

Ala. Code 1975, § 13A-3-24

**Use of Force by Persons with Parental, Custodial
or Special Responsibilities**

The use of force upon another person is justified under any of the following circumstances: **[Read appropriate part]**

- (1) A parent, guardian, or other person responsible for the care and supervision of a minor or an incompetent person, and a teacher or other person responsible for the care and supervision of a minor for a special purpose, may use reasonable and appropriate physical force upon the minor or incompetent person when and to the extent that he/she reasonably believes it necessary and appropriate to maintain discipline or to promote the welfare of the minor or incompetent person.
- (2) A warden or other authorized official of a jail, prison or correctional institution may, in order to maintain order and discipline, use whatever physical force is authorized by law.
- (3) A person responsible for the maintenance of order in a common or contract carrier of passengers, or a person acting under his/her direction, may use reasonable physical force when and to the extent that he/she reasonably believes it necessary to maintain order, but he/she may use deadly physical force only when he/she reasonably believes it necessary to prevent death or serious physical injury.
- (4) A person acting under a reasonable belief that another person is about to commit suicide or to inflict serious physical injury upon himself/herself may use reasonable physical force upon that person to the extent that he/she reasonably believes it necessary to thwart the result. **(OR)**
- (5) A duly licensed physician, or a person acting under his/her direction, may use reasonable physical force for the purpose of administering a reasonable and recognized form of treatment which he/she reasonably believes to be adapted to promoting the physical or mental health of the patient if: **[Read appropriate part]**
 - a. The treatment is administered with the consent of the patient or, if the patient is a minor or an incompetent person, with the consent of his/her parent, guardian or other person responsible for his/her care and supervision; **(OR)**
 - b. The treatment is administered in an emergency when the physician reasonably believes that no one competent to consent can be

consulted and that a reasonable person, wishing to safeguard the welfare of the patient, would consent.

Use Notes

If a person is justified or excused in using force against a person, but he/she recklessly or negligently injures or creates a substantial injury to another person, the justification is unavailable in a prosecution for recklessness or negligence. [13A-3-21]

Unless inconsistent with a provision of law, conduct which would otherwise constitute an offense is justifiable and not criminal when it is required or authorized by law or by a judicial decree or is performed by a public servant in the reasonable exercise of his/her official powers, duties or functions. [13A-3-22]

A person may not use physical force to resist a lawful arrest by a peace officer who is known or reasonably appears to be a peace officer. [13A-3-28]

[Approved 1-19-15.]