

Imposing a Public Safety Curfew

Ala. Code Section 31-9-10 (b)(5):

"In the event the governing body of the political subdivision determines that any of the conditions described in Section 31-9-2(a) has occurred or is imminently likely to occur, the governing body shall have the power:

- a. To waive procedure and formalities otherwise required by law pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the utilization of volunteer workers, the rental of equipment, the purchase and distribution with or without compensation of supplies, materials, and facilities, and the appropriation and expenditure of public funds.
- b. **To impose a public safety curfew** for its inhabitants. If a public safety curfew is imposed as authorized herein, it **shall be enforced by the appropriate law enforcement agency** within the political subdivision. A public safety curfew imposed under this subsection **shall not apply to employees of utilities, cable, and telecommunications companies and their contractors engaged in activities necessary to maintain or restore utility, cable, and telecommunications services or to official emergency management personnel engaged in emergency management activities.**"

Ala. Code Section 31-9-2(a):

"Because of the existing and increasing possibility of the occurrence of disasters or emergencies of unprecedented size and destructiveness resulting from enemy attack, sabotage, or other hostile action, or from fire, flood, earthquake, or other natural causes, and in order to insure that preparations of this state will be adequate to deal with such disasters or emergencies, and generally to provide for the common defense and to protect the public peace, health, and safety, and to preserve the lives and property of the people of the state, it is hereby found and declared to be necessary. . . ."

Ala. Code Section 31-9-10(c):

"(c)(1) In the event the Governor or the Legislature proclaims a state of emergency affecting a political subdivision as set forth in Section 31-9-8, the chair or president of the governing body of the political subdivision may execute a resolution on behalf of the governing body declaring that any of the conditions described in Section 31-9-2(a) has occurred or is imminently likely to occur.

(2) Execution of the resolution by the chair or president of the governing body shall authorize the governing body to exercise the powers enumerated in subdivision (b)(5)."

How does a county commission impose a public safety curfew?

1. Either the **chair** or the **full governing body** executes a resolution declaring the following:
 - a. "Because of the existing and increasing possibility of the occurrence of disasters or emergencies of unprecedented size and destructiveness resulting from natural causes, and in order to insure that preparations of this state will be adequate, and to protect the public peace, health, and safety, and to preserve the lives and property of the state, the _____ County Commission hereby declares that the conditions described in Section 31-9-2(a) has occurred or is imminently likely to occur."
2. The **full governing body** then votes to impose a public safety curfew for its inhabitants. The law says that the public safety curfew **does not** apply to specific individuals:
 1. Employees of utilities, cable, and telecommunications companies and their contractors engaged in activities necessary to maintain or restore utility, cable, and telecommunications services.
 2. Official emergency management personnel engaged in emergency management activities.
3. The **sheriff** shall enforce the public safety curfew.

Proclaiming a Quarantine

Ala. Code Section 22-12-12

Upon the recommendation of the board of health of a county, and **subject to the approval of the State Board of Health, quarantine may be proclaimed** for a county **by the probate judge** thereof or, in case of his inability to act, then, by the presiding officer of the county commission and for an incorporated city or town, by the mayor or chief executive officer thereof. **In case of emergency, quarantine may be proclaimed** by said officers **without such recommendations, subject, however, to approval, modification or withdrawal by the board of health of the county.**

Ala. Code Section 22-12-13

When quarantine has been proclaimed for a county, incorporated city or town in accordance with the provisions of this chapter, its **enforcement shall be entrusted to the health officer of the county, city or town, respectively, the administration of any one or all of whom shall be subject to the approval of the board of health of the county.**

Ala. Code Section 22-12-16

The expense of enforcing any quarantine for a county, or for a portion thereof, as provided for in Sections 22-12-12 through 22-12-15, **shall be defrayed by the county commission** of the county; that incurred in conducting a quarantine for an incorporated city or town shall be defrayed by the authorities of the city or town declaring quarantine.

Ala. Code Section 22-12-17

Every quarantine declared or established by the authority of any county, incorporated city or town in this state, together with the regulations prescribed thereunder, **shall forthwith be reported to the State Health Officer** by the health officer of the county, city or town establishing or conducting such quarantine.

How does the county ~~commission~~ proclaim a quarantine?

1. The **county board of health** makes a recommendation for quarantine, subject to approval by the State Board of Health, to the probate judge.
2. The **probate judge** proclaims quarantine for the county. (*The law provides an alternative if the probate judge is unable to act.*)
3. **In case of emergency**, the probate judge may proclaim a quarantine for the county without a recommendation from the county board of health, subject to the approval, modification or withdrawal by the county board of health.
4. **Enforcement** of a county quarantine is entrusted to the county health officer.
5. **The expenses** of enforcing a county quarantine shall be delayed **by the county commission**.
6. Every county quarantine proclaimed at the local level shall immediately be reported to the State Health Officer.
7. **NOTE:** More important details related to a county quarantine are found in Title 12 of Chapter 22, Code of Alabama, and in the Attorney General's Guidance for Municipalities issued March 25, 2020 re: Shelter-in-Place/Quarantine.