

1 SB392
2 158767-1
3 By Senators Ward, Waggoner and Fielding
4 RFD: Judiciary
5 First Read: 20-FEB-14

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8 SYNOPSIS: Under existing law, an emergency call to a
9 law enforcement agency or 911 by a defendant in a
10 criminal case may be admissible as evidence in the
11 case.

12 This bill would establish a rebuttable
13 presumption that an emergency call to law
14 enforcement or 911 by a defendant in a murder,
15 attempted murder, manslaughter, or assault in the
16 first degree case in which deadly force was used
17 that caused death or bodily injury to a victim is
18 inadmissible under certain conditions.

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20 A BILL
21 TO BE ENTITLED
22 AN ACT
23

24 Relating to evidence; to establish a rebuttable
25 presumption that an emergency call to a law enforcement agency
26 or 911 is inadmissible in certain criminal cases under certain
27 conditions.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. (a) In a criminal case involving charges
3 of murder, attempted murder, manslaughter, or assault in the
4 first degree in which the defendant asserts self-defense under
5 Section 13A-3-23 or 13A-3-25, Code of Alabama 1975, the
6 prosecutor shall provide notice to the defendant that he or
7 she intends to introduce as evidence an emergency call to law
8 enforcement or 911 made by the defendant contemporaneously
9 with the event for which he or she is prosecuted.

10 (b) Upon service of the notice under subsection (a),
11 the court shall schedule a hearing for a determination of the
12 admissibility of the evidence.

13 (c) An assertion of self-defense under Section
14 13A-3-23 or 13A-3-25, Code of Alabama 1975, shall constitute a
15 presumption that the emergency call to a law enforcement
16 agency or 911 made by the defendant is inadmissible by the
17 state as evidence in the criminal case. The court may allow
18 the evidence and the presumption may be rebutted if the court
19 finds a material issue of fact exists as to whether the call
20 is materially relevant to the issue of the defendant's claim
21 of self-defense.

22 Section 2. This act shall become effective on the
23 first day of the third month following its passage and
24 approval by the Governor, or its otherwise becoming law.