 Department of Corrections to report all violations of the law
15 relating to prisons, correctional facilities, and employees
16 and inmates of the Department of Corrections, that may come to
17 their knowledge to the ~~investigation and inspection division~~
18 Investigation and Intelligence Division of the Department of
19 Corrections. Correctional investigative services officers of
20 the ~~investigation and inspection~~ division ~~will~~ shall
21 investigate all ~~such~~ reported violations and those violations
22 otherwise discovered and, where applicable, refer ~~such~~ the
23 violations to the proper district attorney. All indictments
24 for ~~such~~ violations shall be tried in the circuit court of the
25 county where the offense was committed.

26 "(b) Employees of the Department of Corrections
27 classified as "correctional investigative services officers"

1 and their supervisors, performing criminal investigative
2 duties, are hereby constituted peace officers of the State of
3 Alabama as defined in Section 36-21-40 with full and unlimited
4 police powers and jurisdiction as any other state police
5 officers in this state to investigate violations of the law
6 relating to prisons, correctional facilities, and employees
7 and inmates of the Department of Corrections and to enforce
8 ~~said the law; excepting that such employees shall not have the~~
9 ~~power and authority to execute search warrants.~~ Whenever these
10 "correctional investigative services officers" are effecting
11 an arrest, they shall ~~prominently~~ properly display a badge
12 ~~either on their lapel or breast pocket.~~

13 "The powers vested in correctional investigative
14 services officers under this section ~~will~~ shall be limited to
15 ~~investigation and/or~~ investigations and arrests involving
16 inmates or employees of the Department of Corrections ~~only~~ and
17 associates of inmates or employees of the department,
18 including, but not limited to, family members of inmates,
19 employees, and contractors of the department related to
20 investigations originated by the department.

21 "(c) All correctional investigative services
22 officers and their supervisors given police power by this
23 section shall be required to comply with the minimum standards
24 now in effect relating to state law enforcement officers."

25 Section 2. This act shall become effective
26 immediately following its passage and approval by the
27 Governor, or its otherwise becoming law.

