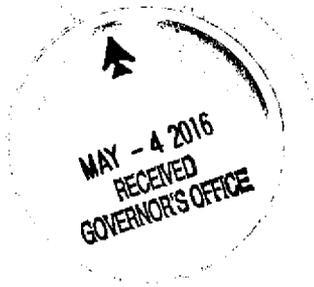


1 SB218  
2 173549-3  
3 By Senator Ward  
4 RFD: County and Municipal Government  
5 First Read: 11-FEB-16



1 SB218

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4 ENROLLED, An Act,

5 Relating to municipalities; to amend Section  
6 11-40-10 of the Code of Alabama 1975, as amended by Act  
7 2015-361, 2015 Regular Session, to provide prospectively that  
8 the police jurisdiction of municipalities would not extend  
9 beyond the corporate boundaries of the municipality without an  
10 affirmative vote of the municipal governing body.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. Section 11-40-10 of the Code of Alabama  
13 1975, as amended by Act 2015-361, 2015 Regular Session, is  
14 amended to read as follows:

15 "§11-40-10.

16 "(a) (1) The police jurisdiction in municipalities  
17 having 6,000 or more inhabitants shall cover all adjoining  
18 territory within three miles of the corporate limits, and in  
19 municipalities having less than 6,000 inhabitants and in  
20 towns, the police jurisdiction shall extend also to the  
21 adjoining territory within a mile and a half of the corporate  
22 limits of the municipality or town.

23 "(2) After the effective date of the act adding this  
24 subdivision and in addition to any other requirements of this  
25 section, any extension of the police jurisdiction of any

1 municipality as otherwise provided in subdivision (1) shall  
2 not be effective beyond the corporate boundaries of the  
3 municipality without an affirmative vote of the municipal  
4 governing body. Notwithstanding the foregoing, this  
5 subdivision shall not affect the boundaries of the police  
6 jurisdiction of a municipality existing on the effective date  
7 of the act adding this subdivision.

8 "(3) Any municipality which has a three mile police  
9 jurisdiction pursuant to subdivision (1) may reduce its police  
10 jurisdiction to a mile and a half by ordinance of the  
11 municipality, which shall take effect on the first day of  
12 January following its adoption on or before the preceding  
13 first day of October. Once a municipality has adopted an  
14 ordinance to reduce its police jurisdiction to a mile and  
15 one-half, that ordinance cannot amended, altered or repealed  
16 except by local law.

17 "(b) Ordinances of a city or town enforcing police  
18 or sanitary regulations and prescribing fines and penalties  
19 for violations thereof shall have force and effect in the  
20 limits of the city or town and on any property or  
21 rights-of-way belonging to the city or town. In order for an  
22 ordinance adopted after September 1, 2015, to have force and  
23 effect in a police jurisdiction of a municipality or town, the  
24 municipal governing body shall provide a 30-day notice that  
25 the ordinance shall be effective in the police jurisdiction.

1 The notice given shall be the same as required for adoption of  
2 an ordinance under Section 11-45-8. Additionally, if available  
3 at no cost to the municipality, the notice shall be submitted  
4 to the Atlas Alabama state website or any successor  
5 state-operated website providing information to businesses. No  
6 ordinance adopted after September 1, 2015, may be enforced  
7 against an individual or entity in the police jurisdiction  
8 affected by the ordinance until and unless the municipality  
9 has complied with the notice requirements provided for in this  
10 section.

11 "(c) The police jurisdiction of any municipality  
12 which pursuant to this section extends to include part of any  
13 island which has water immediately offshore adjacent to the  
14 boundary of the State of Florida, upon approval of the council  
15 of the municipality, shall extend to include the entire island  
16 including the water adjacent to the island extending to the  
17 existing police jurisdiction of the municipality and extending  
18 to the Florida state boundary where applicable.

19 "(d) Any alterations to a police jurisdiction based  
20 upon the annexation or deannexation of property after  
21 September 1, 2015, shall take effect the first day of January  
22 and shall take effect for any annexation or deannexation which  
23 was finalized on or before the preceding first day of October.  
24 No later than the first day of January in each year, a map  
25 showing the boundaries of the municipal limits and police

1 jurisdiction of the municipality shall be submitted to, if  
2 available at no cost to the municipality, the Atlas Alabama  
3 state website or any successor state-operated website  
4 providing information to businesses. No ordinance, license,  
5 permit, or tax levy may be enforced against an individual or  
6 entity included in the alteration of the police jurisdiction  
7 unless the municipality has complied with the notice  
8 requirements provided for in this section.

9 "(e) The annexation of property by general or local  
10 law may not extend the police jurisdiction of a municipality  
11 except as expressly provided in general or local law. Any  
12 extension of a police jurisdiction expressly provided for in  
13 general or local law is subject to subsection (d) and (f) and  
14 shall take effect only on the next January 1 following the  
15 annexation by general or local law.

16 "(f) When any noncontiguous property has been  
17 annexed or is annexed into a municipality, the municipal  
18 governing body ~~by resolution may elect~~ shall not to exercise  
19 any jurisdiction or authority, ~~including the assessment of any~~  
20 ~~tax,~~ in any portion of the police jurisdiction extended as a  
21 result of the annexation, notwithstanding any other law to the  
22 contrary."

23 Section 2. This act shall become effective  
24 immediately following its passage and approval by the  
25 Governor, or its otherwise becoming law.

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*Kay Ivey*

President and Presiding Officer of  
the Senate

*[Signature]*

Speaker of the House of Representa-  
tives

SB218

Senate 15-MAR-16

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

Patrick Harris  
Secretary

House of Representatives  
Passed: 04-MAY-16

By: Senator Ward

**APPROVED** 5-12-16

**TIME** 830 AM

*Robert Bentley*  
**GOVERNOR**

Alabama Secretary Of State  
Act Num.....: 2016-391  
Bill Num....: S-218  
Recv'd 05/12/16 11:03amSLF

SPONSOR

*Ward*

CO-SPONSORS

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SENATE ACTION

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, SB 218

years 27 nays 1 abstain 0

**PATRICK HARRIS,**  
Secretary

I hereby certify that the notice & proof is attached to the Bill, SB \_\_\_\_\_ as required in the General Acts of Alabama, 1975 Act No. 919.

**PATRICK HARRIS,**  
Secretary

CONFERENCE COMMITTEE

Senate Conferees

HOUSE ACTION

DATE: 3-15 2016

RD 1 RFD CALMS

REPORT OF STANDING COMMITTEE

This bill having been referred by the House to its standing committee on CRIME was acted upon by such committee in session, and returned therefrom to the House with the recommendation that it be Passed, w/amend(s) w/sub 1.  
This 19<sup>th</sup> day of April, 2016.  
*Steve Galt* Chairperson

DATE: 2-19 2016

RF RSUB RD 2 CAL

DATE: \_\_\_\_\_ 20\_\_\_\_

RE-REFERRED \_\_\_\_\_ RE-COMMITTED \_\_\_\_\_

Committee \_\_\_\_\_

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, SB \_\_\_\_\_

YEAS \_\_\_\_\_ NAYS \_\_\_\_\_