

1 SB90  
2 126285-3  
3 By Senators Taylor and Holley  
4 RFD: Governmental Affairs  
5 First Read: 01-MAR-11

1 SB90

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4 ENROLLED, An Act,

5 To amend Sections 14-6-1 and 36-22-3 of the Code of  
6 Alabama 1975, to specify the sovereign immunity protections  
7 granted to persons employed by the sheriff when acting for and  
8 under the direction and supervision of the sheriff.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. Sections 14-6-1 and 36-22-3, Code of  
11 Alabama 1975, are amended to read as follows:

12 "§14-6-1.

13 "The sheriff has the legal custody and charge of the  
14 jail in his or her county and all prisoners committed thereto,  
15 except in cases otherwise provided by law. The sheriff may  
16 employ persons to carry out his or her duty to operate the  
17 jail and supervise the inmates housed therein for whose acts  
18 he or she is civilly responsible. Persons so employed by the  
19 sheriff shall be acting for and under the direction and  
20 supervision of the sheriff and shall be entitled to the same  
21 immunities and legal protections granted to the sheriff under  
22 the general laws and the Constitution of Alabama of 1901, as  
23 long as such persons are acting within the line and scope of  
24 their duties and are acting in compliance with the law.

25 "§36-22-3.

1           "(a) It shall be the duty of the sheriff:

2           "(1) To execute and return the process and orders of  
3 the courts of record of this state and of officers of  
4 competent authority with due diligence when delivered to him  
5 or her for that purpose, according to law.

6           "(2) To attend upon the circuit courts and district  
7 courts held in his or her county when in session and the  
8 courts of probate, when required by the judge of probate, and  
9 to obey the lawful orders and directions of such courts.

10           (3) To, three days before each session of the  
11 circuit court in his or her county, render to the county  
12 treasury or custodian of county funds a statement in writing  
13 and on oath of the moneys received by him or her for the  
14 county, specifying the amount received in each case, from whom  
15 and pay the amount to the county treasurer or custodian of  
16 county funds.

17           (4) To, with the assistance of deputies as  
18 necessary, ferret out crime, apprehend and arrest criminals  
19 and, insofar as within their power, secure evidence of crimes  
20 in their counties and present a report of the evidence so  
21 secured to the district attorney or assistant district  
22 attorney for the county.

23           (5) To perform such other duties as are or may be  
24 imposed by law.

1           "(b) Any of the duties of the sheriff set out in  
2 subsection (a) or as otherwise provided by law may be carried  
3 out by deputies, reserve deputies, and persons employed as  
4 authorized in Section 14-6-1 as determined appropriate by the  
5 sheriff in accordance with state law. Persons undertaking such  
6 duties for and under the direction and supervision of the  
7 sheriff shall be entitled to the same immunities and legal  
8 protections granted to the sheriff under the general laws and  
9 the Constitution of Alabama of 1901, as long as he or she is  
10 acting within the line and scope of his or her duties and is  
11 acting in compliance with the law."

12           Section 2. Notwithstanding the provisions of  
13 Sections 14-6-1, 32-7-23, and 36-22-3 of the Code of Alabama  
14 1975, nothing in this act shall serve as a bar to an  
15 individual's or entity's recovery under the uninsured motorist  
16 coverage of the individual or entity, or prevent an insured  
17 from being legally entitled to recover damages under the  
18 uninsured motorist coverage of the insured.

19           Section 3. This act shall become effective  
20 immediately following its passage and approval by the  
21 Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB90

Senate 24-MAR-11

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris  
Secretary

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House of Representatives  
Passed: 09-JUN-11

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By: Senator Taylor