

**\*\*\*Pending\*\*\***

**AMENDMENT No. 1 PROPOSED TO**

**House Bill NO. 868**

**By Senator(s) Nunnelee, Tollison**

1           **AMEND by inserting after line 92 the following and**

2 **renumbering subsequent sections:**

3           SECTION \*. (1) (a) Except as provided in subsection (2) of  
4 this section, before an arrest warrant shall be issued against any  
5 sworn peace officer or teacher who is a licensed public school  
6 employee as defined in Section 37-9-1 for a criminal act, whether  
7 misdemeanor or felony, which is alleged to have occurred while the  
8 officer or teacher was in the performance of the officer's or  
9 teacher's official duties, a probable cause hearing shall be held  
10 before a circuit court judge. The purpose of the hearing shall be  
11 to determine if adequate probable cause exists for the issuance of  
12 a warrant. All parties testifying in these proceedings shall do  
13 so under oath. The accused shall have the right to enter an  
14 appearance at the hearing, represented by legal counsel at his own  
15 expense, to hear the accusations and evidence against him; he may  
16 present evidence or testify in his own behalf.

17           (b) The authority receiving any such charge or  
18 complaint against a sworn police officer or teacher shall  
19 immediately present same to the county prosecuting attorney having  
20 jurisdiction who shall immediately present the charge or complaint

21 to a circuit judge in the judicial district where the action arose  
22 for disposition pursuant to this section.

23 (2) Nothing in this section shall prohibit the issuance of  
24 an arrest warrant by a circuit court judge upon presentation of  
25 probable cause, without the holding of a probable cause hearing,  
26 if adequate evidence is presented to satisfy the court that there  
27 is a significant risk that the accused will flee the court's  
28 jurisdiction or that the accused poses a threat to the safety or  
29 well-being of the public.

30 **FURTHER AMEND the title on line 3 by inserting after**  
31 **semicolon:**

32 TO PROVIDE THAT AN ARREST WARRANT MAY BE ISSUED AGAINST PEACE  
33 OFFICERS AND PUBLIC SCHOOL TEACHERS CHARGED WITH A CRIME ALLEGED  
34 TO HAVE OCCURRED WHILE IN THE PERFORMANCE OF DUTY ONLY AFTER  
35 COMPLIANCE WITH CERTAIN REQUIREMENTS;