

1 HB355  
2 197024-2  
3 By Representatives Chestnut, Reynolds, Pettus and Lawrence  
4 RFD: State Government  
5 First Read: 04-APR-19

1 ENGROSSED

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4 A BILL  
5 TO BE ENTITLED  
6 AN ACT

7  
8 Relating to Alabama municipalities; to allow any  
9 Alabama municipality to rehire law enforcement officers who  
10 retired from any state or local law enforcement agency within  
11 the State of Alabama which subscribes to the same pension  
12 system as that reemploying authority; to provide that the  
13 compensation of a rehired retired law enforcement officer may  
14 not exceed the compensation that he or she received at the  
15 time of his or her retirement; to provide that a rehired  
16 retired law enforcement officer may not accrue additional  
17 retirement service credit for any portion of the period of his  
18 or her reemployment; to define the functions of a rehired  
19 retired law enforcement officer; and to require that notice of  
20 the rehiring be provided to the Employees' Retirement System  
21 or local pension system, as appropriate.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. (a) Notwithstanding any provision of law  
24 to the contrary, a Class 5, Class 6, Class 7, or Class 8  
25 municipality may rehire a retired law enforcement officer to  
26 perform duties as needed if the mayor, or town or city  
27 council, as appropriate, declares all of the following:

1           (1) There is a critical personnel shortage such that  
2 the rehiring is necessary to provide public safety services.

3           (2) The retired law enforcement officer retired from  
4 any state or local law enforcement agency within the State of  
5 Alabama which subscribes to the same pension system as the  
6 reemploying authority, and has been retired for at least 45  
7 consecutive days prior to reemployment with a municipality.

8           (3) The retired law enforcement officer, at the time  
9 of retirement, met the qualifications as a law enforcement  
10 officer provided in Section 36-21-46, Code of Alabama 1975,  
11 and the standards and rules issued by the Alabama Peace  
12 Officers' Standards and Training Commission which were in  
13 place at the time of his or her retirement.

14           (4) The poverty rate of the county in which the  
15 municipality is situated is greater than 25 percent, as  
16 measured by the most recent decennial census.

17           (b) The chief of police, mayor, or town or city  
18 council, as appropriate, shall approve a retired law  
19 enforcement officer for reemployment pursuant to the  
20 established guidelines for new hires of the reemploying  
21 authority.

22           (c) The number of retirees from the Alabama State  
23 Law Enforcement Agency reemployed by a municipality pursuant  
24 to this section may not exceed 10 percent of the reemploying  
25 authority's entire authorized law enforcement officer force on  
26 the effective date of this section.

1 (d) The job duties of a rehired retired law  
2 enforcement officer by a reemploying authority shall not  
3 consist primarily of an administrative nature, and shall be  
4 limited to tasks which are traditionally performed by  
5 patrolmen and detectives. For the purposes of this article,  
6 "tasks which are traditionally performed by patrolmen and  
7 detectives" includes:

8 (1) Providing for public safety by maintaining  
9 order, responding to emergencies, protecting people and  
10 property, enforcing motor vehicle and criminal laws, and  
11 promoting good community relations.

12 (2) Identifying, pursuing, and arresting suspects  
13 and perpetrators of criminal acts.

14 (3) Obtaining warrants and arresting suspects and  
15 perpetrators of criminal acts.

16 (4) Recording facts to prepare reports that document  
17 incidents and activities.

18 (5) Reviewing facts of incidents to determine if  
19 criminal act or statute violations were involved.

20 (6) Rendering aid to accident victims and other  
21 persons requiring first aid for physical injuries.

22 (7) Testifying in court to present evidence or  
23 acting as witness in traffic and criminal cases.

24 (8) Evaluating complaint and emergency-request  
25 information to determine response requirements.

1           (9) Patrolling specific areas on foot, horseback,  
2 bicycle, or motorized conveyance, responding promptly to calls  
3 for assistance.

4           (10) Monitoring, noting, reporting, and  
5 investigating suspicious persons and situations, safety  
6 hazards, and unusual or illegal activity in patrol area.

7           (11) Investigating traffic accidents and other  
8 accidents to determine causes and to determine if a crime has  
9 been committed.

10          (12) Photographing or drawing diagrams of crime or  
11 accident scenes and interviewing principals and eyewitnesses.

12          (13) Monitoring traffic to ensure motorists observe  
13 traffic regulations and exhibit safe driving procedures.

14          (14) Relaying complaint and emergency-request  
15 information to appropriate agency dispatchers.

16          (15) Issuing citations or warnings to violators of  
17 motor vehicle ordinances.

18          (16) Directing traffic flow and reroute traffic in  
19 case of emergencies.

20          (17) Informing citizens of community services and  
21 recommending options to facilitate longer-term problem  
22 resolution.

23          (18) Providing road information to assist motorists.

24          (19) Processing prisoners, and preparing and  
25 maintaining records of prisoner bookings and prisoner status  
26 during booking and pre-trial process.

1           (20) Inspecting public establishments to ensure  
2 compliance with rules and regulations.

3           (21) Acting as official escorts, such as when  
4 leading funeral processions or firefighters.

5           (e) The period of reemployment for a retired law  
6 enforcement officer pursuant to this section may be no more  
7 than a total of 10 years from the date of rehiring by the  
8 reemploying authority.

9           (f) The compensation of the rehired retired law  
10 enforcement officer may not exceed the compensation that he or  
11 she received at the time of his or her retirement.

12           Notwithstanding the foregoing, a retired law  
13 enforcement officer rehired under this provision shall be  
14 subject to Section 36-27-8.2, Code of Alabama 1975.

15           ~~(g) (1) A rehired retired law enforcement officer may~~  
16 ~~continue to receive his or her retirement benefits of whatever~~  
17 ~~kind or description for any period during which he or she is~~  
18 ~~reemployed by the reemploying authority.~~

19           ~~(2) A rehired retired law enforcement officer may~~  
20 ~~not accrue additional retirement service credit for any~~  
21 ~~portion of the period of his or her reemployment.~~

22           ~~(3) The employing authority shall provide written~~  
23 ~~notice of postretirement employment under this section to the~~  
24 ~~Employees' Retirement System or local pension system, as~~  
25 ~~appropriate, within 30 days after the date a retired law~~  
26 ~~enforcement officer begins performing duties on a full-time or~~  
27 ~~permanent basis.~~

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

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House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on State Government  
..... 04-APR-19

Reported from State Government as  
Favorable with 1 amendment ..... 18-APR-19

Read for the third time and passed  
as amended..... 30-APR-19

Yeas 88, Nays 12, Abstains 1

Jeff Woodard  
Clerk