

1 SB204  
2 216992-1  
3 By Senator Livingston  
4 RFD: Judiciary  
5 First Read: 10-FEB-22

SYNOPSIS: This bill would restrict the disclosure or publishing of the home address or telephone number of law enforcement officers, judges, and prosecutors and would impose civil and criminal penalties for violation.

Amendment 621 of the Constitution of Alabama of 1901, as amended by Amendment 890, now appearing as Section 111.05 of the Official ReCompilation of the Constitution of Alabama of 1901, as amended, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

The purpose or effect of this bill would be to require a new or increased expenditure of local

1 funds within the meaning of the amendment. However,  
2 the bill does not require approval of a local  
3 governmental entity or enactment by a 2/3 vote to  
4 become effective because it comes within one of the  
5 specified exceptions contained in the amendment.

6  
7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

10  
11 Relating to law enforcement officers, judges, and  
12 prosecutors; to prohibit the disclosure of addresses or phone  
13 numbers of those individuals; to provide criminal penalties  
14 for violations; and in connection therewith would have as its  
15 purpose or effect the requirement of a new or increased  
16 expenditure of local funds within the meaning of Amendment 621  
17 of the Constitution of Alabama of 1901, as amended by  
18 Amendment 890, now appearing as Section 111.05 of the Official  
19 Recompilation of the Constitution of Alabama of 1901, as  
20 amended.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. (a) For the purpose of this act, the  
23 following terms shall have the following meanings:

24 (1) DISCLOSE. To transmit, publish, distribute,  
25 advertise, or otherwise communicate information to any public  
26 forum, including the Internet, by means of any device or  
27 process.

1           (2) LAW ENFORCEMENT OFFICER. As used in this  
2 section, the term includes an employee, as defined in Section  
3 41-13-7 of the Code of Alabama 1975, for purposes of  
4 nondisclosure of personal information in public records and  
5 any spouse or dependent child of a law enforcement officer.

6           (3) PERSON. An individual, corporation, business  
7 trust, estate, trust, partnership, limited liability company,  
8 association, joint venture, government, governmental  
9 subdivision, agency, instrumentality, public corporation, or  
10 any other legal or commercial entity.

11           (b)(1) No person may knowingly disclose the home  
12 address or unpublished phone number of any law enforcement  
13 officer with the intent of exposing the law enforcement  
14 officer to harassment, the risk of harm to life or property of  
15 the law enforcement officer, or with reckless disregard of the  
16 possibility of such exposure.

17           (2) A violation of this section is a Class C  
18 misdemeanor.

19           (3) Any person that knowingly violates subsection  
20 (b) shall be liable to the individual or individuals residing  
21 at the home address of the law enforcement officer for  
22 damages, including pecuniary damages, which occurred as a  
23 result of disclosing the address.

24           (c) In assessing damages under this subsection, the  
25 court may award any of the following:

1           (1) Actual damages, but not less than liquidated  
2 damages, computed at the rate of one thousand dollars (\$1,000)  
3 for each violation of this act.

4           (2) Punitive damages.

5           (3) Reasonable attorney fees and other litigation  
6 costs reasonably incurred.

7           (4) Any other preliminary and equitable relief as  
8 the court determines to be appropriate.

9           Section 2. Although this bill would have as its  
10 purpose or effect the requirement of a new or increased  
11 expenditure of local funds, the bill is excluded from further  
12 requirements and application under Amendment 621, as amended  
13 by Amendment 890, now appearing as Section 111.05 of the  
14 Official Recompile of the Constitution of Alabama of 1901,  
15 as amended, because the bill defines a new crime or amends the  
16 definition of an existing crime.

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