

# HB38 INTRODUCED



1 HB38  
2 5DZN36M-1  
3 By Representative Hill  
4 RFD: Judiciary  
5 First Read: 04-Feb-25  
6 PFD: 29-Aug-24



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SYNOPSIS:

This bill would provide that a prosecuting attorney advising a law enforcement officer or a law enforcement agency on any matter of criminal procedure, civil procedure, criminal charges, or criminal investigations within the prosecuting attorney's scope of authority is deemed a prosecutorial function.

This bill would also provide for legislative findings.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to district attorneys; to add Sections 12-17-184.1 and 12-17-184.2 to the Code of Alabama 1975, to provide that a prosecuting attorney advising a law enforcement officer or a law enforcement agency on certain matters is deemed a prosecutorial function; and to provide for legislative findings.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 12-17-184.1 is added to the Code of Alabama 1975, to read as follows:

§12-17-184.1



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29 The Legislature finds and declares the following:

30 (1) Upon request by law enforcement, prosecuting  
31 attorneys throughout the state should be able to provide  
32 advice to law enforcement officers on any matter of criminal  
33 procedure, civil procedure, criminal charges, criminal  
34 investigations, or other matters of law within the prosecuting  
35 attorney's scope of authority.

36 (2) A free and unfettered discussion of factual and  
37 legal issues between prosecuting attorneys and law enforcement  
38 officers, as part of the investigation and charging process,  
39 is essential to the fair and just application of the criminal  
40 laws of this state.

41 (3) The Legislature encourages free and unfettered  
42 discussions between prosecuting attorneys and law enforcement  
43 as a part of the investigatory and charging process.

44 (4) The Legislature hereby declares a prosecuting  
45 attorney providing legal advice, as part of the investigatory  
46 and charging process, to law enforcement officers on any  
47 matter related to the application of any statute or rule is a  
48 vital prosecutorial function and an inherent part of the  
49 prosecution of any criminal or civil law or rule within the  
50 prosecuting attorney's scope of authority.

51 §12-17-184.2

52 A prosecuting attorney advising a law enforcement  
53 officer or law enforcement agency, as defined in Section  
54 36-21-55, on any matter of criminal procedure, civil  
55 procedure, criminal charges, or criminal investigations within  
56 the prosecuting attorney's scope of authority is deemed a



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57 prosecutorial function.

58 Section 2. This act shall become effective immediately.