HB355
197024-3
By Representatives Chestnut, Reynolds, Pettus and Lawrence
RFD: State Government
First Read: 04-APR-19
ENROLLED, An Act,

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

(1) There is a critical personnel shortage such that the rehiring is necessary to provide public safety services.
(2) The retired law enforcement officer retired from any state or local law enforcement agency within the State of Alabama which subscribes to the same pension system as the reemploying authority, and has been retired for at least 45 consecutive days prior to reemployment with a municipality.

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

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

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

(c) The number of retirees from the Alabama State Law Enforcement Agency reemployed by a municipality pursuant to this section may not exceed 10 percent of the reemploying authority's entire authorized law enforcement officer force on the effective date of this section.
(d) The job duties of a rehired retired law enforcement officer by a reemploying authority shall not consist primarily of an administrative nature, and shall be limited to tasks which are traditionally performed by patrolmen and detectives. For the purposes of this article, "tasks which are traditionally performed by patrolmen and detectives" includes:

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

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

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

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

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

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

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

(8) Evaluating complaint and emergency-request information to determine response requirements.
(9) Patrolling specific areas on foot, horseback, bicycle, or motorized conveyance, responding promptly to calls for assistance.

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

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

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

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

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

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

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

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

(18) Providing road information to assist motorists.
(19) Processing prisoners, and preparing and maintaining records of prisoner bookings and prisoner status during booking and pre-trial process.

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

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

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

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

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

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

(2) A rehired retired law enforcement officer may not accrue additional retirement service credit for any portion of the period of his or her reemployment.
(3) The employing authority shall provide written
notice of postretirement employment under this section to the
Employees' Retirement System or local pension system, as
appropriate, within 30 days after the date a retired law
enforcement officer begins performing duties on a full-time or
permanent basis.

Section 2. This act shall become effective on the
first day of the third month following its passage and
approval by the Governor, or its otherwise becoming law.
HB355

Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives
I hereby certify that the within Act originated in and was passed by the House 30-APR-19, as amended.

Jeff Woodard
Clerk

Senate 29-MAY-19 Passed

APPROVED 6-7-19

TIME 3:22pm

Kay Ivey
GOVERNOR
SENATE ACTION
(Continued)

DATE: 5-29-79
RD 3 at length
PASSED [X] PASSED AS AMENDED [ ]

YEAS 30 NAYS 0
And was ordered returned forthwith to the House.

PATRICK HARRIS,
Secretary

DATE: 20_
INDEFINITELY POSTPONED YEAS NAYS

DATE: 20_
RECONSIDERED YEAS NAYS

CONFERENCE COMMITTEE
Senate Conferees

This bill having been referred to the Committee on
Rules pursuant to Senate Rule 23 is reported to the
Senate for assignment to the Committee on:

This _____ day of ____________________, 20____
______________________________ , Chairperson

Date: ____________________________
Rereferred

Committee: