

1 SB7
2 171584-1
3 By Senator Allen
4 RFD: Judiciary
5 First Read: 02-FEB-16
6 PFD: 09/02/2015

2
3
4
5
6
7
8 SYNOPSIS: Existing law provides immunity from tort
9 liability for peace officers for conduct while
10 performing in the line and scope of official law
11 enforcement duties.

12 This bill would extend immunity to each
13 firefighter paramedic or firefighter emergency
14 medical technician licensed by the State of Alabama
15 and employed by the state or a county or
16 municipality within the state, operating on-duty in
17 direct support of a tactical law enforcement unit;
18 to provide medical services, contingency planning,
19 and operational weapon support.

20
21 A BILL
22 TO BE ENTITLED
23 AN ACT

24
25 Relating to immunity from tort liability for state
26 and local peace officers of this state; to amend Section
27 6-5-338 of the Code of Alabama 1975, to extend immunity to

1 each firefighter paramedic or firefighter emergency medical
2 technician licensed by the State of Alabama and employed by
3 the state or a county or municipality within the state,
4 operating on-duty in direct support of a tactical law
5 enforcement unit; to provide medical services, contingency
6 planning, and operational weapon support.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. Section 6-5-338 of the Code of Alabama
9 1975, is amended to read as follows:

10 "§6-5-338.

11 "(a) Every peace officer and tactical medic, except
12 constables, who is employed or appointed pursuant to the
13 Constitution or statutes of this state, whether appointed or
14 employed as such peace officer or tactical medic by the state
15 or a county or municipality thereof, or by an agency or
16 institution, corporate or otherwise, created pursuant to the
17 Constitution or laws of this state and authorized by the
18 Constitution or laws to appoint or employ police officers or
19 other peace officers or tactical medics, and whose duties
20 prescribed by law, or by the lawful terms of their employment
21 or appointment, include the enforcement of, or the
22 investigation and reporting of violations of, the criminal
23 laws of this state, and who is empowered by the laws of this
24 state to execute warrants, to arrest and to take into custody
25 persons who violate, or who are lawfully charged by warrant,
26 indictment, or other lawful process, with violations of, the
27 criminal laws of this state, shall at all times be deemed to

1 be officers of this state, and as such shall have immunity
2 from tort liability arising out of his or her conduct in
3 performance of any discretionary function within the line and
4 scope of his or her law enforcement duties.

5 "(b) This section is intended to extend immunity
6 only to peace officers and governmental units or agencies
7 authorized to appoint peace officers. No immunity is extended
8 hereby to any private non-governmental person or entity,
9 including any private employer of a peace officer during that
10 officer's off-duty hours.

11 "(c) Every private, non-governmental person or
12 entity who employs a peace officer or tactical medic during
13 that officer's "off-duty" hours to perform any type of
14 security work or to work while in the uniform of a peace
15 officer shall have in force at least \$100,000 of liability
16 insurance, which insurance must indemnify for acts the
17 "off-duty" peace officer takes within the line and scope of
18 the private employment. The failure to have in force the
19 insurance herein required shall make every individual
20 employer, every general partner of a partnership employer,
21 every member of an unincorporated association employer, and
22 every officer of a corporate employer individually liable for
23 all acts taken by an "off-duty" peace officer within the line
24 and scope of the private employment.

25 "(d) The term "tactical medic," as used in this
26 section, is defined as a firefighter paramedic or firefighter
27 emergency medical technician licensed by the State of Alabama

1 and employed by the state or a county or municipality within
2 the state, operating on-duty in direct support of a tactical
3 law enforcement unit to provide medical services at high risk
4 incidences including hostage incidents, narcotic raids,
5 hazardous surveillance, sniper incidents, armed suicidal
6 persons, barricaded suspect, felony warrant service, and
7 fugitives refusing to surrender."

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