



SYNOPSIS:

This bill would authorize the Attorney General or Governor to appoint an interim police chief of certain municipal police departments.

This bill would also provide procedures and requirements for a municipality with an interim police chief.

A BILL
TO BE ENTITLED
AN ACT

Relating to law enforcement; to authorize the Attorney General or Governor to appoint an interim police chief under certain conditions; and to provide pertinent procedures and requirements for certain municipalities.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) The Attorney General or Governor, in consultation with one another, may appoint an interim police chief to superintend any municipal police department if he or she determines that a particular and ongoing threat to public safety exists within a municipality after doing all of the following:

(1) Reviewing relevant and pertinent federal, state,

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25 she determines that a particular and ongoing threat to public
26 safety exists within a municipality after doing all of the
27 following:

28 (1) Reviewing relevant and pertinent federal, state,



29 and local crime statistics.

30 (2) Determining that the number of law enforcement
31 officers employed by the municipality's police department is
32 30 or more percent less than the average number of law
33 enforcement officers employed by that police department for
34 the preceding 10 years.

35 (3) Consulting with the district attorney of the
36 circuit in which the municipality is located.

37 (4) Consulting with the sheriff of the county in which
38 the municipality is located.

39 (5) Consulting with victims of crimes committed within
40 the municipality.

41 (b) The interim police chief shall serve under the
42 authority and at the pleasure of his or her appointing
43 authority and shall not be subject to the authority of the
44 mayor, city council, or other official of the municipality.

45 (c) The interim police chief shall serve until the
46 Attorney General or Governor, in consultation with one
47 another, determines that a particular and ongoing threat to
48 public safety no longer exists within the municipality after
49 satisfying all of the actions required in subsection (a).

50 (d) The interim police chief shall be paid a salary
51 with funds from the operating account of his or her appointing
52 authority. The salary shall be set at the discretion of the
53 appointing authority.

54 (e) The appointing authority may petition the circuit
55 court of the county in which the municipality is located for
56 the recoupment of any costs incurred in enforcing this



57 section, including the payment of the interim police chief's
58 salary. If the court finds that the actions required in
59 subsection (a) were satisfied at the time of the interim
60 police chief's appointment, the court shall award the
61 appointing authority all costs associated with the enforcement
62 of this section.

63 (f) The interim police chief shall be considered an
64 officer of the state for purposes of Section 36-1-12, Code of
65 Alabama 1975.

66 (g) The interim police chief shall provide a
67 semimonthly report of the current status of, and the remedial
68 actions being taken by, the police department to the mayor and
69 city council of the municipality.

70 (h) The sheriff of the county in which the municipality
71 is located may be appointed to serve as the interim police
72 chief. If appointed, the sheriff shall be entitled to
73 additional compensation pursuant to subsection (d), not to
74 exceed seventy-five thousand dollars (\$75,000) per year.

75 (i)(1) A municipality with an interim police chief
76 shall do both of the following:

77 a. Continue to fund the police department in a manner
78 and amount commensurate with the average of the five fiscal
79 years immediately preceding the interim police chief's
80 appointment.

81 b. Maintain and form any active or prospective
82 agreement, duty, interest in property, or obligation necessary
83 for the police department to, at a minimum, maintain a level
84 of efficacy and operation commensurate with the average of the



85 five years immediately preceding the interim police chief's
86 appointment.

87 (2) A municipality that violates this subsection may
88 not receive any funds, grants, or appropriations from the
89 State of Alabama until the violation has ceased, as determined
90 by the Attorney General or Governor, in consultation with one
91 another.

92 Section 2. This act shall become effective immediately.