

1 HB363  
2 115931-1  
3 By Representative Grimes  
4 RFD: Judiciary  
5 First Read: 19-JAN-10

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8 SYNOPSIS: Under existing law, a law enforcement  
9 officer may not generally arrest a person for a  
10 misdemeanor traffic offense that was not committed  
11 in the presence of the officer.

12 This bill would authorize a law enforcement  
13 officer during the course of the investigation of a  
14 motor vehicle accident to arrest a person for the  
15 violation of a misdemeanor traffic offense that was  
16 not committed in the presence of the officer if the  
17 officer has probable cause to believe the person  
18 committed the offense.

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

24 To add Section 32-1-4.1 to the Code of Alabama 1975,  
25 to authorize a law enforcement officer during the course of  
26 the investigation of a motor vehicle accident to arrest a

1 person for a misdemeanor traffic offense that was not  
2 committed in the presence of the officer.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 32-1-4.1 is added to the Code of  
5 Alabama 1975, to read as follows:

6 §32-1-4.1.

7 Notwithstanding the provisions of Section 15-10-3 or  
8 any other provision of law, during the course of the  
9 investigation of a traffic accident, a law enforcement officer  
10 may arrest a person for a violation of any provision of this  
11 title punishable as a misdemeanor which was not committed in  
12 the presence of the officer if the officer has probable cause  
13 to believe that the person committed the offense.

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