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2022 Legislative Update: Regular Session - Week Four

Overview

Week four of the 2022 regular session of the Alabama legislature included three days of hard work in both chambers and multiple committee meetings. Legislators introduced 85 new bills and advanced several other pieces of legislation.

Education

A decade old law requires K-12 schools and school systems be assigned an annual letter grade (A through F) reflecting overall performance. Student performance, including capabilities in English, is a primary factor in the grading system under the current law. This week the Senate passed a bill that will exclude academic achievement for the first three years of enrollment of any student identified as an English Language Learner or students that have not shown proficiency in other state approved English proficiency assessments. The new law, in part, is geared towards addressing the negative impacts lower grade designations have on overall student and teacher performance and schools that are the result of test scores of students that are learning English and taking tests in a second language soon after an initial enrollment if school.

A new bill filed this week would prohibit State agencies and public schools at all levels from training and promoting or teaching certain “divisive concepts” regarding race, sex or religion. The bill also provides for discipline, including termination, for employees and teachers that violate the proposed law. The bill provides definitions and description of multiple forbidden schools of thought and theories. Although there is no direct reference to it, some of the language in the bill is similar to critical race theory bans seen in many other states. This bill has 38 sponsors and has been referred to the House State Government Committee for further consideration.

Healthcare

On Wednesday the Senate Health Committee conducted a public hearing on the Alabama Vulnerable Child Compassion and Protection Act. This legislation will prohibit performing any medical procedures or prescribing any medications that would alter the appearance of a minor child’s gender or delay puberty and establishes criminal penalties for doing so without one of the very limited exceptions. The eleven Senators present heard from the transgender community, a parent and a physician. After a unanimous vote the legislation is now set to be voted on for passage in the Senate. If approved the bill will be sent to the House of Representatives for consideration.

Protecting Seniors

Legislation creating the Alabama Elder and Adult in Need of Protective Services Abuse Registry received overwhelming bipartisan support in both chambers of the legislature. HB105 and SB169 establishes a registry for individuals who have been convicted of certain crimes against the elderly and individuals that the Alabama Department of Human Resources have determined have committed various forms of abuse, exploitation, intimidation or neglect against individuals in need of protective services. The bills require certain service providers to report suspected abuse and Alabama courts to report certain convictions to a registry that will be maintained by the Alabama Department of Human Resources. The bills also require certain care providers to check the registry prior to hiring employees.

Anti-Aggravated Riot Act

The House Judiciary Committee members spent considerable time on Wednesday debating the proposed Anti-Aggravated Riot Act, a piece of legislation that defines what constitutes a riot and requires jail time for participating in one. The bill was amended three times in the committee meeting and was ultimately approved with a partisan vote. Proponents argued that any form of rioting must be prohibited and that strict penalties must be imposed for participants. Opponents argued that too much discretion will be given to law enforcement to determine if gatherings and activities are riots. The legislation, after being amended by the committee, defines a riot as the assemblage of five or more people engaging in conduct which creates an immediate danger and/or results in damage to property or injury to persons. The legislation further provides that attending or participating in any such gathering after an order to disperse by law enforcement would be a misdemeanor and mandates 30 days in jail as the penalty. Additionally, there would be a mandatory 24-hour initial detention without bail after an arrest.

Guns

In the midst of several bills being considered related to guns and the rights to carrying them, a public hearing was held in the House Public Safety and Homeland Security Committee this week on a piece of legislation which has the endorsement of the House Republican Caucus and 38 co-sponsors. The legislation would repeal the requirement to have a permit to carry a gun or to have a loaded gun in a vehicle and on certain property in the State. The bill would still allow gun owners to purchase permits and to have them for carrying in other state pursuant to reciprocity laws. Opponents support permits as being tools to keep guns out of the hands of criminals and others lacking the capacity to be responsible gun owners. Proponents say law abiding citizens have a constitutional right to carry and should be able to protect themselves without having to apply for and pay for a permit.

Monuments

In 2017 Alabama lawmakers passed the Alabama Memorial Preservation Act which prohibited the relocation, removal, renaming or disturbing certain monuments and structures located on public property which have been in place for forty years. Since then many cities and local governmental officials have opted to be fined a one-time \$25,000 penalty to remove certain displays. This week the Senate Governmental Affairs Committee voted favorably to advance a bill which will increase the penalty to a \$5,000 per day penalty. The legislation also provides the Attorney General the authority to bring a civil action to stop any violations or to cause the restoration of any monument or structure.

Municipal Fines

The discovery of local governments and law enforcement agencies using fines and fees from traffic tickets and municipal crime prosecutions prompted legislators to introduce a bill this week that will require each municipality to disclose what they collect and other pertinent information. If passed each Alabama municipality authorized to collect fines and fees will be required to submit an annual Municipal Financial Report disclosing all revenue, expenditures, assets, liabilities and net assets of all funds. In addition to the financial information the reports will require a breakdown of all prosecutions and the dispositions of all cases.

Statistics

Through nine legislative days, legislators have introduced 548 bills - 337 in the House and 211 in the Senate.

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