

Code of Alabama

Title 13a. Criminal Code. (Refs & Annos)

Chapter 6. Offenses Involving Danger to the Person. (Refs & Annos)

Article 7. Domestic Violence and Related Offenses. (Refs & Annos)

Ala.Code 1975 § 13A-6-134

§ 13A-6-134. Arrest without warrant -- Determination of predominant aggressor; notice requirements; liability of officer.

Effective: May 23, 2019

[Currentness](#)

(a) If a law enforcement officer receives complaints of domestic violence from two or more opposing persons, or if both parties have injuries, the officer shall evaluate each complaint separately to determine who was the predominant aggressor. If the officer determines that one person was the predominant physical aggressor, that person may be arrested; however, a person who acts in a reasonable manner to protect himself or herself or another family or household member from domestic violence may not be arrested for a violation of [Section 13A-6-130](#), [13A-6-131](#), [13A-6-132](#), or [13A-6-138](#). In determining whether a person is the predominant aggressor, the officer shall consider all of the following:

- (1) Prior complaints of domestic violence.
 - (2) The relative severity of the injuries inflicted on each person, including whether the injuries are offensive versus defensive in nature.
 - (3) The likelihood of future injury to each person.
 - (4) Whether the person had reasonable cause to believe he or she was in imminent danger of becoming a victim of any act of domestic violence.
 - (5) Whether one of the persons acted in self-defense.
- (b) A law enforcement officer shall not threaten, suggest, or otherwise indicate the possible arrest of all parties to discourage the request for intervention by law enforcement by any party or base the decision to arrest or not to arrest on either of the following:
- (1) The specific consent or request of the victim.
 - (2) The officer's perception of the willingness of a victim or witness to the domestic violence to testify or otherwise participate in a judicial proceeding.

(c)(1) In addition to victim information services required pursuant to [Section 15-23-62](#), a law enforcement officer, at the time of initial investigation, shall give a victim of domestic violence notice of the legal rights and remedies available on a standard form developed and distributed by the Alabama State Law Enforcement Agency pursuant to subdivision (2).

(2) The agency shall develop a “Legal Rights and Remedies Notice to Victims” that includes a general summary of the provisions of the Protection From Abuse Act using language a layperson may understand and the statewide domestic violence hotline number, and shall distribute the notice to all law enforcement agencies throughout the state.

(d) A law enforcement officer is not liable in any civil action filed by any party for an arrest based on probable cause, enforcement of a court order, or service of process arising from an alleged incident of domestic violence, pursuant to [Sections 36-1-12](#) and [6-5-338](#), as applicable.

Credits

(Act 2000-266, p. 411, § 5; Act 2011-581, p. 1273, § 1; Act 2015-493, p. 1679, § 2; Act 2019-252, § 1.)

Ala. Code 1975 § 13A-6-134, AL ST § 13A-6-134

Current through Act 2022-407 of the 2022 Regular and First Special Sessions. Some provisions may be more current; see credits for details.