

1 HB80  
2 164692-1  
3 By Representatives Pettus, Ball, Rowe and Standridge  
4 RFD: Public Safety and Homeland Security  
5 First Read: 03-MAR-15

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8 SYNOPSIS: Under existing law, certain law enforcement  
9 officers may arrest a person at the scene of a  
10 traffic accident if the officer has reasonable  
11 grounds to believe that the person was driving  
12 under the influence of alcohol or a controlled  
13 substance.

14 This bill would specify that a law  
15 enforcement officer may arrest a person subsequent  
16 to a traffic accident if there are reasonable  
17 grounds to believe that the person was driving  
18 under the influence.

19 This bill would also authorize a law  
20 enforcement officer to issue a traffic citation  
21 subsequent to an accident to a driver involved in a  
22 traffic accident if, based on the personal  
23 investigation of the officer, there are reasonable  
24 grounds to believe that the person committed a  
25 traffic offense for which a citation may be  
26 written.

1 A BILL  
2 TO BE ENTITLED  
3 AN ACT  
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5 Relating to law enforcement; to amend Section  
6 32-5-171, Code of Alabama 1975, to specify that a law  
7 enforcement officer may arrest a person subsequent to a  
8 traffic accident under certain conditions; and to authorize a  
9 law enforcement officer to issue a traffic citation subsequent  
10 to a traffic accident to a driver involved in the accident  
11 under certain conditions.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. Section 32-5-171, Code of Alabama 1975,  
14 is amended to read as follows:

15 "§32-5-171.

16 "(a) ~~A uniformed police officer, state trooper,~~  
17 ~~county sheriff, or his or her deputy or member of a municipal~~  
18 ~~police force~~ law enforcement officer as defined in Section  
19 36-21-40, may arrest, ~~at the scene of~~ subsequent to a traffic  
20 accident, any driver of a vehicle involved in the accident if  
21 upon personal investigation, including information from  
22 eyewitnesses, the officer has reasonable grounds to believe  
23 that the person by violating Section 32-5A-191 contributed to  
24 the accident. He or she may arrest such a person without a  
25 warrant although he or she did not personally see the  
26 violation.

1                   "(b) A law enforcement officer as defined in Section  
2                   36-21-40, subsequent to a traffic accident, may issue a  
3                   traffic citation to a driver of a vehicle involved in the  
4                   accident when, based on personal investigation, the officer  
5                   has reasonable and probable grounds to believe that the person  
6                   has committed any offense under this title. Chapters 5, 5A, 6,  
7                   7, or 7A of Title 32."

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