

ALABAMA PEACE OFFICERS STANDARDS AND TRAINING COMMISSION
ADMINISTRATIVE CODE

CHAPTER 650-X-2
REQUIRED STANDARDS FOR APPOINTEES AS LAW ENFORCEMENT OFFICERS AND
FOR APPLICANTS FOR CERTIFICATION AS LAW ENFORCEMENT OFFICERS

650-X-2-.05 Character.

(1) The applicant shall be a person of good moral character and reputation;

(2) Conviction of any felony pursuant to any state or federal law shall be a complete and absolute bar to certification, employment, appointment, or approval as a law enforcement officer.

(a) The existence of a pardon does not nullify a conviction for the purpose of this rule.

(b) An applicant having been convicted, pleaded guilty or nolo contendere to any felony pursuant to state or federal law is not eligible for certification, employment, appointment, or approval as a law enforcement officer, notwithstanding suspension of sentence, pre-trial diversion or withholding of adjudication.

(c) Conviction of any conduct, including by a plea of guilty or nolo contendere, in any other jurisdiction that would have constituted a felony in Alabama and been punishable by a sentence exceeding one year in Alabama shall be a complete and absolute bar to certification, employment, appointment, or approval as a law enforcement officer, notwithstanding suspension of sentence, withholding of adjudication, pre-trial diversion or the existence of a pardon.

(d) An applicant shall disclose and produce to the Commission, any expunged record of any arrest, regardless of the disposition of the case. For the purpose of certification and regulation of law enforcement and correctional officers the Commission shall have access to any expunged records sealed or archived. An otherwise eligible applicant who has received an expungement of any felony or of any misdemeanor offense involving force violence or moral turpitude is required to submit to a review for eligibility by the Committee on Character and Psychological Evaluations Review prior to appointment as a law enforcement officer.

(3) An applicant or certified law enforcement or correctional officer who, as a defendant in any criminal or civil case enters into a plea or other agreement approved by the Court presiding over any said criminal or civil matter, to surrender his/her

APOSTC certification or to never work again in law enforcement or corrections shall not be eligible for certification, re-certification, employment, appointment, or approval as a law enforcement or correctional officer. The Commission will revoke the certification of any person so situated. For the purposes of this Rule, approval by the presiding Court shall include express approval in an order or docket entry or implied approval evidenced by the dismissal of said criminal or civil case conditioned on such agreement. The existence of a pardon on said criminal conviction shall not have any effect on the eligibility of a person so situated to be certified, re-certified, employed, appointed, or approved as a law enforcement or correctional officer, except a subsequent court order by the Court presiding over said criminal or civil case declaring said agreement void ab initio.

(4) Conviction of a misdemeanor pursuant to any municipal, state or federal law shall not automatically disqualify a person as a law enforcement officer. Such a conviction may be considered as a factor among several in evaluating fitness as a law enforcement officer, which factors shall include but not be limited to the nature and gravity of the offense or offenses, the time that has passed since the conviction and/or completion of the sentence and the nature of the job held or sought and such other factors as to affect the applicant's character. In the case of a misdemeanor conviction, involving a guilty plea or plea of nolo contendere, involving force, violence, moral turpitude, perjury, or false statements, notwithstanding suspension of sentence or withholding of adjudication, results of psychological testing shall also be considered as a factor in considering the applicant's fitness as a law enforcement officer.

(5) Adjudication as a juvenile shall not be considered as a conviction for the purpose of these Rules. Provided however, an applicant adjudged a youthful offender under Section 15-19-6(a) of the Ala. Code, shall report such youthful offender adjudication to the Commission. The applicant shall be required to appear before the Commission for a character review hearing to consider the underlying facts and circumstances before said application is approved by the Commission.

(6) Any person who is prohibited by state or federal law from owning, possessing, or carrying a firearm, including but not limited to a pistol, handgun, rifle or shotgun, shall not be employed or certified as a law enforcement officer.

(7) Any person who is required to register as a convicted sex offender in accordance with Title 15, Chapter 20A, Code of Ala. 1975, as amended, shall not be employed or certified as a law enforcement officer.

(8) The arrest of any certified law enforcement officer, provisionally appointed law enforcement officer, or applicant, for

any felony or misdemeanor offense shall be immediately reported to the Commission by the employing agency, arresting agency, and the law enforcement officer. The final disposition, including a copy of the case action summary, shall be immediately provided to the Commission by the employing agency, arresting agency, and the law enforcement officer regardless of finding. Any applicant for employment and/or appointment as a law enforcement officer, whether previously certified or non-certified, who has criminal charges pending before any court, is subject to court-ordered probation or is the subject of a protection from abuse order issued by a court of competent jurisdiction, shall not be employed or appointed as a law enforcement officer until any/all criminal charges are adjudicated and the individual is released by the court from any probation orders and/or protection orders. Upon adjudication and/or release as specified herein, a Character Review may be required to determine eligibility for employment/appointment.

(a) The certification and/or appointment of any law enforcement officer who is the subject of an ex parte protection from abuse (PFA) Order, issued in accordance with Ala. Code Section 30-5-1, et sec, and who has appeared before the Court for a hearing as required by Section 30-5-6 on the ex parte PFA Order, or who has failed to appear for the hearing after receiving proper notice of the hearing, shall be suspended pending a final hearing before the Court in the PFA proceeding. The officer's certification is deemed suspended, and the officer is not authorized to work in any capacity as a law enforcement officer until such time as the PFA is lifted by the Court, AND, the Officer has appeared for a character review hearing before the Commission. The Commission, upon proper petition of the Officer, will conduct a Character Review Hearing to determine the Officers' fitness for duty. In making the fitness-for-duty determination the Commission will require a Psychological Evaluation conducted by a Clinical Psychologist or other person licensed to conduct mental health fitness for duty evaluations of law enforcement officers. Such evaluation will be conducted by a professional selected by the Commission and at the expense of the officer requesting reinstatement of his/her law enforcement certification. When the law enforcement officer files a petition for hearing before the Commission, the Executive Secretary will arrange for a mental health fitness for duty evaluation of the Officer.

(9) Applicants who falsify their application are ineligible for employment as a law enforcement officer and they are ineligible to attend the academy for certification as a law enforcement officer. Applicants who are determined to have falsified their applications are barred from employment or certification as a law enforcement officer for two (2) years.

(10) No law enforcement officer, either certified or provisionally appointed, shall knowingly and willfully provide false or misleading information to the Commission or any of its agents.

(11) No law enforcement officer shall knowingly and willfully violate the Rules and Regulations of the Commission.

(12) Any law enforcement officer who knowingly and willfully provides false or misleading information to the Commission or its agents, or who knowingly and willfully violates the Rules and Regulations of the Commission, shall be subject to having their Certification suspended or revoked by the Commission.

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Statutory Authority: Code of Ala. 1975, §§36-21-40 et seq, Act No. 2014-292.

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