

1 HB320  
2 170224-5  
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12 Lawrence, Hubbard, Gaston, Sessions, Tuggle, Millican, Johnson  
13 (R), Hurst and Rogers  
14 RFD: Judiciary  
15 First Read: 18-MAR-15

1  
2 ENROLLED, An Act,

3           Relating to domestic violence; to add Section  
4 13A-6-139.1 to the Code of Alabama 1975, to provide  
5 definitions; to amend Sections 13A-6-130, 13A-6-131,  
6 13A-6-132, 13A-6-134, 13A-6-138, 13A-6-140 to 13A-6-143,  
7 inclusive, 15-10-3, 15-13-190, 15-23-68, 30-5-2, 30-5-3,  
8 30-5-5, 30-5-7, 30-5-8, 30-6-1 to 30-6-11, inclusive, 30-6-13,  
9 30-7-1 to 30-7-6, inclusive, 30-9-1 and 30-9-2, Code of  
10 Alabama 1975; to add Article 9 (commencing with Section  
11 41-23-150) to Chapter 23 of Title 41 of the Code of Alabama  
12 1975; to provide greater protection and assistance to victims  
13 of domestic violence; to provide consistency to the definition  
14 of domestic violence throughout the code; to clarify the  
15 definition of dating relationship as it relates to domestic  
16 violence; to further provide for the issuance of domestic  
17 violence protection orders and require better communication  
18 among law enforcement to ensure protection of a victim when a  
19 protection order is issued; to require law enforcement  
20 officers to provide certain assistance and information to  
21 victims of domestic violence when responding to incidents of  
22 domestic violence; to transfer the responsibility of  
23 certifying and monitoring domestic violence shelters from the  
24 Office of Prosecution Services to the Department of Economic  
25 and Community Affairs; to create a Domestic Violence Trust

1 Fund administered by the Department of Economic and Community  
2 Affairs to fund domestic violence centers in the state; to  
3 further provide for the reporting of incidents of domestic  
4 violence throughout the state; to establish a certified  
5 domestic violence center capital improvement grant program  
6 under the Department of Economic and Community Affairs; to  
7 provide that the Director of the Department of Economic and  
8 Community Affairs would oversee the grant application process;  
9 to provide that the director in coordination with the Alabama  
10 Coalition Against Domestic Violence would develop and conduct  
11 a needs assessment; to require the director to ensure grant  
12 funds are being used accordingly; to ensure confidentiality to  
13 a certified domestic violence center in the grant process; to  
14 provide a limit on the amount of grant funds to be awarded;  
15 and to amend Section 11-45-9, Code of Alabama 1975, to further  
16 provide for the sentencing authority of a municipal court for  
17 certain offenses, such as domestic violence offenses.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. Section 13A-6-139.1 is added to Article  
20 7, Chapter 6, Title 13A, Code of Alabama 1975, to read as  
21 follows:

22 §13A-6-139.1.

23 For the purposes of this article, the following  
24 terms shall have the following meanings:

25 (1) DATING RELATIONSHIP.

1           a. A significant relationship of a romantic or  
2 intimate nature characterized by the expectation of  
3 affectionate or sexual involvement over a period of time and  
4 on a continuing basis during the course of the relationship.

5           b. A dating relationship includes the period of  
6 engagement to be married.

7           c. A dating relationship does not include a casual  
8 or business relationship or a relationship that ended more  
9 than 12 months prior to the filing of the petition for a  
10 protection order.

11           (2) DOMESTIC VIOLENCE. Any of the following acts  
12 committed against a victim:

13           a. Arson. Arson as defined under Sections 13A-7-40  
14 to 13A-7-43, inclusive.

15           b. Assault. Assault as defined under Sections  
16 13A-6-20 to 13A-6-22, inclusive.

17           c. Attempt. With the intent to commit any crime  
18 under this section or any other criminal act under the laws of  
19 this state, performing any overt act towards the commission of  
20 the offense.

21           d. Child abuse. Torture or willful abuse of a child,  
22 aggravated child abuse, or chemical endangerment of a child as  
23 provided in Chapter 15, commencing with Section 26-15-1, of  
24 Title 26, known as the Alabama Child Abuse Act.

1 e. Criminal coercion. Criminal coercion as defined  
2 under Section 13A-6-25.

3 f. Criminal trespass. Entering or remaining in the  
4 dwelling or on the premises of another after having been  
5 warned not to do so either orally or in writing by the owner  
6 of the premises or other authorized person as defined under  
7 Sections 13A-7-2 to 13A-7-4.1, inclusive.

8 g. Harassment. Harassment as defined under Section  
9 13A-11-8.

10 h. Kidnapping. Kidnapping as defined under Sections  
11 13A-6-43 and 13A-6-44.

12 i. Menacing. Menacing as defined under Section  
13 13A-6-23.

14 j. Other conduct. Any other conduct directed toward  
15 a plaintiff covered by this chapter that could be punished as  
16 a criminal act under the laws of this state.

17 k. Reckless endangerment. Reckless endangerment as  
18 defined under Section 13A-6-24.

19 l. Sexual abuse. Any sexual offenses included in  
20 Article 4, commencing with Section 13A-6-60, of Chapter 6 of  
21 this title.

22 m. Stalking. Stalking as defined under Sections  
23 13A-6-90 to 13A-6-94, inclusive.

24 n. Theft. Knowingly obtaining or exerting  
25 unauthorized control or obtaining control by deception over

1 property owned by or jointly owned by the plaintiff and  
2 another. Theft includes theft as defined under Sections  
3 13A-8-1 to 13A-8-5, inclusive.

4 o. Unlawful imprisonment. Unlawful imprisonment as  
5 defined under Sections 13A-6-41 and 13A-6-42.

6 (3) VICTIM. An individual who is related to the  
7 person who commits an act of domestic violence in any of the  
8 following ways:

9 a. Is related by marriage to the defendant,  
10 including a common law marriage.

11 b. Had a former marriage or common law marriage with  
12 the defendant.

13 c. Has a child in common with the defendant  
14 regardless of whether the victim and defendant have ever been  
15 married and regardless of whether they are currently residing  
16 or have in the past resided together in the same household.

17 d. Has or had a dating relationship with the  
18 defendant.

19 e. Is a current or former household member. A  
20 household member is a person maintaining or having maintained  
21 a living arrangement with the defendant where he or she is in,  
22 or was engaged in, a romantic or sexual relationship.

23 f. A relative of a current or former household  
24 member as defined in paragraph e. who also lived with the  
25 defendant.

1           g. An individual who is a parent, stepparent, child,  
2 or stepchild and who is in or has maintained a living  
3 arrangement with the defendant.

4           Section 2. Sections 13A-6-130, 13A-6-131, 13A-6-132,  
5 13A-6-134, 13A-6-138, 13A-6-140 to 13A-6-143, inclusive,  
6 15-10-3, 15-13-190, 15-23-68, 30-5-2, 30-5-3, ~~30-5-5 to~~  
7 ~~30-5-8, inclusive, 30-5-5, 30-5-7, 30-5-8,~~ 30-6-1 to 30-6-11,  
8 inclusive, 30-6-13, 30-7-1 to 30-7-6, inclusive, 30-9-1, and  
9 30-9-2, Code of Alabama 1975, are amended to read as follows:

10           "§13A-6-130.

11           "(a) A person commits the crime of domestic violence  
12 in the first degree if the person commits the crime of assault  
13 in the first degree pursuant to Section 13A-6-20 or aggravated  
14 stalking pursuant to Section 13A-6-91, and the victim is a  
15 current or former spouse, parent, child, any person with whom  
16 the defendant has a child in common, a present or former  
17 household member, or a person who has or had a dating ~~or~~  
18 ~~engagement~~ relationship, as defined in Section 13A-6-139.1,  
19 with the defendant. Domestic violence in the first degree is a  
20 Class A felony, except that the defendant shall serve a  
21 minimum term of imprisonment of one year without consideration  
22 of probation, parole, good time credits, or any other  
23 reduction in time for any second or subsequent conviction  
24 under this subsection.

1           "(b) The minimum term of imprisonment imposed under  
2 subsection (a) shall be double without consideration of  
3 probation, parole, good time credits, or any reduction in time  
4 if a defendant willfully violates a protection order issued by  
5 a court of competent jurisdiction and in the process of  
6 violating the order commits domestic violence in the first  
7 degree.

8           "§13A-6-131.

9           "(a) A person commits the crime of domestic violence  
10 in the second degree if the person commits the crime of  
11 assault in the second degree pursuant to Section 13A-6-21; the  
12 crime of intimidating a witness pursuant to Section  
13 13A-10-123; the crime of stalking pursuant to Section  
14 13A-6-90; the crime of burglary in the second or third degree  
15 pursuant to Sections 13A-7-6 and 13A-7-7; or the crime of  
16 criminal mischief in the first degree pursuant to Section  
17 13A-7-21 and the victim is a current or former spouse, parent,  
18 child, any person with whom the defendant has a child in  
19 common, a present or former household member, or a person who  
20 has or had a dating ~~or engagement~~ relationship, as defined in  
21 Section 13A-6-139.1, with the defendant. Domestic violence in  
22 the second degree is a Class B felony, except the defendant  
23 shall serve a minimum term of imprisonment of six months  
24 without consideration of probation, parole, good time credits,



1 or any reduction in time for any second or subsequent  
2 conviction under this subsection.

3 "(b) The minimum term of imprisonment imposed under  
4 subsection (a) shall be double without consideration of  
5 probation, parole, good time credits, or any reduction in time  
6 if a defendant willfully violates a protection order issued by  
7 a court of competent jurisdiction and in the process of  
8 violating the order commits domestic violence in the second  
9 degree.

10 "§13A-6-132.

11 "(a) A person commits domestic violence in the third  
12 degree if the person commits the crime of assault in the third  
13 degree pursuant to Section 13A-6-22; the crime of menacing  
14 pursuant to Section 13A-6-23; the crime of reckless  
15 endangerment pursuant to Section 13A-6-24; the crime of  
16 criminal coercion pursuant to Section 13A-6-25; the crime of  
17 harassment pursuant to subsection (a) of Section 13A-11-8; the  
18 crime of criminal surveillance pursuant to Section 13A-11-32;  
19 the crime of harassing communications pursuant to subsection  
20 (b) of Section 13A-11-8; the crime of criminal trespass in the  
21 third degree pursuant to Section 13A-7-4; the crime of  
22 criminal mischief in the second or third degree pursuant to  
23 Sections 13A-7-22 and 13A-7-23; or the crime of arson in the  
24 third degree pursuant to Section 13A-7-43; and the victim is a  
25 current or former spouse, parent, child, any person with whom

1 the defendant has a child in common, a present or former  
2 household member, or a person who has or had a dating ~~or~~  
3 ~~engagement~~ relationship, as defined in Section 13A-6-139.1,  
4 with the defendant. Domestic violence in the third degree is a  
5 Class A misdemeanor.

6 "(b) The minimum term of imprisonment imposed under  
7 subsection (a) shall be 30 days without consideration of  
8 reduction in time if a defendant willfully violates a  
9 protection order issued by a court of competent jurisdiction  
10 and in the process of violating the order commits domestic  
11 violence in the third degree.

12 "(c) A second conviction under subsection (a) is a  
13 Class A misdemeanor, except the defendant shall serve a  
14 minimum term of imprisonment of 10 days in a city or county  
15 jail or detention facility without consideration for any  
16 reduction in time.

17 "(d) A third or subsequent conviction under  
18 subsection (a) is a Class C felony.

19 "(e) For purposes of determining second, third, or  
20 subsequent number of convictions, convictions in municipal  
21 court shall be included.

22 "§13A-6-134.

23 "(a) If a law enforcement officer receives  
24 complaints of domestic violence from two or more opposing  
25 persons, or if both parties have injuries, the officer shall

1 evaluate each complaint separately to determine who was the  
2 predominant aggressor. If the officer determines that one  
3 person was the predominant physical aggressor, ~~the officer~~  
4 ~~need not arrest the other person alleged to have committed~~  
5 ~~domestic violence~~ that person may be arrested; however, a  
6 person who acts in a reasonable manner to protect himself or  
7 herself or another family or household member from domestic  
8 violence, as defined in Section 13A-6-139.1, may not be  
9 arrested for a violation of Section 13A-6-130, 13A-6-131, or  
10 13A-6-132. In determining whether a person is the predominant  
11 aggressor the officer shall consider all of the following:

12 ~~"(1)~~ a. Prior complaints of domestic violence.

13 ~~"(2)~~ b. The relative severity of the injuries  
14 inflicted on each person, including whether the injuries are  
15 offensive versus defensive in nature.

16 ~~"(3)~~ c. The likelihood of future injury to each  
17 person.

18 "d. Whether the person had reasonable cause to  
19 believe he or she was in imminent danger of becoming a victim  
20 of any act of domestic violence, as the terms are defined in  
21 Section 13A-6-139.1.

22 ~~"(4)~~ e. Whether one of the persons acted in  
23 self-defense.

24 "(b) A law enforcement officer shall not threaten,  
25 suggest, or otherwise indicate the possible arrest of all

1 parties to discourage the request for intervention by law  
2 enforcement by any party or base the decision to arrest or not  
3 to arrest on either of the following:

4 "(1) The specific consent or request of the victim.

5 "(2) The officer's perception of the willingness of  
6 a victim of or witness to the domestic violence to testify or  
7 otherwise participate in a judicial proceeding.

8 "(c) (1) In addition to victim information services  
9 required pursuant to Section 15-23-62, a law enforcement  
10 officer, at the time of initial investigation, shall give a  
11 victim of domestic violence, as those terms are defined in  
12 Section 13A-6-139.1, notice of the legal rights and remedies  
13 available on a standard form developed and distributed by the  
14 Alabama Law Enforcement Agency pursuant to subdivision (2).

15 "(2) The agency shall develop a "Legal Rights and  
16 Remedies Notice to Victims" that includes a general summary of  
17 the provisions of the Protection From Domestic Violence Act  
18 using language a layperson may understand and the statewide  
19 domestic violence hotline number, and shall distribute the  
20 notice to be used by all law enforcement agencies throughout  
21 the state.

22 "(d) A law enforcement officer is not liable in any  
23 civil action filed by any party for an arrest based on  
24 probable cause, enforcement of a court order, or service of

1 process arising from an alleged incident of domestic violence,  
 2 pursuant to Sections 36-1-12 and 6-5-338, as applicable.

3 "§13A-6-138.

4 "(a) For the purposes of this section, the following  
 5 terms have the following meanings:

6 "~~(1) QUALIFIED RELATIONSHIP. The victim is a spouse,~~  
 7 ~~former spouse, parent, stepparent, child, stepchild, or a~~  
 8 ~~person with whom the defendant has a child in common, or with~~  
 9 ~~whom the defendant has or had a dating or engagement~~  
 10 ~~relationship within 10 months preceding this event.~~

11 "~~(2) (1) STRANGULATION. Intentionally causing~~  
 12 ~~asphyxia by closure or compression of the blood vessels or air~~  
 13 ~~passages of the neck as a result of external pressure on the~~  
 14 ~~neck.~~

15 "~~(3) (2) SUFFOCATION. Intentionally causing asphyxia~~  
 16 ~~by depriving a person of air or by preventing a person from~~  
 17 ~~breathing through the inhalation of toxic gases or by blocking~~  
 18 ~~or obstructing the airway of a person, by any means other than~~  
 19 ~~by strangulation as defined in this section.~~

20 "(b) A person commits the crime of domestic violence  
 21 by strangulation or suffocation if ~~the person~~ he or she  
 22 commits an assault with intent to cause physical harm or  
 23 commits the crime of menacing pursuant to Section 13A-6-23, by  
 24 strangulation or suffocation or attempted strangulation or  
 25 suffocation against a ~~person with whom the defendant has a~~

1 ~~qualified relationship~~ victim, as the term is defined in  
2 Section 13A-6-139.1.

3 "(c) Domestic violence by strangulation or  
4 suffocation is a Class B felony punishable as provided by law.

5 "§13A-6-140.

6 "(a) This article shall be known as the Domestic  
7 Violence Protection Order Enforcement Act.

8 "(b) The purpose of this article is to define the  
9 crime of violation of a domestic violence protection order.

10 "§13A-6-141.

11 "As used in this article, the following terms shall  
12 have the following meanings, respectively, unless the context  
13 clearly indicates otherwise:

14 "(1) DOMESTIC VIOLENCE PROTECTION ORDER. A domestic  
15 violence protection order is any protection from abuse order  
16 issued pursuant to the Protection from Abuse Act, Sections  
17 30-5-1 to 30-5-11, inclusive. The term includes the following:

18 "a. A restraining order, injunctive order, or order  
19 of release from custody which has been issued in a circuit,  
20 district, municipal, or juvenile court in a domestic relations  
21 or family violence case;

22 "b. ~~an~~ An order issued by municipal, district, or  
23 circuit court which places conditions on the pre-trial release  
24 on defendants in criminal cases, including provisions of bail  
25 pursuant to Section 15-13-190;

1           "c. ~~an~~ An order issued by another state or territory  
2 which may be enforced under Sections 30-5B-1 through 30-5B-10.  
3 Restraining or protection orders not issued pursuant to the  
4 Protection From Abuse Act, Sections 30-5-1 to 30-5-11,  
5 inclusive, must specify that a history of violence or abuse  
6 exists for the provisions of this chapter to apply.

7           "(2) VIOLATION. The knowing commission of any act  
8 prohibited by a domestic violence protection order or any  
9 willful failure to abide by its terms.

10           "§13A-6-142.

11           "(a) A violation of a domestic violence protection  
12 order, is a Class A misdemeanor which shall be punishable as  
13 provided by law.

14           "(b) A second conviction for violation of a domestic  
15 violence protection order, in addition to any other penalty or  
16 fine, shall be punishable by a minimum of 30 days imprisonment  
17 which may not be suspended. A third or subsequent conviction  
18 shall, in addition to any other penalty or fine, be punishable  
19 by a minimum sentence of 120 days imprisonment which may not  
20 be suspended.

21           "§13A-6-143.

22           "A law enforcement officer may arrest any person for  
23 the violation of this article if the officer has probable  
24 cause to believe that the person has violated any provision of  
25 a valid domestic violence protection order, whether temporary

1 or permanent. The presentation of a domestic violence  
2 protection order constitutes probable cause for an officer to  
3 believe that a valid order exists. For purposes of this  
4 article, the domestic violence protection order may be  
5 inscribed on a tangible copy or may be stored in an electronic  
6 or other medium if it is retrievable in a detectable form.  
7 Presentation of a certified copy of the domestic violence  
8 protection order is not required for enforcement or to allow a  
9 law enforcement officer to effect a warrantless arrest. If a  
10 domestic violence protection order is not presented to or  
11 otherwise confirmed by a law enforcement officer, the officer  
12 may consider other information in determining whether there is  
13 probable cause to believe that a valid domestic violence  
14 protection order exists. The law enforcement officer may  
15 arrest the defendant without a warrant although he or she did  
16 not personally see the violation. Knowledge by the officer of  
17 the existence or contents of, or both, or presentation to the  
18 officer by the complainant of, a domestic violence protection  
19 order shall constitute prima facie evidence of the validity of  
20 the order.

21 "If a law enforcement officer of this state  
22 determines that an otherwise valid domestic violence  
23 protection order cannot be enforced because the defendant has  
24 not been notified or served with the domestic violence  
25 protection order, the law enforcement officer shall inform the



1 defendant of the order and allow the person a reasonable  
2 opportunity to comply with the order's provisions before  
3 enforcing the order. In the event the law enforcement officer  
4 provides notice of the domestic violence protection order to  
5 the defendant, the officer shall document this fact in the  
6 written report.

7 "§15-10-3.

8 "(a) An officer may arrest a person without a  
9 warrant, on any day and at any time in any of the following  
10 instances:

11 "(1) If a public offense has been committed or a  
12 breach of the peace threatened in the presence of the officer.

13 "(2) When a felony has been committed, though not in  
14 the presence of the officer, by the person arrested.

15 "(3) When a felony has been committed and the  
16 officer has reasonable cause to believe that the person  
17 arrested committed the felony.

18 "(4) When the officer has reasonable cause to  
19 believe that the person arrested has committed a felony,  
20 although it may afterwards appear that a felony had not in  
21 fact been committed.

22 "(5) When a charge has been made, upon reasonable  
23 cause, that the person arrested has committed a felony.

24 "(6) When the officer has actual knowledge that a  
25 warrant for the person's arrest for the commission of a felony

1 or misdemeanor has been issued, provided the warrant was  
2 issued in accordance with this chapter. However, upon request  
3 the officer shall show the warrant to the arrested person as  
4 soon as possible. If the officer does not have the warrant in  
5 his or her possession at the time of arrest the officer shall  
6 inform the defendant of the offense charged and of the fact  
7 that a warrant has been issued.

8 "(7) When the officer has reasonable cause to  
9 believe that a felony or misdemeanor has been committed by the  
10 person arrested in violation of a protection order, including  
11 a domestic violence protection order issued by a court of  
12 competent jurisdiction.

13 "(8) When an offense involves domestic violence as  
14 defined by ~~this section~~ in Section 13A-6-139.1, and the arrest  
15 is based on probable cause, regardless of whether the offense  
16 is a felony or misdemeanor.

17 ~~"(b) For the purpose of this section, the following~~  
18 ~~terms have the following meanings:~~

19 ~~"(1) ABUSE. Any offense under Sections 13A-6-60 to~~  
20 ~~13A-6-70, inclusive, or under Sections 26-15-1 to 26-15-4,~~  
21 ~~inclusive.~~

22 ~~"(2) ASSAULT. Any offense under Sections 13A-6-20 to~~  
23 ~~13A-6-25, inclusive.~~

24 ~~"(3) FAMILY, HOUSEHOLD, OR DATING RELATIONSHIP~~  
25 ~~MEMBERS. Includes a spouse, former spouse, parent, child, or~~

1 ~~any other person related by marriage or common law marriage,~~  
 2 ~~a person with whom the victim has a child in common, a present~~  
 3 ~~or former household member, or a person who has or had a~~  
 4 ~~dating relationship.~~

5 ~~(4) DOMESTIC VIOLENCE. Any incident resulting in the~~  
 6 ~~abuse, assault, harassment, or the attempt or threats thereof,~~  
 7 ~~between family, household, or dating or engagement~~  
 8 ~~relationship members.~~

9 ~~"(5) HARASSMENT. Any offense under Section 13A-11-8.~~

10 ~~"(c) (b) When a law enforcement officer investigates~~  
 11 ~~an allegation of domestic violence, whether or not an arrest~~  
 12 ~~is made, the officer shall make a written report of the~~  
 13 ~~alleged incident, including a statement of the complaint, and~~  
 14 ~~the disposition of the case.~~

15 ~~"(c) If the defendant is arrested under this section~~  
 16 ~~for committing an act of domestic violence in violation of a~~  
 17 ~~protection order, the defendant shall be held in custody until~~  
 18 ~~brought before the court as expeditiously as possible for the~~  
 19 ~~purpose of enforcing the protection order and for~~  
 20 ~~consideration of bail in accordance with Section 15-13-190 and~~  
 21 ~~the applicable rules of criminal procedure, pending a hearing.~~

22 ~~"§15-13-190.~~

23 ~~"(a) A person arrested for an offense involving~~  
 24 ~~domestic violence as defined in subdivisions (1) through (4)~~  
 25 ~~of subsection (b) of Section 15-10-3 Section 30-5-2~~

1     13A-6-139.1, who strikes, shoves, kicks, or otherwise touches  
2     a ~~person~~ victim, as defined in Section 13A-6-139.1, or subject  
3     ~~subjects~~ him or her to physical contact, or is charged with a  
4     violation of a domestic violence protection order, may not be  
5     admitted to bail until after an appearance before a judge or  
6     magistrate within ~~12 hours of the arrest, and if the person is~~  
7     ~~not taken before a judge or magistrate within 12 hours~~ 24  
8     hours of the arrest, and if the person is not taken before a  
9     judge or magistrate within 24 hours of the arrest, he or she  
10    shall be released on bail. Prior to the release of the person,  
11    the judge or magistrate shall review the facts of the arrest  
12    to determine whether the person is a threat to the alleged  
13    victim, is a threat to public safety, and is reasonably likely  
14    to appear in court.

15           (b) The judge or magistrate shall make findings on  
16    the record concerning those determinations and may impose  
17    conditions of release or bail on the person to protect the  
18    alleged victim of domestic violence or the person protected by  
19    a protection order, and to ensure the appearance of the person  
20    at a subsequent court proceeding. The conditions may include,  
21    but need not be limited to, enjoining the person from  
22    threatening to commit or committing acts of domestic violence  
23    against the alleged victim; ~~prohibiting the person from~~  
24    ~~telephoning, contacting, or otherwise communicating with the~~  
25    ~~alleged victim with the intent to harass, either directly or~~

1 ~~indirectly; ordering the person to stay away from the home of~~  
2 ~~the alleged victim, when the person and alleged victim are not~~  
3 ~~residents of the same home, and ordering the person to stay~~  
4 ~~away from any other location where the alleged victim is~~  
5 ~~likely to be restraining and enjoining the defendant from~~  
6 ~~contacting the victim, as described in Section 30-5-7;~~  
7 prohibiting the person from possessing a firearm or other  
8 weapon specified by the court, except when such weapon is  
9 necessary for employment as a peace officer or military  
10 personnel; and issuing any other order or modification of  
11 orders above required to protect the safety of the alleged  
12 victim or to ensure the appearance of the person in court.

13 "(c) If conditions of release are imposed, the judge  
14 or magistrate shall issue a written order for conditional  
15 release, immediately distribute a copy of the order to the law  
16 enforcement agency having custody of the arrested or charged  
17 person, place information pertaining to the order in the  
18 domestic violence protection order registry, and provide the  
19 law enforcement agency with any available information  
20 concerning the location of the alleged victim in a manner that  
21 protects the safety of the victim. Law enforcement shall  
22 provide a copy of the written order to the victim within 24  
23 hours of receipt, provided that the victim provides law  
24 enforcement with current and accurate contact information, in  
25 accordance with the process outlined in Section 30-5-8.

1           "(d) In cases in which the defendant has been placed  
2 on conditional release or bail pursuant to this section or is  
3 in violation of probation from an another case and is arrested  
4 on a probation violation warrant, a violation of written  
5 condition of release pursuant to this section, or a violation  
6 of a prior protection order, the court shall consider  
7 revocation of probation, conditional release, or bail. Should  
8 the court order continue probation, conditional release, or  
9 bail, the court shall order additional conditions imposed on  
10 the defendant to provide protection to the victim of domestic  
11 violence or the person protected by a protection order.  
12 Additional conditions shall be included in a written order.

13           "(e) A person who willfully violates a condition of  
14 pretrial release provided in this section, when the original  
15 arrest was for an act of domestic violence as defined in  
16 Section 13A-6-139.1, shall be subject to the penalties  
17 provided in Section 13A-6-142, and shall receive an enhanced  
18 penalty and additional sentence of imprisonment in accordance  
19 with Section 13A-6-142.

20           "§15-23-68.

21           "The court shall provide a waiting area for the  
22 victim separate from the defendant, relatives of the  
23 defendant, and defense witnesses, if an area is available and  
24 the use of the area is practical. If a separate waiting area  
25 is not available, or its use impractical, the court shall

1 minimize contact of the victim with the defendant, relatives  
 2 of the defendant, and defense witnesses during court  
 3 proceedings. For victims of domestic violence, as the terms  
 4 are defined in Section Sections 13A-6-139.1 and 30-5-2, if a  
 5 separate waiting area is not available, the presiding circuit  
 6 judge shall create procedures so that the defendant has no  
 7 contact with the victim.

8 "§30-5-2.

9 "In this chapter, the following words shall have the  
 10 following meanings unless the context clearly indicates  
 11 otherwise:

12 "(1) ABUSE. ~~The occurrence of conduct directed at a~~  
 13 ~~plaintiff as defined by this chapter, including the following~~  
 14 An act of domestic violence committed against a victim, which  
 15 is any of the following:

16 "a. Arson. Arson as defined under Sections 13A-7-40  
 17 to 13A-7-43, inclusive.

18 "b. Assault. Assault as defined under Sections  
 19 13A-6-20 to 13A-6-22, inclusive.

20 "c. Attempt. With the intent to commit any crime  
 21 under this section or any other criminal act under the laws of  
 22 this state, performing any overt act towards the commission of  
 23 the offense.

24 "d. Child abuse. ~~Abusing children~~ Torture or willful  
 25 abuse of a child, aggravated child abuse, or chemical

1 endangerment of a child as defined under provided in Chapter  
 2 15, commencing with Section 26-15-1, of Title 26, known as the  
 3 Alabama Child Abuse Act.

4 "e. Criminal coercion. Criminal coercion as defined  
 5 under Section 13A-6-25.

6 "f. Criminal trespass. Entering or remaining in the  
 7 dwelling or on the premises of another after having been  
 8 warned not to do so either orally or in writing by the owner  
 9 of the premises or other authorized person as defined under  
 10 Sections 13A-7-2 to 13A-7-4.1, inclusive.

11 "g. Harassment. Harassment as defined under Section  
 12 13A-11-8.

13 "h. Kidnapping. Kidnapping as defined under Sections  
 14 13A-6-43 and 13A-6-44.

15 "i. Menacing. Menacing as defined under Section  
 16 13A-6-23.

17 "j. Other conduct. Any other conduct directed toward  
 18 a plaintiff covered by this chapter that could be punished as  
 19 a criminal act under the laws of this state.

20 "k. Reckless endangerment. Reckless endangerment as  
 21 defined under Section 13A-6-24.

22 "l. Sexual abuse. Any sexual offenses included in  
 23 Article 4, commencing with Section 13A-6-60, of Chapter 6 of  
 24 Title 13A.



1            "m. Stalking. Stalking as defined under Sections  
 2 13A-6-90 to 13A-6-94, inclusive.

3            "n. Theft. Knowingly obtaining or exerting  
 4 unauthorized control or obtaining control by deception over  
 5 property owned by or jointly owned by the plaintiff and  
 6 another. Theft includes theft as defined under Sections  
 7 13A-8-1 to 13A-8-5, inclusive.

8            "o. Unlawful imprisonment. Unlawful imprisonment as  
 9 defined under Sections 13A-6-41 and 13A-6-42.

10           " 

11           ~~"(2) ADULT. Any person 19 years of age or older, or~~  
 12 ~~who otherwise is emancipated.~~

13           ~~"(3) CHILD. A person 18 years of age or younger.~~

14           ~~(4)(2) COURT. A circuit court judge or, when the~~  
 15 ~~circuit court judge is unavailable, a district court judge, or~~  
 16 ~~a special circuit court judge appointed pursuant to Section~~  
 17 ~~12-1-14 or 12-1-14.1. A district court judge may be designated~~  
 18 ~~by a written standing order from the presiding circuit court~~  
 19 ~~judge to handle protection from abuse cases.~~

20           (3) DATING RELATIONSHIP.

21           a. A significant relationship of a romantic or  
 22 intimate nature characterized by the expectation of  
 23 affectionate or sexual involvement over a period of time and  
 24 on a continuing basis during the course of the relationship.

1           b. A dating relationship includes the period of  
2 engagement to be married.

3           c. A dating relationship does not include a casual  
4 or business relationship or a relationship that ended more  
5 than 12 months prior to the filing of the petition for a  
6 protection order.

7           ~~"(5) (4) PLAINTIFF. As provided An individual who~~  
8 ~~has standing to file a petition under Section 30-5-5. For the~~  
9 ~~purposes of this chapter, the term plaintiff is a person in~~  
10 ~~need of protection from domestic violence who is 18 years of~~  
11 ~~age or older, is or has been married, or is emancipated, and~~  
12 ~~has one of the following relationships:~~

13           ~~"a. Related by marriage to the defendant, including~~  
14 ~~a common law marriage.~~

15           ~~"b. Had a former marriage or common law marriage~~  
16 ~~with the defendant.~~

17           ~~"c. Has a child in common with the defendant.~~

18           ~~"d. Has a dating relationship with the defendant. A~~  
19 ~~dating relationship means a recent frequent, intimate~~  
20 ~~association, primarily characterized by the expectation of~~  
21 ~~affectionate or sexual involvement within the last six months.~~  
22 ~~A dating relationship does not include a casual or business~~  
23 ~~relationship.~~

24           ~~"e. Is a current or former household member. A~~  
25 ~~household member is a person maintaining or having maintained~~

1 ~~a living arrangement with the defendant where he or she is in,~~  
 2 ~~or was engaged in, a romantic or sexual relationship.~~

3 ~~"(6)~~ (5) PROTECTION ORDER. Any order of protection  
 4 from abuse issued under this chapter for the purpose of  
 5 preventing acts of abuse as defined in this chapter.

6 ~~"(7)~~ (6) THREAT. Any word or action, expressed or  
 7 implied, made to cause the plaintiff to fear for his or her  
 8 safety or for the safety of another person.

9 "(7) VICTIM. An individual who is related to the  
 10 person who commits an act of abuse in any of the following  
 11 ways:

12 "a. Is related by marriage to the defendant,  
 13 including a common law marriage.

14 "b. Had a former marriage or common law marriage  
 15 with the defendant.

16 "c. Has a child in common with the defendant  
 17 regardless of whether the victim and defendant have ever been  
 18 married and regardless of whether they are currently residing  
 19 or have in the past resided together in the same household.

20 "d. Has or had a dating relationship with the  
 21 defendant.

22 "e. Is a current or former household member. A  
 23 household member is a person maintaining or having maintained  
 24 a living arrangement with the defendant where he or she is in,  
 25 or was engaged in, a romantic or sexual relationship.

1           "f. A relative of a current or former household  
2 member as defined in paragraph e. who also lived with the  
3 defendant.

4           "g. An individual who is a parent, stepparent,  
5 child, or stepchild and who is in or has maintained a living  
6 arrangement with the defendant.

7           "§30-5-3.

8           "(a) The courts, as provided in this chapter, shall  
9 have jurisdiction to issue protection orders.

10           "(b) A protection order may be requested in any  
11 pending civil or domestic relations action, as an independent  
12 civil action, or in conjunction with the preliminary, final,  
13 or post-judgment relief in a civil action.

14           "(c) A petition for a protection order may be filed  
15 in any of the following locations:

16           ~~"(1) Where the plaintiff or defendant currently or~~  
17 ~~temporarily resides.~~

18           ~~"(2) Where the plaintiff is temporarily located if~~  
19 ~~he or she has left his or her residence to avoid further~~  
20 ~~abuseabuse occurred.~~

21           "(1) Where the plaintiff or defendant resides.

22           "(2) Where the plaintiff is temporarily located if  
23 he or she has left his or her residence to avoid further  
24 abuse.

25           "(3) Where the abuse occurred.

1           "~~(3)~~ (4) Where a civil matter is pending before the  
 2 court in which the plaintiff and the defendant are opposing  
 3 parties.

4           "(d) When custody, visitation, or support, or a  
 5 combination of them, of a child or children has been  
 6 established in a previous court order in this state, or an  
 7 action containing any of the issues above is pending in a  
 8 court in this state in which the plaintiff and the defendant  
 9 are opposing parties, a copy of any temporary ex parte  
 10 protection order issued pursuant to this chapter and the case  
 11 giving rise thereto should be transferred to the court of  
 12 original venue for further disposition as soon as practical  
 13 taking into account the safety of the plaintiff and any  
 14 children.

15           "(e) A minimum period of residency of a plaintiff is  
 16 not required to petition the court for an order of protection.

17           "§30-5-5.

18           "(a) The following persons have standing to file a  
 19 sworn petition for a protection order under this chapter as a  
 20 plaintiff:

21           "(1) A person who is at least 18 years old or is  
 22 otherwise emancipated and is the victim of abuse, as defined  
 23 in Section 30-5-2, or has reasonable cause to believe he or  
 24 she is in imminent danger of becoming the victim of any act of  
 25 abuse.

1           "(2) A parent, legal guardian, ~~legal custodian,~~ next  
 2 friend, or the State Department of Human Resources may  
 3 petition for relief on behalf of the following:

4           "~~(1) (3)~~ a. A minor child.

5           "~~(2) (4)~~ b. Any person prevented by physical or  
 6 mental incapacity from seeking a protection order.

7           "(b) Standardized petitions for actions pursuant to  
 8 this chapter shall be made available through the circuit  
 9 clerks' offices around the state. The circuit clerk shall not  
 10 be required to provide assistance to persons in completing the  
 11 forms or in presenting their case to the court.

12           "(c) A sworn petition shall allege the incidents of  
 13 abuse, the specific facts and circumstances that form the  
 14 basis upon which relief is sought, and that the plaintiff  
 15 genuinely fears subsequent acts of abuse by the defendant.  
 16 With respect to a minor child who is living at home, the  
 17 parent, legal guardian, or next friend seeking the protective  
 18 order on behalf of the child shall:

19           "(1) Have been an eyewitness to, or have direct  
 20 physical evidence or affidavits from eyewitnesses of, the  
 21 specific facts and circumstances that form the basis upon  
 22 which relief is sought, if the party against whom the  
 23 protection order is sought is also a parent, stepparent, or  
 24 legal guardian of the minor child; or

1           "(2) Have a reasonable cause to believe that the  
2 minor child is a victim of abuse to form the basis upon which  
3 relief is sought, if the party against whom the protection  
4 order is sought is a person other than a parent, stepparent,  
5 or legal guardian of a minor child.

6           "~~(c)~~ (d) The court shall not enter mutual orders.  
7 The court shall issue separate orders that specifically and  
8 independently state the prohibited behavior and relief granted  
9 in order to protect the victim and the victim's immediate  
10 family and to clearly provide law enforcement with sufficient  
11 ~~direction when determining if a violation of the order has~~  
12 ~~occurred. For the purpose of judicial economy, a court may~~  
13 ~~consolidate two separately filed petitions into a single case~~  
14 directives.

15           "~~(d)~~ (e) Any plaintiff ~~or petitioner~~ who files a  
16 petition under this chapter may do so through an attorney or  
17 may represent himself or herself pro se throughout the legal  
18 process outlined in this chapter, including, but not limited  
19 to, the filing of pleadings, motions, and any other legal  
20 documents with any court, and the appearance in ex parte and  
21 formal court proceedings on his or her behalf.

22           "~~(e)~~ (f) (1) The following information shall not be  
23 contained on any court document made available to the public  
24 and the defendant by the circuit clerk's office: The  
25 plaintiff's home address and, if applicable, business address;

1 a plaintiff's home telephone number and, if applicable,  
2 business telephone number; the home or business address or  
3 telephone number of any member of the plaintiff's family or  
4 household; or an address that would reveal the confidential  
5 location of a shelter for victims of domestic violence as  
6 defined in Section 30-6-1.

7 "(2) If disclosure of the plaintiff's address, the  
8 address of any member of the plaintiff's family or household,  
9 or an address that would reveal the confidential location of a  
10 shelter for victims of domestic violence is necessary to  
11 determine jurisdiction or to consider a venue issue, it shall  
12 be made orally and in camera.

13 "(3) If the plaintiff has not disclosed an address  
14 or telephone number under this section, the plaintiff shall  
15 satisfy one of the following requirements:

16 "a. Designate and provide to the court an  
17 alternative address.

18 "b. Elect to substitute the business address and  
19 telephone number of his or her attorney of record in place of  
20 the address of the plaintiff on any court document.

21 "~~(f)~~ (g) No court costs and fees shall be assessed  
22 for the filing and service of a petition for a protection  
23 order, for the issuance or registration of a protection order,  
24 or for the issuance of a witness subpoena under this chapter.



1 Costs and fees may be assessed against the defendant at the  
2 discretion of the court.

3 "§30-5-6.

4 ~~"(a) The Except when a temporary protection order is~~  
5 ~~granted under subsection (b), the court shall hold a~~  
6 ~~preliminary hearing after the filing of a petition under this~~  
7 ~~chapter upon the request of the defendant or within 1015 days~~  
8 ~~of the perfection of service. A final hearing shall be set at~~  
9 ~~the earliest possible time, but not later than 60 days after~~  
10 ~~the issuance of the protection order, at which the standard of~~  
11 ~~proof shall be a preponderance of the evidence. If the~~  
12 ~~defendant has not been served, a final hearing may be~~  
13 ~~continued to allow for service to be perfected.~~

14 ~~"(b) (1) The court may enter such temporary ex parte~~  
15 ~~protection orders as it deems necessary to protect the~~  
16 ~~plaintiff or children from abuse , or the immediate and~~  
17 ~~present danger of abuse to the plaintiff or children, upon~~  
18 ~~good cause shown. TheUpon the filing of a petition for an ex~~  
19 ~~parte protection order, the court shall grant or deny a~~  
20 ~~petition for a temporary ex parte protection order filed under~~  
21 ~~this chapter within three business days of the filing of the~~  
22 ~~petition. Any granted temporary ex parte protection order~~  
23 ~~shall be effective until the final hearing date. When it~~  
24 ~~appears to the court that an immediate and present danger of~~  
25 ~~abuse exists and it clearly appears from specific facts shown~~

1 ~~by affidavit, verified complaint, or by testimony that~~  
2 ~~immediate and irreparable injury, loss, or damage will result~~  
3 ~~to the plaintiff or the plaintiff's children before the~~  
4 ~~adverse party or that party's attorney can be heard in~~  
5 ~~opposition, the court may grant a temporary protection order~~  
6 ~~which may be granted in an ex parte hearing, pending a full~~  
7 ~~hearing, and may grant such relief as the court deems proper,~~  
8 ~~including a protection order enjoining the defendant from~~  
9 ~~committing any acts of abuse and prohibiting contact as~~  
10 ~~described in Section 30-5-7. The order shall be endorsed with~~  
11 ~~the date and hour of issuance and shall be filed forthwith in~~  
12 ~~the clerk's office and entered of record. The ex parte~~  
13 ~~protection order shall be effective for a fixed period not to~~  
14 ~~exceed 15 calendar days from the date of the issuance of the~~  
15 ~~order.~~

16 ~~"(2) In an ex parte hearing for the purpose of~~  
17 ~~obtaining a protection order, in addition to consideration of~~  
18 ~~the verified pleading or affidavit, the petitioner shall~~  
19 ~~appear under oath to testify regarding the need for the~~  
20 ~~protection order unless the court determines for good cause~~  
21 ~~shown that the petitioner is unable to attend the hearing.~~

22 ~~"(3) A final hearing, as provided by this~~  
23 ~~subsection, shall be set for the earliest possible time and~~  
24 ~~takes precedence of all matters except older matters of the~~  
25 ~~same character, but in no instance may be set for a date later~~

1 ~~than the date when the temporary protection order ceases to be~~  
2 ~~effective.~~

3 ~~"(c) Service upon the defendant shall be as provided~~  
4 ~~in Rule 4 of the Alabama Rules of Civil Procedure.~~

5 ~~"(c) (d) The court may grant a continuance of the ex~~  
6 ~~parte protection order, the interlocutory hearing, or the~~  
7 ~~final hearing for good cause shown by any party. If a final or~~  
8 ~~interlocutory hearing under subsection (a) or a final hearing~~  
9 ~~subsection (b) is continued, the court may make or extend~~  
10 ~~temporary ex parte protection orders under subsection (b) as~~  
11 ~~it deems reasonably necessary to protect the plaintiff or the~~  
12 ~~plaintiff's children from further acts of abuse or the~~  
13 ~~immediate and present danger of abuse.~~

14 ~~"§30-5-7.~~

15 ~~"(a) If it appears from a petition for a protection~~  
16 ~~order or a petition to modify a protection order that abuse~~  
17 ~~has occurred or from a petition for a modification of a~~  
18 ~~protection order that a modification is warranted, the court~~  
19 ~~may do any of the following:~~

20 ~~"(1) Without notice or hearing, immediately issue an~~  
21 ~~ex parte protection order or modify an ex parte protection~~  
22 ~~order as it deems necessary.~~

23 ~~"(2) After providing notice as required by the~~  
24 ~~Alabama Rules of Civil Procedure, issue a final protection~~

1 order or modify a protection order after a hearing whether or  
 2 not the defendant appears.

3 "(b) A court may grant any of the following relief  
 4 without notice and a hearing in an ex parte protection order  
 5 or an ex parte modification of a protection order:

6 "(1) Enjoin the defendant from threatening to commit  
 7 or committing acts of abuse, as defined in this chapter,  
 8 against the plaintiff or children of the plaintiff, and any  
 9 other person designated by the court.

10 "(2)a. Restrain and enjoin the defendant from  
 11 harassing, stalking, annoying, ~~telephoning, contacting, or~~  
 12 ~~otherwise communicating, directly or indirectly, with the~~  
 13 ~~plaintiff or children or threatening,~~ or engaging in conduct  
 14 that would place the plaintiff, minors, children of the  
 15 plaintiff, or any other person designated by the court in  
 16 reasonable fear of bodily injury or from contacting the  
 17 plaintiff or children of the plaintiff.

18 "b. For the purposes of this subdivision,  
 19 "contacting" includes, but is not limited to, communicating  
 20 with the victim verbally or in any written form, either in  
 21 person, telephonically, electronically, or in any other  
 22 manner, either directly or indirectly through a third person.

23 "~~Order the defendant to stay away from the~~  
 24 ~~residence~~ Restrain and enjoin the defendant from having  
 25 physical or violent contact with the plaintiff or the

1 plaintiff's property, or from going within a minimum of 300  
2 feet of the plaintiff's residence, even if the residence is  
3 shared with the defendant, school, or place of employment of  
4 the plaintiff, any children, or any other person designated by  
5 the court, or order the defendant to stay away from any  
6 specified place frequented by the plaintiff, any children, or  
7 any person designated by the court where the court determines  
8 the defendant has no legitimate reason to frequent.

9 "(4) Award temporary custody of any children of the  
10 parties.

11 "(5) Enjoin the defendant from interfering with the  
12 plaintiff's efforts to remove any children of the plaintiff or  
13 from removing any children from the jurisdiction of the court,  
14 and direct the appropriate law enforcement officer to  
15 accompany the plaintiff during the effort to remove any  
16 children of the plaintiff as necessary to protect the  
17 plaintiff or any children from abuse or child abuse.

18 "(6) Enjoin the defendant from removing any children  
19 from the individual having legal custody of the children,  
20 except as subsequently authorized by a custody or visitation  
21 order issued by a court of competent jurisdiction.

22 "(7) Remove and exclude the defendant from the  
23 residence of the plaintiff, regardless of ownership of the  
24 residence.

1           "(8) Order possession and use of an automobile and  
2 other essential personal effects, regardless of ownership, and  
3 direct the appropriate law enforcement officer to accompany  
4 the plaintiff to the residence of the parties or to other  
5 specified locations as necessary to protect the plaintiff or  
6 any children from abuse.

7           "(9) Order other relief as it deems necessary to  
8 provide for the safety and welfare of the plaintiff or any  
9 children and any person designated by the court.

10           "(10) Prohibit the defendant from transferring,  
11 concealing, encumbering, or otherwise disposing of specified  
12 property mutually owned or leased by the parties.

13           "(c) The court may grant any of the following relief  
14 in a final protection order or a modification of a protection  
15 order after notice and a hearing, whether or not the defendant  
16 appears:

17           "(1) Grant the relief available in subsection (b).

18           "(2) Specify arrangements for visitation of any  
19 children by the defendant on a basis that gives primary  
20 consideration to the safety of the plaintiff or any children,  
21 or both, and require supervision by a third party or deny  
22 visitation if necessary to protect the safety of the plaintiff  
23 or any children, or both.

24           "(3) Order the defendant to pay attorney's fees and  
25 court costs.

1           "(4) When the defendant has a duty to support the  
2 plaintiff or any children living in the residence or household  
3 and the defendant is the sole owner or lessee, grant to the  
4 plaintiff possession of the residence or household to the  
5 exclusion of the defendant by evicting the defendant or  
6 restoring possession to the plaintiff, or both, or by consent  
7 agreement allowing the defendant to provide suitable alternate  
8 housing.

9           "(5) Order the defendant to pay temporary reasonable  
10 support for the plaintiff or any children in the plaintiff's  
11 custody, or both, when the defendant has a legal obligation to  
12 support such persons. The amount of temporary support awarded  
13 shall be in accordance with Child Support Guidelines found in  
14 Rule 32 of the Alabama Rules of Judicial Administration.

15           "(6) Order the defendant to provide temporary  
16 possession of a vehicle to the plaintiff, if the plaintiff has  
17 no other means of transportation of his or her own and the  
18 defendant either has control of more than one vehicle or has  
19 alternate means of transportation.

20           "(d) (1) Any temporary ex parte order issued pursuant  
21 to this chapter shall remain in effect ~~until the final~~  
22 ~~protection order is entered~~ as provided in Section 30-5-6.  
23 While the final protection order is in effect, the court may  
24 amend its order at any time upon subsequent petition being

1 filed by either party and a hearing held pursuant to this  
 2 chapter.

3 "(2) Any final protection order is of permanent  
 4 duration unless otherwise specified or modified by a  
 5 subsequent court order.

6 "(e) No order or agreement under this chapter shall  
 7 in any manner affect title to any real property, except final  
 8 subsequent proceedings available by law.

9 "(f) A temporary or final judgment on a protective  
 10 order entered pursuant to this section shall indicate all of  
 11 the following:

12 "(1) That the injunction is valid and enforceable in  
 13 all counties in the state.

14 "(2) That law enforcement officers may use their  
 15 arrest powers pursuant to Section 15-10-3 to enforce the terms  
 16 of the injunction.

17 "(3) That the court had jurisdiction over the  
 18 parties and matter under the laws of the state and that  
 19 reasonable notice and opportunity to be heard was given to the  
 20 person against whom the order is sought sufficient to protect  
 21 that person's right to due process.

22 "§30-5-8.

23 "(a) (1) A copy of the notice of hearing or any order  
 24 under this chapter shall be ~~issued~~ sent to the plaintiff  
 25 within 24 hours of issuance, provided the plaintiff provides



1 the court with current and accurate contact information, the  
2 defendant, and to the law enforcement officials with  
3 jurisdiction to enforce the order. The clerk of the court may  
4 furnish a certified copy of the notice of hearing or final  
5 protection order, if any, electronically.

6 "(2) A copy of any notice of hearing or order under  
7 this chapter shall be issued to the defendant as soon as  
8 possible pursuant to Rule 4 of the Alabama Rules of Civil  
9 Procedure.

10 "(3) Certain information in these orders shall be  
11 entered in the Protection Order Registry of the Administrative  
12 Office of Courts and shall be electronically transmitted to  
13 the Alabama Law Enforcement Agency for entry into the National  
14 Crime Information Center (NCIC), the National Law Enforcement  
15 Telecommunication System (Nlets), and the Law Enforcement  
16 Tactical System (LETS). Such information shall include, but is  
17 not limited to, information as to the existence and status of  
18 any protection orders for verification purposes.

19 "(b) Ex parte and final protection orders shall be  
20 in a format as provided by the Administrative Office of  
21 Courts. If a court wishes to provide additional information in  
22 these standardized court orders, the court may attach  
23 additional pages containing this additional information.

24 "(c) Within 24 hours after issuance of a protection  
25 order, the clerk of court shall forward the written proof of

1 service of process and a copy of the protection order to the  
2 law enforcement agency with jurisdiction over the residence of  
3 the plaintiff. The information shall be entered into the  
4 Protection Order Registry of the Administrative Office of  
5 Courts and shall be electronically transmitted to the Alabama  
6 Law Enforcement Agency for entry into the National Crime  
7 Information Center (NCIC), the National Law Enforcement  
8 Telecommunication System (Nlets), and the Law Enforcement  
9 Tactical System (LETS).

10 "(d) If a court vacates or modifies a protection  
11 order, notice shall be sent within 24 hours to the plaintiff,  
12 provided that the plaintiff provides the court with current  
13 and accurate contact information, to the defendant, and to the  
14 law enforcement officials with jurisdiction to enforce the  
15 order.

16 "(e) (1) The Alabama Law Enforcement Agency shall  
17 develop an automated process by which a plaintiff may request  
18 notification of service of the protection order and other  
19 court actions related to the protection order. The automated  
20 notice shall be made within 12 hours after a law enforcement  
21 officer serves a protection order upon the defendant. The  
22 notification shall include, at a minimum, the date, time, and  
23 where the protection order was served. The information  
24 identifying the plaintiff referenced under subsection (2)

1 shall be exempt from public records requirements in Section 36-12-40.

2 "(2) Upon implementation of the automated process,  
3 information held by the clerks and law enforcement agencies in  
4 conjunction with this process that reveals a home or  
5 employment telephone number, cellular telephone number, home  
6 or employment address, electronic mail address, or other  
7 electronic means of identification of a plaintiff requesting  
8 notification of service of a protection order or other court  
9 actions is exempt from Section 36-12-40. Notwithstanding the  
10 provisions of this subsection, any state or federal agency  
11 that is authorized to have access to such information by any  
12 provision of law shall be granted access in the furtherance of  
13 the agency's statutory duties.

14 "(f) In addition to any other fine or penalty  
15 provided by law, the defendant shall pay an additional fine of  
16 fifty dollars (\$50) for a violation of a protection order. On  
17 a monthly basis, the clerk of the court shall transfer the  
18 additional fines collected pursuant to this subdivision to the  
19 State Treasury for deposit in the Domestic Violence Trust  
20 Fund, established by Section 30-6-11.

21 "§30-6-1.

22 "In this chapter, the following words shall have the  
23 following meanings unless the context clearly indicates  
24 otherwise:

1           "~~(1) ABUSE. Any offense under Sections 13A-6-60 to~~  
2 ~~13A-6-70, inclusive, or under Sections 26-15-1 to 26-15-4,~~  
3 ~~inclusive, occurring among family, household, dating, or~~  
4 ~~engagement relationship members as defined in Section 15-10-3.~~  
5 As defined in Section 30-5-2.

6           "(2) ACADV. The Alabama Coalition Against Domestic  
7 Violence, Incorporated.

8           "(3) ADVOCATE. An employee or volunteer of a program  
9 for victims of domestic violence receiving funds under this  
10 chapter who has a primary function of rendering advice,  
11 counseling, or assistance to victims of domestic violence; who  
12 supervises the employees or volunteers of the program; or who  
13 administers the program.

14           "(4) AGENCY. The Alabama Law Enforcement Agency.

15           "(5) CLIENT. Any individual receiving services from  
16 a certified domestic violence center.

17           "(6) DIRECTOR. The Director of the Department of  
18 Economic and Community Affairs.

19           "(7) DOMESTIC VIOLENCE. Abuse as defined in  
20 subdivision (1).

21           "~~(4)~~ (8) DOMESTIC VIOLENCE SHELTER OR FACILITY  
22 CENTER. A facility which provides services or shelter to adult  
23 An entity that provides services or shelter to domestic  
24 violence victims and their accompanying children as herein  
25 defined and which has been certified by the Office of

1 ~~Prosecution Services to receive funds~~ and is a member of the  
 2 ACADV or other qualified entity.

3 ~~"(5) OFFICE. The Office of Prosecution Services.~~

4 "(9) OTHER QUALIFIED ENTITY. An entity designated by  
 5 the director to fulfill the duties of the ACADV in the event  
 6 the ACADV ceases operations or is otherwise ineligible to  
 7 receive federal funds for domestic violence programs in this  
 8 state.

9 ~~"(6) (10) VICTIM. Any individual suffering assault,~~  
 10 ~~battery, rape, or other abuse as defined in subdivision (1)~~  
 11 ~~and any dependent of the individual , including a child As~~  
 12 ~~defined in Section 30-5-2.~~

13 "Terms not otherwise defined by this chapter shall  
 14 have the meaning given to them by the Alabama Criminal Code,  
 15 Title 13A, or other provisions of law, as the case may be.

16 "§30-6-2.

17 "The Legislature recognizes that ~~certain persons who~~  
 18 ~~assault, batter, or otherwise abuse their children, spouses~~  
 19 ~~and other family members and the persons subject to such abuse~~  
 20 ~~are in need of treatment and rehabilitation~~ persons who are  
 21 victims of domestic violence are in need of critical  
 22 lifesaving services from specialized facilities that possess  
 23 relevant expertise to assist such persons. It is the intent of  
 24 the Legislature to assist in the development of certified  
 25 domestic violence ~~shelters~~ centers and the creation of

1 ~~appropriate expanded services for the victims of such abuse~~  
2 ~~and to provide a place where the parties involved may be~~  
3 ~~separated until they can be properly assisted domestic~~  
4 ~~violence so that all victims obtain services needed. It is~~  
5 ~~further recognized that it is important to prevent domestic~~  
6 ~~violence by determining the root causes of such violence.~~

7 "§30-6-3.

8 "(a) ~~It shall be the duty of the office to do~~ The  
9 director shall perform or delegate all of the following  
10 duties:

11 ~~"(1) To establish minimum program requirements and~~  
12 ~~standards for certifying domestic violence facilities to~~  
13 ~~receive state funds pursuant to this chapter.~~

14 ~~"(2) To receive applications for state funding of~~  
15 ~~the facilities pursuant to this chapter.~~

16 ~~"(3) To approve or reject each application within 60~~  
17 ~~days of receipt of the application.~~

18 ~~"(4) To distribute funds to a certified facility~~  
19 ~~beginning on October 1 of the year immediately succeeding the~~  
20 ~~year in which the facility's application was approved.~~

21 ~~"(5) To evaluate annually each shelter for~~  
22 ~~compliance with the minimum standards.~~

23 ~~"(b) The office or the district attorney from any~~  
24 ~~participating circuit may enter and inspect the premises of~~  
25 ~~domestic violence shelter at any reasonable hour in order to~~

1 ~~effectively evaluate the state of compliance of the facility~~  
 2 ~~with this chapter and rules in force pursuant thereto.~~

3 ~~"(c) The Executive Committee of the Alabama District~~  
 4 ~~Attorneys Association shall prescribe by rule the procedures~~  
 5 ~~by which subdivision (1) of subsection (a) shall be~~  
 6 ~~implemented.~~

7 "(1) Operate the domestic violence program and, in  
 8 collaboration with ACADV or other qualified entity, coordinate  
 9 and administer statewide activities related to the prevention  
 10 of domestic violence.

11 "(2) Have the right to enter and inspect the  
 12 premises of domestic violence centers that are applying for an  
 13 initial certification or facing potential suspension or  
 14 revocation of certification to effectively evaluate the state  
 15 of compliance with minimum standards.

16 "(3) Promote the involvement of domestic violence  
 17 centers in the coordination, development, and planning of  
 18 domestic violence programming.

19 "(4) Coordinate with state agencies that have  
 20 health, education, or criminal justice responsibilities to  
 21 raise awareness of domestic violence and promote consistent  
 22 policy implementation, including law enforcement training.

23 "(5) Cooperate with, assist in, and participate in  
 24 programs of other properly qualified state or federal  
 25 agencies, schools of medicine, hospitals, and health clinics

1 in planning and conducting research on the prevention of  
2 domestic violence and the provision of services to clients.

3 "(6) Contract with ACADV or other qualified entity  
4 for the creation of minimum standards of service provision,  
5 training, and technical assistance to certified domestic  
6 violence centers, and for the evaluation of services provided  
7 by domestic violence centers.

8 "(7) Consider applications from certified domestic  
9 violence centers for capital improvement grants and award  
10 those grants pursuant to Article 9, Chapter 24, Title 41.

11 "(8) Adopt, by rule, procedures to administer this  
12 chapter, including developing criteria for the approval,  
13 suspension, or rejection of certification of domestic violence  
14 centers.

15 "(9) Receive and approve or reject applications for  
16 funding of certified domestic violence centers. When approving  
17 funding for a newly certified domestic violence center, the  
18 director shall make every effort to minimize any adverse  
19 economic impact on existing certified domestic violence  
20 centers or services provided within the same service area. In  
21 order to minimize duplication of services, the director shall  
22 make every effort to encourage subcontracting relationships  
23 from existing certified domestic violence centers within the  
24 same service area. The director shall equitably distribute



1 funds from the Domestic Violence Trust Fund and state funds to  
2 the certified domestic violence centers.

3 "(10) Manage the Domestic Violence Trust Fund for  
4 the purposes of collecting and distributing funds pursuant to  
5 this chapter.

6 ~~"(d) (b)~~ Any facility which shelters children,  
7 pursuant to this chapter, shall be exempt from the provisions  
8 of Title 38, Chapter 7.

9 "§30-6-4.

10 "The ACADV, or other qualified entity, shall do all  
11 of the following:

12 ~~"(1) Formulate and conduct a research and evaluation~~  
13 ~~program on domestic violence and cooperate with and assist and~~  
14 ~~participate in programs of other properly qualified agencies,~~  
15 ~~including any agency of the state, federal government, schools~~  
16 ~~of medicine, hospitals, and clinics, in planning and~~  
17 ~~conducting research on the prevention, care, treatment, and~~  
18 ~~rehabilitation of persons engaged in or subject to domestic~~  
19 ~~violence.~~

20 ~~"(2) Serve as a clearinghouse for information~~  
21 ~~relating to spouse abuse and domestic violence.~~

22 ~~"(3) Carry on educational programs on domestic~~  
23 ~~violence for the benefit of the general public, persons~~  
24 ~~engaged in or subject to spouse abuse, professional persons,~~  
25 ~~or others who care for or may be engaged in the care and~~

1 ~~treatment of persons engaged in or subject to spouse abuse and~~  
2 ~~domestic violence.~~

3 ~~"(4) Enlist the assistance by contract or otherwise,~~  
4 ~~of public and voluntary health, education, welfare, and~~  
5 ~~rehabilitation centers or agencies in a concerted effort to~~  
6 ~~prevent child abuse and domestic violence and to treat or~~  
7 ~~provide shelter for persons engaged in or subject to such~~  
8 ~~abuse or violence.~~

9 "(1) Recommend minimum certification qualifications  
10 and administrative standards to ensure the health, safety, and  
11 welfare of domestic violence victims and their children to the  
12 director.

13 "(2) Assist the director in the evaluation of  
14 certified domestic violence centers in order to determine  
15 compliance with certification standards.

16 "(3) At the discretion of the director, conduct  
17 statewide training and technical assistance for certified  
18 domestic violence centers and partnering organizations.

19 "(4) Make recommendations to the Department of  
20 Economic and Community Affairs regarding the content of  
21 batterers' intervention programs.

22 "(5) Assist the director in other matters relating  
23 to the implementation and administration of programs under  
24 this chapter.

25 "§30-6-5.

1           ~~"(a) On or before 30 days prior to each regular~~  
2 ~~session of the Legislature, the ACADV shall report to the~~  
3 ~~office, and the office shall furnish to the President of the~~  
4 ~~Senate and the Speaker of the House of Representatives, on or~~  
5 ~~before the third day of each regular session, a report on the~~  
6 ~~status of domestic violence in Alabama which shall include,~~  
7 ~~but not be limited to, the following: Each domestic violence~~  
8 ~~center shall provide to the director information relating to~~  
9 ~~the number of persons who receive services from local domestic~~  
10 ~~violence programs or certified domestic violence centers and~~  
11 ~~any other information that is required to be reported for~~  
12 ~~eligibility to receive federal grant funding or other funding.~~

13           ~~"(b) The director shall furnish to the Governor, the~~  
14 ~~President Pro Tempore of the Senate, and the Speaker of the~~  
15 ~~House of Representatives a report on or before January 1 of~~  
16 ~~each year on the status of domestic violence in Alabama, which~~  
17 ~~shall include, but not be limited to, the following:~~

18           ~~"(1) The incidence of domestic violence in this~~  
19 ~~state and in each county.~~

20           ~~"(2) An identification of the areas of the state~~  
21 ~~where domestic violence is of significant proportions,~~  
22 ~~including the number of cases of domestic violence officially~~  
23 ~~reported.~~

24           ~~"(2) (3) The identification and description of the~~  
25 ~~types of programs in the state that assist victims or persons~~

1 ~~initiating the violence and abuse who commit domestic~~  
2 ~~violence, including information on its programs.~~

3 ~~"(3) (4) The number and characteristics of persons~~  
4 ~~treated by or assisted by local who receive services from~~  
5 ~~local domestic violence programs or certified domestic~~  
6 ~~violence centers receiving funding.~~

7 ~~"(4) The number and characteristics of persons~~  
8 ~~perpetrating domestic violence identified by centers receiving~~  
9 ~~funding.~~

10 ~~"(5) An inventory and evaluation of existing~~  
11 ~~prevention programs.~~

12 ~~"(c) (1) The Alabama Law Enforcement Agency, in~~  
13 ~~collaboration with the Attorney General, ACADV, or other~~  
14 ~~qualified entity, and the statewide domestic violence fatality~~  
15 ~~review team, as established in Section 30-9-2, shall produce~~  
16 ~~an annual report to be provided to the Governor and the~~  
17 ~~Legislature. The report shall review the number and type of~~  
18 ~~domestic violence fatalities and near fatalities and shall~~  
19 ~~make policy and other recommendations on how the state and~~  
20 ~~stakeholders may more effectively reduce the incidence of~~  
21 ~~domestic violence fatalities in the state. The report shall~~  
22 ~~include the results of the warrantless arrest policy provided~~  
23 ~~for under Section 13A-6-133, including separate statistics on~~  
24 ~~occurrences of and arrests for domestic versus nondomestic~~  
25 ~~violence, such as stalking, assault, sexual assault, the~~

1 illegal use of firearms, arson, homicide, murder,  
 2 manslaughter, or the attempt of any of these crimes. The  
 3 agency shall also provide the annual domestic violence  
 4 statistics to the relevant federal agency for national  
 5 reporting required by federal regulations or directives.

6 "(2) A state agency, within a reasonable time, shall  
 7 comply with a request from the Alabama Law Enforcement Agency  
 8 for information relating to a report under this subsection.

9 "§30-6-6.

10 "(a) In order to be ~~funded and~~ certified, each  
 11 facility domestic violence center shall do all of the  
 12 following:

13 ~~"(1) Provide a shelter, whether public or private,~~  
 14 ~~which will serve as a center to receive and house adult~~  
 15 ~~persons who are domestic violence victims and their~~  
 16 ~~accompanying children.~~

17 ~~"(2) Receive the periodic written endorsement of the~~  
 18 ~~participating circuit's district attorney and the local law~~  
 19 ~~enforcement agency within the jurisdiction of the site.~~

20 "(1) Provide a facility that shall serve as a center  
 21 to receive and house persons who are victims of domestic  
 22 violence. For the purpose of this chapter, minor children and  
 23 other dependents of a victim, when the dependents are partly  
 24 or wholly dependent on the victim for support or services, may  
 25 be sheltered with the victim in a domestic violence center.

1           "~~(3)~~ (2) Provide minimum services which shall  
2 include, but not be limited to, information and referral  
3 services, counseling and case management services, temporary  
4 emergency shelter for more than 24 hours for adult victims and  
5 their accompanying children, a 24-hour hotline, training for  
6 law enforcement personnel, assessment and appropriate referral  
7 of resident children, outreach services as defined by  
8 standards for counties without a physical emergency shelter  
9 facility, and educational services for community awareness  
10 relative to the incidence of domestic violence, the prevention  
11 of ~~abuse~~ domestic violence, and the care, treatment, and  
12 rehabilitation for persons engaged in or subject to ~~such abuse~~  
13 domestic violence. If a 24-hour hotline, professional  
14 training, or community education is already provided by a  
15 certified domestic violence center within its designated  
16 service area, the director may exempt the certification  
17 requirements for a new domestic violence center serving the  
18 same service area in order to avoid duplication of services.

19           "(3) Comply with the requirements for training and  
20 continuing education adopted by the director.

21           "(4) Comply with rules adopted pursuant to this  
22 chapter.

23           "~~(5) File with the director a list of the names of~~  
24 ~~the domestic violence advocates who are employed or who~~  
25 ~~volunteer at the domestic violence center who may claim a~~

1 ~~privilege under Section 30-6-8 to refuse to disclose a~~  
2 ~~confidential communication between a victim of domestic~~  
3 ~~violence and the advocate regarding the domestic violence~~  
4 ~~inflicted upon the victim. The list shall include the title of~~  
5 ~~the position held by the advocate whose name is listed and a~~  
6 ~~description of the duties of that position. A domestic~~  
7 ~~violence center shall file amendments to this list as~~  
8 ~~necessary.~~

9 "(5) Comply with rules adopted by the director  
10 relating to confidential communications and privileges under  
11 this chapter.

12 "(6)a. If the domestic violence center is a new  
13 center applying for certification on or after the effective  
14 date of this act, demonstrate that the services provided  
15 address a need identified in the most current statewide needs  
16 assessment approved by the director. If the center applying  
17 for initial certification proposes providing services in an  
18 area that has an existing certified domestic violence center,  
19 the center applying for initial certification shall  
20 demonstrate an unmet need in that service area and describe  
21 its efforts to avoid duplication of services.

22 "b. The Department of Economic and Community Affairs  
23 may adopt rules for the implementation of this subdivision.

24 ~~"(b) Domestic violence facilities may be established~~  
25 ~~throughout the state as private, local, state, or federal~~

1 ~~funds are available. Any local agency or organization may~~  
2 ~~apply to participate in certification and state funding~~  
3 ~~pursuant to this chapter. This chapter shall not be construed~~  
4 ~~to prohibit any agency or organization from uniting with a~~  
5 ~~like agency or organization, within or without the same county~~  
6 ~~or within or without any adjacent circuit, in the joint~~  
7 ~~establishment or operation of any domestic violence facility.~~

8 "(b) Each domestic violence center shall satisfy  
9 national domestic violence standards adopted by the director.

10 "(c) If the director finds that there is a failure  
11 by a domestic violence center to comply with the requirements  
12 and standards established under this chapter or with any rules  
13 adopted pursuant thereto, the director may deny, suspend, or  
14 revoke the certification, or may temporarily extend the  
15 certification to allow the domestic violence center to  
16 implement a corrective action plan.

17 "(d) The annual certificate automatically expires on  
18 June 30 of each year unless it is renewed. This subsection  
19 applies to a center operating on or before the effective date  
20 of this act.

21 ~~"(c) The facilities~~ (e) Domestic violence centers  
22 shall establish procedures pursuant to which persons subject  
23 to domestic violence may seek services from these facilities  
24 on a voluntary basis.



1           ~~"(d) Each facility~~ (f) Each domestic violence center  
2           shall be a 501(c)(3) nonprofit corporation and shall have a  
3           board composed of at least three citizens, one of whom shall  
4           be a member of a local, municipal, or county law enforcement  
5           agency.

6           ~~"(e) No individual facility shall receive a total~~  
7           ~~amount in excess of two hundred fifty thousand dollars~~  
8           ~~(\$250,000) annually.~~

9           ~~"(f) Each facility shall submit their proposed~~  
10          ~~budget at the request of the office and prior to any~~  
11          ~~application for funds.~~

12          "(g) In order to receive funding from the Domestic  
13          Violence Trust Fund and other state funds, a domestic violence  
14          center shall do all of the following:

15          "(1) Obtain certification pursuant to this chapter;  
16          provided, however, the issuance of a certification does not  
17          obligate the Alabama Department of Economic and Community  
18          Affairs to provide monies distributed through the Domestic  
19          Violence Trust Fund.

20          "(2) Receive at least 10 percent of its funding from  
21          one or more local, municipal, or county sources, public or  
22          private, provided contributions in kind, whether materials,  
23          commodities, transportation, office space, other types of  
24          facilities, or personal services, may be evaluated and counted  
25          as part of the required local funding.

1           "(h) (1) All funds collected and appropriated for  
2 certified domestic violence centers shall be distributed  
3 equitably by the director.

4           "(2) A contract between the director and a certified  
5 domestic violence center shall contain provisions ensuring the  
6 availability and geographic necessity of services throughout  
7 the service area. For this purpose, a center may distribute  
8 funds through subcontracts or to center satellites, if such  
9 arrangements and any subcontracts are approved by the  
10 director.

11           "(3) The director may allocate funds from the  
12 Domestic Violence Trust Fund for the administration and  
13 enforcement of this act, including law enforcement training.

14           "(i) If any of the minimum services provided under  
15 Section 30-6-6 are exempted from certification by the director  
16 under this section, the domestic violence center may not  
17 receive funding from the Alabama Department of Economic and  
18 Community Affairs for those services.

19           "§30-6-7.

20           ~~"Each circuit shall receive a proportionate share of~~  
21 ~~the total funding appropriated, as the population of the~~  
22 ~~circuit or circuits jointly bear to the total population of~~  
23 ~~the state, according to the most recent federal decennial~~  
24 ~~census, for implementation of this chapter. Each facility~~  
25 ~~shall receive the funds as determined by the policy adopted by~~

1 ~~the office. The formula for such funding shall be deemed a~~  
2 ~~public record. The office may not expend in excess of ten~~  
3 ~~percent of the funds administered by it to implement this~~  
4 ~~chapter. Of the funds administered by the office to implement~~  
5 ~~this chapter, the office shall retain 60 percent of the funds~~  
6 ~~or eighty thousand dollars (\$80,000), whichever is greater,~~  
7 ~~and shall disburse the remainder of the implementation funds~~  
8 ~~received during the previous fiscal year to the ACADV upon~~  
9 ~~satisfactory receipt of the report described in Section 30-6-5~~  
10 ~~for that year.~~

11 "(a) The Department of Economic and Community  
12 Affairs may pay the administrative costs necessary to fulfill  
13 the requirements of this chapter from the Domestic Violence  
14 Trust Fund; provided, however, the department may not expend,  
15 on an annual basis, more than eight percent of the total  
16 available funds from the Domestic Violence Trust Fund, or the  
17 actual costs of administration, whichever is less.

18 "(b) Each domestic violence center shall complete a  
19 financial audit after its first year of operation following  
20 certification. Thereafter, a domestic violence center shall  
21 complete a financial audit every three years or at the request  
22 of the director.

23 "§30-6-8.

24 "Information identifying individuals or facilities  
25 received by the office, the circuit, any district attorney or

1 his or her employees, the director, or by authorized persons  
2 employed by or volunteering services to a ~~facility~~ domestic  
3 violence center, through files, reports, inspection, or  
4 otherwise, ~~shall be deemed~~ is confidential information, ~~except~~  
5 ~~as otherwise herein provided~~, and shall not be disclosed  
6 publicly in such a manner as to identify individuals or  
7 facilities and exempt from Section 36-12-40. Information about  
8 the location of domestic violence centers and facilities is  
9 confidential and exempt from Section 36-12-40. Oral  
10 communications between a domestic violence victim and an  
11 advocate and written reports and records concerning the victim  
12 may not be disclosed without the written consent of the  
13 victim. This privilege does not relieve a person from any duty  
14 imposed pursuant to Section 26-14-1 or Section 38-9-2.  
15 However, when cooperating with the Department of Human  
16 Resources, the staff and volunteers of a domestic violence  
17 center shall protect the confidentiality of other clients at  
18 the center. A victim or advocate may not claim this privilege  
19 when providing evidence in proceedings concerning child abuse,  
20 but may claim this privilege in all other proceedings, both  
21 criminal and civil. This privilege expires upon the death of  
22 the victim. ~~Each facility, with the approval of the office,~~  
23 ~~shall establish its own rules, regulations, and policies for~~  
24 ~~the performance of the responsibilities charged to it in this~~  
25 ~~chapter.~~ The ~~office~~ director shall ensure that the information

1 obtained under authority of this chapter shall be restricted  
2 to the items germane to the implementation thereof and shall  
3 ensure that the provisions are administered so as not to  
4 accumulate any information or distribute any information that  
5 is not required by this chapter. ~~The office and each~~  
6 ~~participating district attorney shall ensure that adequate~~  
7 ~~safeguards are incorporated so that data available is used~~  
8 ~~only by properly authorized persons, facilities, and agencies.~~

9 "§30-6-9.

10 "Any law enforcement officer who investigates an  
11 alleged incident of domestic violence shall , at the time of  
12 the incident, assist the victim with obtaining transportation  
13 so that the victim may receive any necessary medical treatment  
14 which resulted from the alleged incident to which the officer  
15 responds, and shall advise the ~~person subject to the abuse of~~  
16 ~~the availability of a facility from which he or she~~ victim  
17 that there is a domestic violence center from which the victim  
18 may receive services.

19 "§30-6-10.

20 "(a) The office ~~director~~ is authorized to adopt  
21 ~~rules, regulations and standards~~ necessary to administer and  
22 implement the provisions of this chapter not otherwise covered  
23 by subsection (b).

24 "(b) The Secretary of the Alabama Law Enforcement  
25 Agency may adopt rules necessary to administer and implement

1 the provisions of this chapter which relate to enforcement or  
 2 other duties of law enforcement officers.

3 "§30-6-11.

4 ~~"Commencing October 1, 1999~~ There is created the  
 5 Domestic Violence Trust Fund within the State Treasury for the  
 6 specific purpose of funding certified domestic violence  
 7 centers. The fund shall be administered by the Department of  
 8 Economic and Community Affairs. Beginning on the effective  
 9 date of this act , and thereafter, in addition to any and all  
 10 ~~other fees collected for any marriage license or marriage~~  
 11 ~~certificate, the probate judge marriage license issuing agent~~  
 12 ~~or marriage certificate recording agent or marriage~~  
 13 ~~certificate recording agent shall collect~~ other fees collected  
 14 for any marriage license or other documentation of marriage,  
 15 the probate judge marriage license issuing agent or marriage  
 16 recording agent shall collect~~thirty dollars~~ thirty dollars  
 17 ~~(\$30) which shall be forwarded to the district attorney of the~~  
 18 ~~judicial circuit of his or her county.~~ sixty dollars (\$60).  
 19 The funds, as well as those fines imposed pursuant to  
 20 subsection (g) of Section 30-5-8, shall be designated only for  
 21 the purposes of this chapter, and forwarded monthly to the  
 22 ~~office for distribution on a formula, pursuant to Section~~  
 23 ~~30-6-7 and this chapter. Provided, however, no~~ department for  
 24 deposit in the Domestic Violence Trust Fund. Ten percent of  
 25 unspent and unencumbered funds generated by this chapter shall

1 ~~revert to the General Fund of the State Treasury at the end of~~  
2 ~~the fiscal year shall be retained in the fund. The remaining~~  
3 ~~portion of the funds shall revert to the General Fund at the~~  
4 ~~end of the fiscal year. Any such unspent and unencumbered~~  
5 ~~funds shall be returned to the respective judicial circuits~~  
6 ~~from which they were generated. The district attorney shall~~  
7 ~~use the funds exclusively for the purposes of establishing,~~  
8 ~~maintaining, or funding, or any combination thereof, of~~  
9 ~~domestic violence shelters. The funds shall be used for the~~  
10 ~~establishment or maintenance of a domestic violence shelter~~  
11 ~~within 12 months of the end of the fiscal year during which~~  
12 ~~they were collected. If funds collected pursuant to this~~  
13 ~~chapter have not been expended for the purposes of~~  
14 ~~establishing or maintaining a domestic violence shelter within~~  
15 ~~the time period designated in this section, those funds shall~~  
16 ~~revert to the office for distribution to certified domestic~~  
17 ~~violence facilities according to the formula established by~~  
18 ~~the office pursuant to Section 30-6-7 and this chapter.~~

19           "§30-6-13.

20           "The provisions of this chapter are supplemental and  
21 shall be construed in pari materia with other laws relating to  
22 domestic relations, ~~abuse~~ domestic violence, and law  
23 enforcement; and provided, that those laws or parts of laws  
24 which are in direct conflict or inconsistent herewith are  
25 hereby repealed.

1           "§30-7-1.

2           "The Alabama Coalition Against Domestic Violence,  
3 Incorporated, shall assist the Director of the Department of  
4 Economic and Community Affairs to establish standards for  
5 domestic violence ~~shelters~~ centers for membership in the  
6 coalition. Standards shall include minimum standards for the  
7 safe and effective provision of services to victims of  
8 domestic violence and their children.

9           "§30-7-2.

10          "~~(a)~~ The following minimum standards for domestic  
11 violence ~~shelters~~ centers shall be used by the ~~coalition~~  
12 Department of Economic and Community Affairs to determine  
13 membership in the coalition or other qualified entity and  
14 eligibility for receiving funds administered by the Department  
15 of Economic and Community Affairs. Any domestic violence  
16 ~~shelter~~ center seeking membership shall meet the following  
17 qualifications:

18           "(1) Be a ~~community-based, nonprofit agency~~  
19 501(c)(3) nonprofit corporation created for the purpose of  
20 operating a domestic violence center; provided, however, it  
21 may be affiliated with a larger private organization, but must  
22 be a distinct entity with its own corporate structure and  
23 budget. All funding and budget issues pertaining to the  
24 operation of the domestic violence program shall be reported



1 independently from other activities to the coalition or other  
 2 qualified entity.

3 "(2) Have as its primary ~~function the elimination~~  
 4 ~~and reduction of domestic violence~~ mission the provision of  
 5 services to victims of domestic violence, as defined in  
 6 Section 30-5-2.

7 "(3) Provide emergency shelter, counseling services,  
 8 case management and advocacy, and referral, and 24-hour  
 9 hotline telephone services for domestic violence victims.

10 "(4) Operate its principal place of business or  
 11 service activity in the state.

12 "(5) Agree to, accept, adopt, and implement the  
 13 prevailing ~~Alabama Coalition Against Domestic Violence shelter~~  
 14 domestic violence center standards adopted by the department.

15 "(6) Be governed by a board of directors which  
 16 reflects the community it serves.

17 "(7) Affirm in writing its commitment to the  
 18 specific and primary purpose of the Alabama Coalition Against  
 19 Domestic Violence or other qualified entity as stated in ~~an~~  
 20 ~~affirmation of unity~~ membership affiliate agreements.

21 "~~(8) Be an associate member of the Alabama Coalition~~  
 22 ~~Against Domestic Violence for one year prior to application~~  
 23 ~~for full membership.~~

1           ~~"(b) The coalition shall certify any domestic~~  
 2 ~~violence shelter meeting the qualifications set forth in~~  
 3 ~~subsection (a).~~

4           "(b) In the event the Alabama Coalition Against  
 5 Domestic Violence ceases operations or is otherwise ineligible  
 6 to receive federal funds for domestic violence programs in  
 7 this state, the director may designate another qualified  
 8 entity to fulfill its duties.

9           "§30-7-3.

10           Any domestic violence ~~shelter~~ center within the  
 11 state that meets the standards established by this chapter and  
 12 is certified by the ~~coalition~~ Department of Economic and  
 13 Community Affairs as a full member in the coalition or other  
 14 qualified entity shall be eligible to receive funds that are  
 15 appropriated from the ~~state~~ Domestic Violence Trust Fund or  
 16 any other state funds to the coalition or other qualified  
 17 entity.

18           "§30-7-4.

19           "(a) Any domestic violence ~~shelter~~ center within the  
 20 state that desires to become certified by the ~~coalition~~  
 21 director may request certification. Upon approval and  
 22 certification by the ~~board of directors of the coalition~~  
 23 Director of the Department of Economic and Community Affairs,  
 24 a domestic violence center may receive ~~state funding from~~

1 funding appropriated by the Legislature specifically to the  
2 coalition Department of Economic and Community Affairs.

3 "(b) (1) The department may pay the administrative  
4 costs necessary to fulfill the requirements of this chapter  
5 from the Domestic Violence Trust Fund; provided, however, the  
6 department may not expend on an annual basis more than eight  
7 percent of the total available funds from the Domestic  
8 Violence Trust Fund, or the actual cost of administration,  
9 whichever is less.

10 (b) (2) State funds received by the coalition  
11 Alabama Coalition Against Domestic Violence from  
12 appropriations by the Legislature may be used for  
13 administrative expenses. Administrative expenses paid from  
14 state funds shall not exceed eight percent or twenty-five  
15 thousand dollars (\$25,000), whichever is less, of the total  
16 appropriation received ~~in any one period of appropriation on~~  
17 an annual basis.

18 "§30-7-5.

19 "The ~~coalition~~ Department of Economic and Community  
20 Affairs, ~~through its board of directors,~~ shall be responsible  
21 for allocating state appropriated funds to existing and new  
22 domestic violence ~~shelters~~ centers that have been certified  
23 pursuant to this chapter.

24 "§30-7-6.

1           "(a) The director, in consultation with the Alabama  
2 Coalition Against Domestic Violence, Incorporated or other  
3 qualified entity, as provided in subsection (b) of Section  
4 30-7-2, the Alabama Network of Family Resource Centers, and  
5 the Alabama Department of Mental Health, shall establish the  
6 content of batterers' intervention programs in order to direct  
7 services to those persons who are adjudged to have committed  
8 an act of domestic violence, as defined in Section 30-5-2,  
9 those against whom an injunction for protection against  
10 domestic violence is entered, those referred by the court, and  
11 those who volunteer to attend such programs.

12           ~~"The coalition shall establish minimum program and~~  
13 ~~treatment standards for perpetrator counseling programs. The~~  
14 ~~standards shall be used as guidelines by the courts for~~  
15 ~~recommending referral to the programs. Perpetrator programs~~  
16 ~~shall:~~

17           ~~"(1) Be operated by community-based, nonprofit~~  
18 ~~agencies that are governed by a board of directors which~~  
19 ~~reflects the community each serves.~~

20           ~~"(2) Have as the primary goal of the treatment~~  
21 ~~program the reduction and elimination of domestic violence.~~

22           ~~"(3) Operate its principal place of business or~~  
23 ~~service activity in the state.~~

1           ~~"(4) Agree to, accept, adopt, and implement the~~  
2 ~~prevailing minimum standards for perpetrator programs as~~  
3 ~~established by the coalition.~~

4           ~~"(b) Perpetrator treatment programs shall not be~~  
5 ~~eligible to receive state funds allocated to the coalition for~~  
6 ~~disbursement to shelters. The facilitators, supervisors, and~~  
7 ~~trainees of the program shall be certified to provide these~~  
8 ~~programs through initial certification by the Department of~~  
9 ~~Economic and Community Affairs, and the programs and personnel~~  
10 ~~shall be annually recertified by the department to ensure that~~  
11 ~~they meet specified standards.~~

12           ~~"(c) The programs shall be funded through reasonable~~  
13 ~~fees collected from the batterers who attend the programs,~~  
14 ~~except the programs may be funded, in whole or in part, from~~  
15 ~~any local, state, or federal program that provides funding for~~  
16 ~~batterers' intervention programs. Fees may be waived if a~~  
17 ~~participant has an income level at or below 125 percent of the~~  
18 ~~United States poverty level as defined by the most recently~~  
19 ~~revised poverty income guidelines published by the United~~  
20 ~~States Department of Health and Human Services.~~

21           ~~"(d) The court making referrals may not refer~~  
22 ~~victims or their family or household members to batterers'~~  
23 ~~intervention programs. The court shall only order an~~  
24 ~~adjudicated perpetrator of domestic violence to batterers'~~  
25 ~~intervention programs.~~

1           "§30-9-1.

2           "As used in this chapter the term domestic violence  
3 fatality review team means an organization that includes, but  
4 is not limited to, representatives from the following agencies  
5 or organizations:

6           "(1) ~~Municipal and state law~~ Law enforcement  
7 agencies.

8           "(2) The Alabama Law Enforcement Agency, the  
9 Attorney General, and the President of the Alabama District  
10 Attorney's Association, for state level teams or the district  
11 attorney of each judicial circuit for local or regional teams.

12           "(3) The Alabama Department of Forensic Sciences.

13           "(4) Certified domestic violence centers.

14           "(5) Child protection service providers.

15           "(6) The Administrative Office of Courts.

16           "(7) The municipal and circuit clerks of the court.

17           "(8) Victim service programs.

18           "(9) Providers of civil legal assistance to victims.

19           "(10) Child death review teams.

20           "(11) Members of the business community.

21           "(12) County probation or corrections agencies.

22           "(13) Any other persons who have knowledge regarding  
23 domestic violence fatalities, nonlethal incidents of domestic  
24 violence, or suicide, including research, policy, law, and  
25 other matters connected with fatal incidents.

1           "(14) The humane societies or shelters.

2           "(15) Certified perpetrator intervention programs.

3           "(16) The Alabama Coalition Against Domestic  
4 Violence.

5           "(17) The coroner or county medical examiner.

6           "(18) The Department of Human Resources.

7           "(19) The Alabama Department of Child Abuse and  
8 Neglect Prevention or its designee.

9           "(20) Other representatives as determined by the  
10 review team.

11           "§30-9-2.

12           "(a) A statewide domestic violence fatality review  
13 team ~~may shall~~ be established ~~on the local, regional, or state~~  
14 ~~level~~ to review fatal and near-fatal incidents of domestic  
15 violence, related domestic violence matters, and suicides. ~~For~~  
16 ~~domestic violence fatality review teams that service local or~~  
17 ~~regional jurisdictions, the team shall be chaired by the~~  
18 ~~district attorney of that particular jurisdiction. Additional~~  
19 teams at the local and regional levels may be established as  
20 well in conjunction with local law enforcement agencies, the  
21 local domestic violence center, and local judicial officers  
22 including the court, prosecutor, and public defender. Teams  
23 established at the local and regional levels shall be chaired  
24 by the district attorney of that particular jurisdiction. The  
25 membership of a domestic violence fatality review team shall

1 be inclusive and reflect the racial, gender, geographic,  
2 urban/rural, and economic diversity of the state. The review  
3 may include an examination of events leading up to the  
4 domestic violence incident, available community resources,  
5 current laws and policies, and actions taken by organizations,  
6 agencies, and individuals incident to the events and the  
7 parties. Any information or action deemed relevant by the  
8 review team, including an assessment of public records and  
9 records for which public records exemptions are granted may  
10 also be included within the purview of the review.

11 "(b) Domestic violence fatality review teams shall  
12 be established for the purpose of learning how to prevent  
13 domestic violence through early intervention and improving the  
14 quality of the response by individuals and institutions to  
15 domestic violence. The specific structure and operating  
16 procedures employed by a review team shall be determined at  
17 the local level. The review team may determine the number and  
18 type of incidents it wishes to review and shall make policy  
19 and other recommendations on how the community may more  
20 effectively respond to the needs of domestic violence victims.

21 "(c) Any member of a domestic violence fatality  
22 review team or any person acting as a witness to or  
23 investigator for a domestic violence fatality review team, in  
24 addition to any immunity provided otherwise in state law, is  
25 not liable to any person for damages as a result of any action



1 taken within the scope of the functions of that review team if  
2 such action was taken without malice, wantonness, or in a  
3 reasonable belief that such action or recommendation is  
4 warranted by the facts made known to him or her.

5 "(d) The statewide domestic violence fatality review  
6 team is assigned to the Alabama Law Enforcement Agency for  
7 administrative purposes.

8 "(c) (e) Information, testimony, records, reports,  
9 recommendations, or other evidence obtained, generated, or  
10 transmitted by a domestic violence fatality review team shall  
11 not be subject to discovery, subpoena, or introduction into  
12 evidence in any civil action, or in any administrative or  
13 disciplinary proceeding by any department or employing agency  
14 if the information or records arose out of matters that are  
15 the subject of evaluation and review by the review team.

16 However, information, documents, and records otherwise  
17 independently discovered and available from other sources  
18 shall not be exempt from discovery, subpoena, or introduction  
19 into evidence solely because the information, documents, or  
20 records were presented to or reviewed by a review team.

21 "(d) (f) A person who attends or participates in a  
22 meeting of a domestic violence fatality review team may not  
23 testify in any civil or criminal action or administrative or  
24 disciplinary proceedings concerning any records or information  
25 produced or presented to the review team or the proceedings or

1 deliberations of the review team authorized by this section.  
2 This subsection does not preclude or exempt any person who  
3 testifies before a review team or who is a member of a review  
4 team from testifying to matters otherwise within his or her  
5 knowledge.

6 ~~"(e)~~ (g) Any information or records otherwise  
7 confidential or privileged ~~in accordance with~~ or exempt from  
8 disclosure under Section 36-12-40 or under another provision  
9 of Alabama law which are obtained by or provided to a review  
10 team conducting activities as described pursuant to this  
11 chapter shall remain confidential or privileged or exempt from  
12 disclosure as otherwise provided by law. Any portion of a  
13 report produced by the review team that contains information  
14 that is otherwise confidential or privileged in accordance  
15 with Alabama law shall remain confidential or privileged as  
16 otherwise provided by law."

17 Section 3. Each agency in the state that is involved  
18 with the enforcement, monitoring, or prosecution of crimes of  
19 domestic violence shall collect and maintain records of each  
20 domestic violence incident for access by investigators  
21 preparing for bond hearings and prosecutions for acts of  
22 domestic violence.

23 Section 4. Article 9, commencing with Section  
24 41-23-150, is added to Chapter 23 of Title 41 of the Code of  
25 Alabama 1975, to read as follows:

1 Article 9. Domestic Violence Center Capital  
2 Improvement Grant Program.

3 §41-23-150.

4 (a) For the purposes of this article, the following  
5 terms shall have the following meanings:

6 (1) ACADV. The Alabama Coalition Against Domestic  
7 Violence.

8 (2) DIRECTOR. The Director of the Department of  
9 Economic and Community Affairs.

10 (3) OTHER QUALIFIED ENTITY. An entity designated by  
11 the director to fulfill the duties of the ACADV in the event  
12 the ACADV ceases operations or is otherwise ineligible to  
13 receive federal funds for domestic violence programs in this  
14 state.

15 (b) There is established a certified domestic  
16 violence center capital improvement grant program under the  
17 Department of Economic and Community Affairs.

18 (c) A certified domestic violence center, as  
19 provided for in Section 30-6-6 of the Code of Alabama 1975,  
20 may apply to the director, or his or her designee, for a  
21 capital improvement grant. The grant application shall provide  
22 all of the following information:

23 (1) A statement specifying the capital improvement  
24 and the projected costs that the certified domestic violence  
25 center proposes to make with the grant funds.

1           (2) The proposed strategy for making the capital  
2 improvement.

3           (3) The organizational structure that will carry out  
4 the capital improvement.

5           (4) Evidence that the certified domestic violence  
6 center has difficulty in obtaining funding or that the funds  
7 available for the proposed improvement are inadequate.

8           (5) Evidence that the grant funds will assist in  
9 meeting the needs of victims of domestic violence and their  
10 children in the certified domestic violence center service  
11 area.

12           (6) Evidence of a satisfactory recordkeeping system  
13 to account for grant fund expenditures.

14           (7) Evidence of the ability to generate a local  
15 match.

16           (8) Proof of who owns the real property, building,  
17 and structures upon which domestic violence services are being  
18 provided or will be provided.

19           (d) A certified domestic violence center may receive  
20 funding subject to legislative appropriation, upon application  
21 to the director, for projects to construct, acquire, repair,  
22 improve, or upgrade systems, facilities, or equipment, subject  
23 to availability of grant funds.

24           (e) An award of grant funds under this article shall  
25 be made in accordance with a needs assessment developed by the

1 ACADV or other qualified entity and the director. The director  
2 shall perform annually the needs assessment and shall rank in  
3 order of need those centers that are requesting grant funds  
4 for capital improvement.

5 (f) The director, in collaboration with the ACADV or  
6 other qualified entity, shall establish criteria for awarding  
7 the capital improvement grant funds that shall be used  
8 exclusively for support and assistance with the capital  
9 improvement needs of the certified domestic violence center.

10 (g) The director shall ensure that the grant funds  
11 awarded under this article are used solely for the purposes  
12 specified in this article. The director shall also ensure that  
13 the grant process maintains the confidentiality of the  
14 location of the certified domestic violence center applying  
15 for the grant. The total amount of the grants awarded under  
16 this article may not exceed the amount appropriated for the  
17 program.

18 Section 5. Section 11-45-9, Code of Alabama 1975, is  
19 amended to read as follows:

20 "§11-45-9.

21 "(a) Municipal ordinances may provide penalties of  
22 fines, imprisonment, hard labor, or one or more of such  
23 penalties for violation of ordinances.

24 "(b) Except as otherwise provided in this section,  
25 no fine shall exceed five hundred dollars (\$500), and no

1 sentence of imprisonment or hard labor shall exceed six  
2 months.

3 "(c) In the enforcement of the penalties prescribed  
4 in Section 32-5A-191, the fine shall not exceed five thousand  
5 dollars (\$5,000) and the sentence of imprisonment or hard  
6 labor shall not exceed one year.

7 "(d) Notwithstanding any other provision of law, the  
8 maximum fine for every person either convicted for violating  
9 any of the following misdemeanor offenses adopted as a  
10 municipal ordinance violation or adjudicated as a youthful  
11 offender shall be one thousand dollars (\$1,000):

12 "(1) Criminal mischief in the second degree, Section  
13 13A-7-22.

14 "(2) Criminal mischief in the third degree, Section  
15 13A-7-23.

16 "(3) Theft of property in the third degree, Section  
17 13A-8-5.

18 "(4) Theft of lost property in the third degree,  
19 Section 13A-8-9.

20 "(5) Theft of services in the third degree, Section  
21 13A-8-10.3.

22 "(6) Receiving stolen property in the third degree,  
23 Section 13A-8-19.

24 "(7) Tampering with availability of gas,  
25 electricity, or water, Section 13A-8-23.

1           "(8) Possession of traffic sign; notification;  
2           destruction, defacement, etc., of traffic sign or traffic  
3           control device; defacement of public building or property,  
4           Section 13A-8-71 and Section 13A-8-72.

5           "(9) Offenses against intellectual property, Section  
6           13A-8-102.

7           "(10) Theft by fraudulent leasing or rental, Section  
8           13A-8-140 through Section 13A-8-144.

9           "(11) Charitable fraud in the third degree, Section  
10          13A-9-75.

11          "(12) Illegal possession of food stamps in the third  
12          degree, Section 13A-9-91.

13          "(e) The penalty imposed upon a corporation shall  
14          consist of the fine only, plus costs of court.

15          "(f) In the enforcement of a Class A misdemeanor,  
16          including a domestic violence offense, the fine may not exceed  
17          five thousand dollars (\$5,000) and the sentence of  
18          imprisonment may not exceed one year."

19          Section 6. (a) There shall be created the position  
20          of a domestic violence resource prosecutor at the Office of  
21          Prosecution Services to be fully funded through the Department  
22          of Economic and Community Affairs at eighty thousand dollars  
23          (\$80,000) per year.

24          (b) The domestic violence resource prosecutor shall  
25          have the following duties and responsibilities:

1                   (1) To train prosecutors, law enforcement, and  
2 domestic violence shelters on the laws related to domestic  
3 violence.

4                   (2) To be a liaison between the domestic violence  
5 shelters, prosecutors, and law enforcement.

6                   (3) To advocate for victims of domestic violence.

7                   (4) Any other duties as assigned by the Executive  
8 Director at the Office of Prosecution Services.

9                   Section 7. The provisions of this act are severable.  
10 If any part of this act is declared invalid or  
11 unconstitutional, that declaration shall not affect the part  
12 which remains.

13                   Section 8. This act shall become effective on  
14 January 1, 2016, following its passage and approval by the  
15 Governor, or its otherwise becoming law.



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Speaker of the House of Representatives

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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 26-MAY-15, as amended.

Jeff Woodard  
Clerk

Senate	04-JUN-15	Amended and Passed
House	04-JUN-15	Concurred in Senate Amendment