

1 HB286
2 209223-1
3 By Representatives Coleman, Hollis, Hall, Howard, Bracy,
4 Jackson, Boyd, Clarke, Drummond and Warren
5 RFD: Public Safety and Homeland Security
6 First Read: 02-FEB-21

8 SYNOPSIS: Existing law does not require the keeping of
9 statistics to determine if traffic stops are being
10 made by state and local law enforcement officers
11 solely on the basis of racial or ethnic status.

12 This bill would define racial profiling and
13 would prohibit a law enforcement officer from
14 engaging in racial profiling.

15 This bill would require local law
16 enforcement agencies and the Alabama State Law
17 Enforcement Agency to adopt written policies to
18 prohibit racial profiling.

19 This bill would require the adoption of the
20 forms to be used for statistics of traffic stops;
21 would provide for the handling of complaints; would
22 require reports to be filed in the Office of the
23 Attorney General; and would provide for the
24 reporting and collection of data on injuries to
25 state and local law enforcement officers.

26 Amendment 621 of the Constitution of Alabama
27 of 1901, now appearing as Section 111.05 of the

1 Official ReCompilation of the Constitution of
2 Alabama of 1901, as amended, prohibits a general
3 law whose purpose or effect would be to require a
4 new or increased expenditure of local funds from
5 becoming effective with regard to a local
6 governmental entity without enactment by a 2/3 vote
7 unless: it comes within one of a number of
8 specified exceptions; it is approved by the
9 affected entity; or the Legislature appropriates
10 funds, or provides a local source of revenue, to
11 the entity for the purpose.

12 The purpose or effect of this bill would be
13 to require a new or increased expenditure of local
14 funds within the meaning of the amendment. If this
15 bill is not enacted by a 2/3 vote, it will not
16 become effective with regard to a local entity
17 unless approved by the local entity or until, and
18 only as long as, the Legislature appropriates funds
19 or provides for a local source of revenue.

20
21 A BILL

22 TO BE ENTITLED

23 AN ACT

24
25 Relating to traffic stops and state and local law
26 enforcement officers; to prohibit a law enforcement officer
27 from engaging in racial profiling; to require adoption of

1 written policies and the forms to be used for statistics on
2 traffic stops; to provide for the handling of complaints; to
3 require reports to be filed in the Office of the Attorney
4 General; to provide for the reporting and collection of data
5 on injuries to state and local law enforcement officers; and
6 in connection therewith to have as its purpose or effect the
7 requirement of a new or increased expenditure of local funds
8 within the meaning of Amendment 621 of the Constitution of
9 Alabama of 1901, now appearing as Section 111.05 of the
10 Official Recompilation of the Constitution of Alabama of 1901,
11 as amended.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. (a) For the purposes of this section,
14 "traffic stops based on racial profiling" shall mean the
15 detention, interdiction, or other disparate treatment of a
16 motorist solely on the basis of the racial or ethnic status of
17 the motorist.

18 (b) No member of the Alabama State Law Enforcement
19 Agency, a county or municipal law enforcement agency, or any
20 other law enforcement agency shall engage in traffic stops
21 based on racial profiling. The detention of an individual
22 based on any noncriminal factor or combination of noncriminal
23 factors shall be inconsistent with this policy.

24 (c) The race or ethnicity of a motorist shall not be
25 the sole factor in determining the existence of probable cause
26 to place an individual in custody, to make an arrest of the
27 motorist, or in constituting a reasonable and articulable

1 suspicion that an offense has been or is being committed to
2 justify the detention of the motorist or the investigatory
3 stop of a motor vehicle.

4 Section 2. (a) No later than January 1, 2022, each
5 county and municipal law enforcement agency and the Alabama
6 State Law Enforcement Agency shall adopt a written policy that
7 prohibits the stopping, detention, or search of any motorist
8 when the action is solely motivated by considerations of race,
9 color, ethnicity, age, gender, or sexual orientation, and the
10 action would constitute a violation of the civil rights of the
11 individual.

12 (b) Commencing on January 1, 2022, each county and
13 municipal law enforcement agency and the Alabama State Law
14 Enforcement Agency, using the form developed and adopted
15 pursuant to Section 3, shall record and retain all of the
16 following information:

17 (1) The number of individuals stopped for traffic
18 violations.

19 (2)a. Characteristics of race, color, ethnicity,
20 gender, and age of the individuals, provided the
21 identification of the characteristics shall be based on the
22 observation and perception of the law enforcement officer
23 responsible for reporting the stop and the information shall
24 not be required to be provided by the individual stopped.

25 b. In addition to paragraph a., when a law
26 enforcement officer provides the observed characteristics
27 listed in paragraph a. of the individual stopped, the same

1 characteristics of the law enforcement officer shall be
2 provided in the same manner and adjacent to the information
3 regarding the individual stopped.

4 (3) The nature of the alleged traffic violation that
5 resulted in the stop.

6 (4) Whether a warning or citation was issued, an
7 arrest made, or a search conducted as a result of the stop.

8 (c) Each county and municipal law enforcement agency
9 and the Alabama State Law Enforcement Agency shall provide to
10 the Attorney General a copy of each complaint received of a
11 violation of this act and written notification of the review
12 and disposition of the complaint.

13 (d) Demographic information collected in good faith
14 by a law enforcement officer pursuant to the requirements of
15 this section shall not serve as the basis of any civil action,
16 unless the collection is in violation of any law.

17 (e) If a county or municipal law enforcement agency
18 or the Alabama State Law Enforcement Agency fails to comply
19 with this section, the Attorney General may recommend and may
20 order an appropriate penalty in the form of the withholding of
21 funds from the county or municipal law enforcement agency or
22 withholding of funds from the Alabama State Law Enforcement
23 Agency until such time that the county or municipal law
24 enforcement agency or the Alabama State Law Enforcement Agency
25 completes appropriate training regarding racial profiling.

26 (f) On or before January 1, 2023, and annually
27 thereafter, each county and municipal law enforcement agency

1 and the Alabama State Law Enforcement Agency shall provide to
2 the Attorney General, in the form the Attorney General shall
3 prescribe, a summary report of the information recorded
4 pursuant to subsection (b).

5 (g) The Attorney General, within the limits of
6 existing appropriations, shall provide for a review of the
7 prevalence and disposition of traffic stops and complaints
8 reported pursuant to this act. No later than the fifth
9 legislative day of the Regular Session of the Legislature,
10 commencing in the second year following the effective date of
11 this act, the Attorney General shall report to the Governor
12 and the Legislature the results of the review, including any
13 recommendations.

14 Section 3. No later than January 1, 2022, the
15 Attorney General, in conjunction with the Secretary of the
16 Alabama State Law Enforcement Agency, the Administrative
17 Office of Courts, and the Peace Officers' Standards and
18 Training Commission shall develop and adopt both of the
19 following:

20 (1) A form, in both printed and electronic format,
21 to be used by a law enforcement officer when making a traffic
22 stop to record personal identifying information about the
23 operator of the motor vehicle that is stopped and the personal
24 identifying information about the law enforcement officer, the
25 location of the stop, the reason for the stop, and other
26 information that is required to be recorded pursuant to
27 subsection (b) of Section 2.

1 (2) A form in both printed and electronic format, to
2 be used to report complaints pursuant to Section 2 by
3 individuals who believe that they have been subjected to a
4 motor vehicle stop by a law enforcement officer solely on the
5 basis of their race, color, ethnicity, age, gender, or sexual
6 orientation.

7 Section 4. (a) For the purposes of this section,
8 "injury to a law enforcement officer" means any serious injury
9 in the line of duty to a law enforcement officer.

10 (b) Not later than January 1, 2022, each county law
11 enforcement agency, each municipal law enforcement agency, and
12 each state law enforcement agency shall adopt a written policy
13 and a form to collect information on any serious injury to a
14 law enforcement officer under its jurisdiction in the line of
15 duty. The form shall include the official action that was
16 performed in the line of duty, the type of injury and extent
17 of injury, whether the injury is expected to result in a
18 temporary or permanent disability, the costs of treatment and
19 medical care, whether an arrest or citation was issued or
20 prosecution commenced, and any other information determined to
21 be pertinent to the injury.

22 (c) The form provided for in subsection (b) shall be
23 filed with the Peace Officers' Standards and Training
24 Commission and the Alabama State Law Enforcement Agency and
25 compiled by the commission and agency to give the commission
26 and agency information on the nature and extent of injuries to
27 state and local law enforcement officers in the line of duty.

1 Section 5. Although this bill would have as its
2 purpose or effect the requirement of a new or increased
3 expenditure of local funds, the bill is excluded from further
4 requirements and application under Amendment 621, now
5 appearing as Section 111.05 of the Official Recompilation of
6 the Constitution of Alabama of 1901, as amended, because the
7 bill defines a new crime or amends the definition of an
8 existing crime.

9 Section 6. This act shall become effective on the
10 first day of the third month following its passage and
11 approval by the Governor, or its otherwise becoming law.