

1 HB675
2 152518-1
3 By Representatives McCampbell, England, Merrill, Harper,
4 Baughn and Poole
5 RFD: Judiciary
6 First Read: 24-APR-13

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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 operational weapon support, teacher health
20 management, training and education, medical
21 equipment acquisition, and maintenance.

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23 A BILL
24 TO BE ENTITLED
25 AN ACT
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1 Relating to immunity from tort liability for state
2 and local peace officers of this state; to amend Section
3 6-5-338 of the Code of Alabama 1975, to extend immunity to
4 each firefighter paramedic or firefighter emergency medical
5 technician licensed by the State of Alabama and employed by
6 the state or a county or municipality within the state,
7 operating on-duty in direct support of a tactical law
8 enforcement unit; to provide medical services, contingency
9 planning, operational weapon support, teacher health
10 management, training and education, medical equipment
11 acquisition, and maintenance.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. Section 6-5-338 of the Code of Alabama
14 1975, is amended to read as follows:

15 "§6-5-338.

16 "(a) For the purpose of this section, the following
17 words shall have the following meanings:

18 "(1) PEACE OFFICER. Any person, excluding a
19 constable, employed or appointed pursuant to the constitution
20 or laws of this state, whether appointed or employed as a
21 peace officer by the state or a county or municipality of the
22 state, or by an agency or institution, corporate or otherwise,
23 created pursuant to the constitution or laws of this state and
24 authorized by the constitution or laws to appoint or employe
25 peace officers whose duties as prescribed by law, or by the
26 lawful terms of their employment or appointment, include the
27 enforcement of, or the investigation and reporting of

1 violations of, the criminal laws of this state, and who is
2 empowered by the laws of this state to execute warrants, to
3 arrest and to take into custody persons who violate, or who
4 are lawfully charged by warrant, indictment, or other lawful
5 process, with violation of, the criminal laws of this state.

6 "(2) TACTICAL MEDIC. A firefighter paramedic or
7 firefighter emergency medical technician licensed by the State
8 of Alabama and employed by the state or a county or
9 municipality within the state, operating on-duty in direct
10 support of a tactical law enforcement unit to provide medical
11 services, contingency planning, operational weapon support,
12 teacher health management, training and education, medical
13 equipment acquisition, and maintenance.

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

1 ~~indictment, or other lawful process, with violations of, the~~
2 ~~criminal laws of this state,~~

3 "(b) Every tactical medic and peace officer shall at
4 all times be deemed to be officers of this state, and as such
5 shall have immunity from tort liability arising out of his or
6 her conduct in performance of any discretionary function
7 within the line and scope of his or her law enforcement
8 duties.

9 ~~"(b) (c)~~ (c) This section is intended to extend immunity
10 only to tactical medic and peace officers and governmental
11 units or agencies authorized to appoint peace officers. No
12 immunity is extended hereby to any private non-governmental
13 person or entity, including any private employer of a
14 firefighter paramedic or firefighter emergency medical
15 technician or peace officer during that officer's off-duty
16 hours.

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

1 corporate employer individually liable for all acts taken by
2 an "off-duty" tactical medic or peace officer within the line
3 and scope of the private employment."

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