

1 HB338
2 189760-1
3 By Representative England
4 RFD: Judiciary
5 First Read: 30-JAN-18

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8 SYNOPSIS: Under existing law, a mayor is authorized to
9 remit fines, commute sentences, and pardon a person
10 found guilty of violating a municipal ordinance but
11 a mayor cannot reduce court costs. Additionally, a
12 municipal court judge is authorized to issue arrest
13 warrants and to punish contempt by imposing fines
14 or sentences of imprisonment, or both.

15 This bill would authorize a mayor to remit
16 court costs and authorize any municipal court judge
17 to remit fines, court costs, fees, payments, and
18 other charges in cases where the court determines
19 that a defendant cannot afford to pay the full
20 amount that would otherwise be required by law.

21 This bill would delete the authority of a
22 mayor to commute sentences.

23 This bill would clarify that the authority
24 of the municipal court judge extends to issuing
25 warrants for the failure of a criminal defendant to
26 appear in court and that the willful failure of a
27 defendant to appear may be punishable by contempt,

1 the sentence for which includes fines and
2 imprisonment.

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4 A BILL
5 TO BE ENTITLED
6 AN ACT
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8 To amend Sections 12-14-15 and 12-14-32 of the Code
9 of Alabama 1975, relating to the power of mayors to remit
10 fines and costs and commute sentences imposed by municipal
11 court judges and the general powers of municipal court judges;
12 to authorize a mayor to remit court costs; to provide for the
13 authority of municipal court judges to remit fines, court
14 costs, or other charges upon a showing of indigency; to delete
15 the authority of a mayor to commute sentences for violations
16 of municipal ordinances; and to authorize municipal court
17 judges to issue arrest warrants and hold an accused in
18 contempt of court under certain circumstances when the accused
19 has failed to appear in court.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. Sections 12-14-15 and 12-14-32 of the
22 Code of Alabama 1975, are amended to read as follows:

23 "§12-14-15.

24 "The mayor, or upon a satisfactory showing of
25 indigency, the municipal court judge, may remit any or all
26 ~~fines and such costs as are payable to the municipality and~~
27 ~~commute sentences imposed by a municipal court or the court to~~

1 ~~which an appeal was taken for violations of municipal~~
2 ~~ordinances and, court costs, or other fees, payments, or~~
3 ~~charges fixed by law upon the conviction of a defendant for~~
4 ~~violations of municipal ordinances. The mayor may also grant~~
5 pardons, after conviction, for violation of such ordinances,
6 and he or she shall report his or her action to the council or
7 other governing body at the first regular meeting thereof in
8 the succeeding month with ~~his~~ the reasons therefor in writing.

9 "§12-14-32.

10 "(a) Municipal judges are authorized to issue arrest
11 and search warrants for municipal ordinance violations
12 returnable to the municipal court and for violations of state
13 law returnable to any state court.

14 "(b) A municipal judge may also issue a warrant for
15 the arrest of an accused who fails to appear as required,
16 after having been released conditioned upon his or her
17 appearance at a subsequent official proceeding, either with or
18 without bail or on a judicial public bail, recognizance, or
19 signature bond, including a bond on electronic traffic and
20 non-traffic violations.

21 "(c) No person shall be arrested on a warrant for
22 failure to appear if he or she voluntarily appears before a
23 judicial officer prior to service of the warrant on the person
24 either to request a new court date or to plead guilty to the
25 underlying charged offense or offenses, if applicable. In the
26 event that a person voluntarily appears, the warrant for

1 failure to appear shall be suspended pending his or her
2 appearance as ordered or as otherwise directed by the court.

3 "(d) The accused may also be found in contempt of
4 court for willfully failing to appear as required, provided
5 that no failure to appear shall be considered willful if the
6 defendant subsequently appeared voluntarily under subsection
7 (c). Failure to appear as required by a probation officer as
8 an incident of probation supervision shall not be punishable
9 by contempt."

10 Section 2. This act shall become effective on the
11 first day of the third month following its passage and
12 approval by the Governor, or its otherwise becoming law.