

1 SB141
2 144171-1
3 By Senator Taylor
4 RFD: Judiciary
5 First Read: 14-JAN-14

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8 SYNOPSIS: This bill would require the clerk of the
9 court to publish a notice of conviction, including
10 a photograph, of a person convicted a second or
11 subsequent time, within five years, for driving
12 while under the influence of alcohol or controlled
13 substances.

14 This bill also would provide for a fee to be
15 assessed against the convicted person for the
16 publication of the notice and would provide civil
17 and criminal immunity to a clerk of court and a
18 publisher of a notice of conviction.

19
20 A BILL
21 TO BE ENTITLED
22 AN ACT
23

24 Relating to driving while under the influence, to
25 require the clerk of court to publish a notice of conviction,
26 including a photograph, of a person convicted a second or
27 subsequent time, within five years, for driving while under

1 the influence; to provide for the assessment of a fee; and to
2 provide civil and criminal immunity to certain persons for the
3 publication of a notice of conviction.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. (a) (1) In addition to the penalties
6 provided in Section 32-5A-191, Code of Alabama 1975, the clerk
7 of the court in which a person is convicted under Section
8 32-5A-191, Code of Alabama 1975, a second or subsequent time
9 within five years, shall provide for the publication of a
10 notice of conviction for the person.

11 (2) The notice of conviction shall be published once
12 in the manner of legal notices in a newspaper that has a
13 general circulation in the county in which the person resides
14 or, in the case of nonresidents, in the county in which the
15 person was convicted.

16 (3) The notice shall be published in the second week
17 following the conviction or as soon as publication may be
18 made.

19 (4) Any newspaper that publishes a website in its
20 own name shall also post the notice of conviction on the
21 website without additional charge.

22 (b) The notice of conviction shall contain the
23 following:

24 a. A photograph of the person convicted taken by the
25 arresting law enforcement agency at the time of the arrest.

26 b. The name of the convicted person.

1 c. The city and county of the convicted person's
2 residential address.

3 d. The date, time, and place of arrest.

4 e. The final disposition of the case.

5 (c) The convicted person shall be assessed a fee of
6 twenty-five dollars (\$25) for the cost of publication of the
7 notice and the assessment shall be imposed at the time of
8 conviction in addition to any other fine imposed pursuant to
9 Section 32-5A-191, Code of Alabama 1975. The fee shall be
10 deposited to the clerk of court providing for the notice of
11 conviction to be published.

12 (d) The clerk of court and any publisher of a notice
13 of conviction under this section shall be immune from civil or
14 criminal liability for any erroneous publication, provided
15 that the publication was made in good faith.

16 Section 2. 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.