

HB370 INTRODUCED



1 JAHHFY-1

2 By Representatives Rogers, Morris, Moore (M), Hulsey, Jones,

3 Tillman, Baker, Shaw, Lawrence

4 RFD: State Government

5 First Read: 20-Apr-23

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SYNOPSIS:

This bill would require the Alabama State Law Enforcement Agency to establish and maintain a database that includes a list of individuals with communication disabilities or disabilities that can impair communications, to be available to law enforcement officers.

This bill would require the Alabama Department of Public Health to develop a form for individuals to voluntarily register for inclusion in the database.

This bill would also define terms.

A BILL
TO BE ENTITLED
AN ACT

Relating to individuals with communication disabilities; to require the Alabama State Law Enforcement Agency to establish and maintain a database with a list of individuals with communication disabilities for use by law enforcement officers; to require the Alabama Department of Public Health to develop a form for individuals to voluntarily register for the database; and to define terms.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:



HB370 INTRODUCED

29 Section 1. As used in this act, the following terms
30 have the following meanings:

31 (1) COMMUNICATION DISABILITY. A human condition
32 involving an impairment in the ability to receive, send,
33 process, or comprehend concepts or verbal, nonverbal, or
34 graphic symbol systems that may result in a primary disability
35 or a disability that is secondary to other disabilities.

36 (2) DISABILITY THAT CAN IMPAIR COMMUNICATION. A human
37 condition with symptoms that can impair the ability to
38 receive, send, process, or comprehend concepts or verbal,
39 nonverbal, or graphic symbol systems.

40 (3) GUARDIAN. A person appointed by a court to make
41 decisions regarding the support, care, education, health, or
42 welfare of an individual.

43 (4) WARD. An individual for whom a guardian has been
44 appointed.

45 Section 2. (a) The Alabama Department of Public Health
46 shall develop a verification form for an individual diagnosed
47 with a communication disability or a disability that can
48 impair communication to be voluntarily submitted to the
49 Alabama State Law Enforcement Agency so that the individual
50 may be included in the database established under Section 3.
51 The same form shall be used to indicate that the individual
52 wishes to be removed from the database in accordance with
53 Section 3.

54 (b) The verification form shall include all of the
55 following information:

56 (1) The name of the individual diagnosed with a



HB370 INTRODUCED

57 communication disability or a disability that can impair
58 communication.

59 (2) The name of the individual completing the form on
60 behalf of the individual diagnosed with a communication
61 disability or a disability that can impair communication, if
62 applicable.

63 (3) The relationship between the individual completing
64 the form and the individual diagnosed with a communication
65 disability or a disability that can impair communication, if
66 applicable.

67 (4) The driver license number or nondriver
68 identification card number issued to the individual diagnosed
69 with a communication disability or disability that can impair
70 communication, if the individual has such a number.

71 (5) The license plate number of each vehicle owned,
72 operated, registered in the name of, or regularly occupied by,
73 the individual diagnosed with a communication disability or a
74 disability that can impair communication.

75 (6) A physician, psychiatrist, or psychologist's signed
76 certification that the individual has been diagnosed with a
77 communication disability or a disability that can impair
78 communication.

79 (7) The name, business address, business telephone
80 number, and medical license number of the physician,
81 psychiatrist, or psychologist making the certification.

82 (8) The signature of the individual diagnosed with a
83 communication disability or a disability that can impair
84 communication or the signature of the individual completing



HB370 INTRODUCED

85 the form on behalf of such an individual.

86 (9) A provision on the verification form where the
87 individual who has been diagnosed with a communication
88 disability or a disability that can impair communication or
89 the individual completing the form on behalf of such an
90 individual may indicate the desire to be removed from the
91 database.

92 (c) All of the following may complete and submit the
93 verification form to the Alabama State Law Enforcement Agency
94 to be included or removed from the database pursuant to
95 Section 3:

96 (1) Any individual diagnosed with a communication
97 disability or a disability that can impair communication who
98 is 19 years of age or older.

99 (2) The parent or parents of a minor child diagnosed
100 with a communication disability or a disability that can
101 impair communication.

102 (3) The guardian of an individual diagnosed with a
103 communication disability or a disability that can impair
104 communication, regardless of the age of that individual.

105 (d) The Alabama Department of Public Health and the
106 Alabama State Law Enforcement Agency shall make the
107 verification form electronically available on each of their
108 respective websites.

109 Section 3. (a) The Alabama State Law Enforcement Agency
110 shall establish and maintain a database of a list of
111 individuals who register under this section as being diagnosed
112 with a communication disability or a disability that can



HB370 INTRODUCED

113 impair communication.

114 (b) The Alabama State Law Enforcement Agency shall
115 include in the database information provided on a completed
116 verification form that the agency determines is necessary of a
117 law enforcement officer to identify an individual diagnosed
118 with a communication disability or a disability that can
119 impair communication. The agency shall make the database
120 available to state and local law enforcement officers through
121 the law enforcement automated data system.

122 (c) Information in the database shall not be considered
123 a public record under Article 3 of Chapter 12 of Title 36,
124 Code of Alabama 1975.

125 (d) An individual diagnosed with a communication
126 disability or a disability that can impair communication or
127 the parent or guardian of a minor child or ward diagnosed with
128 a communication disability or a disability that can impair
129 communication who is included in the database may request
130 removal of the individual, minor, or ward, as applicable, from
131 the database. The individual, parent, or guardian shall do so
132 by completing the verification form with only the information
133 required under subdivisions (b)(1), (b)(2), (b)(3), (b)(8),
134 and (b)(9) of Section 2, as applicable, and submitting the
135 form to the agency. Upon receipt of a properly completed
136 verification form requesting the removal of an individual
137 diagnosed with a communication disability or a disability that
138 can impair communication, the agency shall immediately remove
139 that individual from the database.

140 Section 4. This act shall become effective on the first



HB370 INTRODUCED

141 day of the third month following its passage and approval by
142 the Governor, or its otherwise becoming law.