- 1 HB163
- 2 204475-1
- 3 By Representative Hill
- 4 RFD: Judiciary
- 5 First Read: 06-FEB-20

1	204475-1:n:02/04/2020:CNB/ma LSA2020-391
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8	SYNOPSIS: This bill would provide for the voluntary
9	transfer of a case from a municipal court to the
10	county district or circuit court when the defendant
11	qualifies for a pretrial diversion program, mental
12	health court, drug court, veterans' court, or
13	similar program that is offered by the district
14	attorney's office or the county district or circuit
15	court and not offered by the municipal court.
16	This bill would specify that both the
17	defendant and the municipal court in the case shall
18	retain the right to object to the transfer of the
19	case.
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21	A BILL
22	TO BE ENTITLED
23	AN ACT
24	
25	Relating to municipal courts; to provide for the
26	transfer of a municipal court case under certain
27	circumstances

- 1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
- Section 1. (a) The presiding judge of a circuit,

  upon agreement with the prosecuting authority of the

  transporting court, may provide for the voluntary transfer of
- 5 a case from a municipal court of the jurisdiction to the
- 6 district or circuit court if all of the following apply:
- 7 (1) The defendant qualifies for a pretrial diversion 8 program, mental health court, drug court, veterans' court, or
- 9 similar program.

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- (2) The county district or circuit court offers a pretrial diversion program, mental health court, drug court, veterans' court, or similar program.
  - (3) The municipal court does not offer a pretrial diversion program, mental health court, drug court, veterans' court, or similar program.
  - (b) A case transferred under subsection (a) shall become the exclusive jurisdiction of the district and circuit courts and shall be prosecuted under the state law charged by the municipality.
  - (c) Both the municipal court and the defendant shall retain the right to object to a transfer under subsection (a). The case may not be transferred if either the municipal court or the defendant objects.
- Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.