



**House Public Safety and Homeland Security Reported
Substitute for HB44**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

A BILL
TO BE ENTITLED
AN ACT

Relating to criminal procedure; to require custodial agencies to provide an opportunity for each detained individual the agency holds in custody to provide certain information to be included in the individual's custodial record; and to require custodial agencies to notify a detained individual's emergency contacts in certain circumstances.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the purposes of this act, the following terms have the following meanings:

- (1) CUSTODIAL AGENCY. As defined in Section 15-23-60, Code of Alabama 1975.
- (2) CUSTODIAL RECORD. The central file of an individual in custody.
- (3) DETAINED INDIVIDUAL. Any individual held in custody by a detention agency.
- (4) IN CUSTODY. Being physically housed at a jail, prison, or other correctional facility after being detained and booked, or being transported to or from a jail, prison, or other correctional facility.
- (5) SERIOUS MEDICAL CONDITION. A condition that meets



House Public Safety and Homeland Security Reported Substitute for HB44

29 any of the following criteria:

- 30 a. Without treatment for the condition, death is
- 31 imminent.
- 32 b. Admission to a hospital is required.
- 33 c. The detained individual has attempted suicide.
- 34 d. The detained individual is incapable of providing
- 35 consent for medical treatment.
- 36 e. The detained individual has been diagnosed with a
- 37 terminal illness.

38 Section 2. Each custodial agency in this state, to the
39 extent practicable, shall ensure that each detained individual
40 it holds in custody shall be given, within 48 hours of being
41 taken into custody by the agency, the opportunity to provide
42 all of the following information to be included in his or her
43 custodial record:

44 (1) The name, address, telephone number, and email
45 address of at least one emergency contact provided by the
46 detained individual.

47 (2) Whether the individual has any of the following in
48 place:

- 49 a. A designated medical proxy decision maker.
- 50 b. A medical power of attorney.
- 51 c. An advanced directive for health care.
- 52 d. A do-not-resuscitate order.
- 53 e. The name and contact information of any individual
- 54 holding any of the authorities listed above.

55 Section 3. (a) In the event of the death of a detained
56 individual, a custodial agency shall notify each of the



**House Public Safety and Homeland Security Reported
Substitute for HB44**

57 emergency contacts of the detained individual within 24 hours
58 of the declaration of death.

59 (b) Each notification shall include all of the
60 following:

61 (1) The circumstances surrounding the death.

62 (2) The official time of death.

63 (3) Whether the death is under investigation.

64 (4) The reason for opening any investigation.

65 Section 4. (a) In the event a detained individual
66 suffers a serious medical condition, a custodial agency shall
67 notify each of the emergency contacts of the detained
68 individual as soon as practicable after the serious injury or
69 illness occurs.

70 (b) Each notification shall include all of the
71 following:

72 (1) The cause and nature of the condition.

73 (2) Whether the detained individual is incapacitated,
74 unconscious, or unable to speak.

75 (3) A list of any medical or life-saving procedures
76 that were, or will be, performed in response to the condition.

77 (4) The contact information of the custodial agency or,
78 if receiving treatment elsewhere, the contact information of
79 the provider of any third-party medical treatment.

80 Section 5. This act shall become effective on October
81 1, 2024.