STATE OF ALABAMA

PROCLAMATION

BY THE GOVERNOR

WHEREAS, on March 13, 2020, I declared the existence of a state public health emergency based on the appearance of the 2019 novel coronavirus known as COVID-19 in the State of Alabama;

WHEREAS that initial proclamation included provisions designed to assist in preventing the spread of COVID-19 and in mitigating the consequences of COVID-19;

WHEREAS, on March 18, 20, and 23 of 2020, I issued supplemental proclamations to further address the occurrence of COVID-19 in the State of Alabama; and

WHEREAS new implications of COVID-19 come to light on a continual basis, requiring flexibility and adaptability by all levels of government within the State of Alabama;

NOW THEREFORE, I, Kay Ivey, Governor of the State of Alabama, pursuant to the relevant provisions of the Alabama Emergency Management Act of 1955, as amended, Ala. Code §§ 31-9-1, *et seq.*, do hereby proclaim the existence of conditions that warrant implementation of additional extraordinary measures and relief during the state public health emergency now in effect in order to guard public health and protect human life. I therefore proclaim and direct all of the following:

I. Alternative Methods of Instruction for the 2019-2020 School Year

Beginning at the start of school on April 6, 2020, all public K-12 schools shall implement a plan to complete the 2019-2020 school year using alternate methods of instruction as established by the State Superintendent of Education. Local school districts shall make staffing decisions and determinations related to access to school buildings in accordance with all applicable public health orders and the recommendations of the Centers for Disease Control and Prevention and the Alabama Department of Public Health.

II. Emergency-services licensure extension

The licensure period applicable to emergency medical services personnel and provider services is hereby extended for the duration of the current state of emergency. *See* Ala. Code § 22-18-4(a). For purposes of this section, the terms "emergency medical services personnel" and "provider service" shall have the same definitions as provided in Alabama Code section 22-18-1.

III. Notaries and witnesses

Because person-to-person contact increases the risk of transmitting COVID-19, I find that it would promote the safety and protection of the civilian population to adopt measures that reduce the necessity of in-person meetings. To that end:

A. Notaries in Alabama who are licensed attorneys or operating under the supervision of licensed attorneys may notarize signatures through videoconferencing programs and confirm the signatures of witnesses who

participate virtually through videoconferencing as though they were physically present at the signing.

B. Any person who witnesses a document through videoconference technology may be considered an "in person" witness, provided that the presence and identity of such witnesses are validated by the notary at the time of the signing by the same identifications required under current law.

C. The official date and time of the notarization shall be the date and time when the notary witnesses the signature via the videoconference technology. All documents must be returned to the notary for certification and execution.

IV. Electronic transactions for state agencies

Notwithstanding any provision of state law, including Alabama Code sections 8-1A-17 and 8-1A-18, any governmental agency of this state with rulemaking authority reviewable under section 41-22-23 may determine, without promulgating a rule, (A) the extent to which it will create and retain electronic records and (B) the extent to which it will send and accept electronic records and electronic signatures to and from other persons. To the maximum extent possible, the terms used in this section shall have the same meaning as the terms defined in section 8-1A-2 of the Uniform Electronic Transactions Act.

V. Summonses in lieu of arrest

Because the conditions of jails inherently heighten the possibility of COVID-19 transmission, I find that it would promote the safety and protection of the civilian population to adopt measures that reduce the movement of persons into and out of county and municipal jails in a way that does not jeopardize public safety. To that end:

A. A county or municipality may authorize law enforcement officers to issue a summons and complaint in lieu of custodial arrest for any violation or misdemeanor except as provided below.

B. A county or municipality may not authorize a law enforcement officer to issue a summons and complaint in lieu of arrest in any of the following circumstances:

1. The person is charged with committing a crime involving violence, threat of violence, or domestic violence, as defined under Article 7 (commencing with Section 13A-6-130) 17 of Chapter 6, Title 13A;

2. The person is charged with the use or possession of alcohol or a controlled substance and, in the opinion of the law enforcement officer, poses a risk to public safety;

3. A victim of the crime is a minor;

4. The person is charged with driving under the influence as codified in section 32-5A-191; or

5. The person is charged with a crime that would require restitution to the victim.

C. If a county or municipality elects to authorize law enforcement officers to issue a summons and complaint in lieu of custodial arrest, the county or municipality shall set a fee schedule for the summons and complaint that is concurrent with the bail fee and court costs currently associated with a custodial arrest for the same crime.

FURTHER, to the extent a provision in this supplemental proclamation conflicts with any provision of state law, that law is hereby suspended for the duration of this state of emergency, and this proclamation shall control.

FURTHER, I declare that this proclamation and all subsequent orders, laws, rules, or regulations issued pursuant hereto shall remain in full force and effect for the duration of the public health emergency unless rescinded or extended by proclamation.

IN WITNESS, WHEREOF, I have hereunto set my hand and caused the Great Seal to be affixed by the Secretary of State at the State Capitol in the City of Montgomery on this 26th day of March, 2020.

Kay Ivey

Kay Ivey
Governor

ATTEST:

John H. Merrill

John H. Merrill
Secretary of State