

1 HB695  
2 138698-1  
3 By Representative Barton (N & P)  
4 RFD: Mobile County Legislation  
5 First Read: 17-APR-12

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9 A BILL  
10 TO BE ENTITLED  
11 AN ACT  
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13 Relating to Mobile County; to provide for  
14 qualifications, minimum standards, and training of constables;  
15 to create the Constable Administrative Board of Mobile County  
16 and to provide for composition, powers, and duties of the  
17 board; to provide for yearly training requirements; and to  
18 provide a code of conduct; and to repeal Act 2005-95 of the  
19 2005 Regular Session (Acts 2005, p. 147).

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. (a) In Mobile County, no person shall  
22 hold the office of constable unless the person has  
23 successfully completed the minimum standards and training for  
24 peace officers pursuant to Section 36-21-46 of the Code of  
25 Alabama 1975.

26 (b) Constables holding office on the effective date  
27 of this act are exempt from the training requirement in

1 subsection (a). Constables taking office for the first time  
2 after the effective date of this act shall complete training  
3 within 12 months of taking office pursuant to subsection (a)  
4 or their office will be deemed to be vacated.

5 (c) The Alabama Peace Officers' Standards and  
6 Training Commission shall provide, at the constable's expense,  
7 the training required by this act pursuant to Section 36-21-46  
8 of the Code of Alabama 1975. Constables seeking this training  
9 shall comply with the policies and procedures established by  
10 the commission.

11 (d) All constables shall be required to obtain a  
12 minimum of 15 hours of training per year, in addition to those  
13 requirements for constables set forth in subsection (a).  
14 Constables in Mobile County must submit satisfactory proof of  
15 this training to the Constable Administrative Board no later  
16 than February 1 of the year following the calendar year in  
17 which the training was accomplished.

18 (e) Constables not acquiring the annual training  
19 hours may not perform the duties of their office until the  
20 required training has been met.

21 (f) The Constable Administrative Board of Mobile  
22 County, hereafter referred to as the "board," is hereby  
23 created and shall have the following members, duties,  
24 responsibilities, and powers:

25 (1) The board shall have three members consisting of  
26 the following:

1           a. Board Place 1 shall be appointed by the Mobile  
2 County Commission.

3           b. Board Place 2 shall be appointed by the Sheriff  
4 of Mobile County.

5           c. Board Place 3 shall be appointed by the presiding  
6 judge of the Circuit Court of Mobile County.

7           (2) The board shall elect a chair who shall be  
8 responsible for calling and conducting meetings of the board  
9 and for acting on behalf of the board. The board must meet at  
10 least once annually, but may meet more often as circumstances  
11 may require. He or she shall periodically, but at least  
12 annually, report the activities or actions of the board to the  
13 Sheriff of Mobile County, the presiding judge of the Circuit  
14 Court of Mobile County, and the Mobile County Commission.

15           (3) Board members shall serve without compensation  
16 and shall serve a term of three years except that beginning  
17 with the terms commencing in January 2013, Board Place 1 shall  
18 be appointed for a term of three years; Board Place 2 shall be  
19 appointed for a term of two years; and Board Place 3 shall be  
20 appointed for a period of one year. Appointing authorities  
21 shall make their appointments no later than January 15 of the  
22 year in which that entity is responsible for an appointment.

23           (4) Board members shall serve no more than two  
24 successive full terms. When a vacancy occurs, the appointing  
25 authority shall appoint a replacement for the remaining  
26 portion of the vacated position's term.

1           (5) The board shall have the authority to establish  
2 a Constable Code of Conduct, hereafter referred to as the  
3 "code," reasonably intended to assure that the conduct of  
4 constables appointed to serve in Mobile County meets the  
5 commonly accepted standards for conduct of law enforcement  
6 officers in Mobile County. The board shall have the authority  
7 to sanction constables who fail to conform to the code. The  
8 code shall also provide for the policies and procedures for  
9 the handling of complaints against constables. The board may  
10 add to, change, or amend the code as circumstances and  
11 experience warrant. The code and any additions, changes, or  
12 amendments thereto must be submitted to the Presiding Judge of  
13 the Mobile County Circuit Court for approval. Absent a notice  
14 of disapproval forwarded to the board within 30 days of  
15 submission, the judge will be deemed to have approved the  
16 submission.

17           (6) The board shall assure that the code of conduct  
18 provides for due process in the handling of complaints. A copy  
19 of the code and any additions, changes, or amendments thereto  
20 shall be filed with the Probate Court of Mobile County without  
21 cost to the board.

22           (7) The board shall have the power to dispose of  
23 complaints by dismissal of the complaint, a finding that the  
24 complaint was unfounded, informal counseling, formal  
25 counseling, written reprimand, and suspension of a constable  
26 for a period not to exceed six months. The board may  
27 indefinitely suspend a constable who willfully fails to obtain

1 training as required in subsection (a). When considered  
2 warranted, the board may advise the District Attorney of  
3 Mobile County or other appropriate law enforcement agency of  
4 its findings. The board may request the assistance of other  
5 agencies in investigating complaints. Any process or notice  
6 issued by the board may be served on a constable by certified  
7 mail forwarded to the constable's address of record with the  
8 Mobile County Probate Court. Proof of delivery issued by the  
9 U.S. Postal Service will be considered proof that the process  
10 or notice was received by the constable.

11 (8) The Mobile County Commission may fund the  
12 administrative and operational expenses of the board.

13 Section 2. Act 2005-95 of the 2005 Regular Session  
14 (Acts 2005, p. 147), is repealed.

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