

1 SB190  
2 198042-1  
3 By Senators Coleman-Madison, Beasley and Burkette  
4 RFD: Judiciary  
5 First Read: 02-APR-19

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8 SYNOPSIS: This bill would provide absolute judicial  
9 immunity to every magistrate and clerk of the  
10 circuit and district courts of this state from any  
11 civil lawsuit arising from the exercise of a  
12 judicial function of a magistrate.

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14 A BILL  
15 TO BE ENTITLED  
16 AN ACT

17  
18 Relating to immunity of magistrates and clerks; to  
19 provide absolute judicial immunity to every magistrate and  
20 clerk of the circuit and district courts of this state under  
21 certain conditions.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. (a) Notwithstanding any other provision  
24 of law to the contrary, every magistrate and clerk of the  
25 circuit and district courts of this state shall have absolute  
26 judicial immunity from any civil lawsuit that arises from the  
27 exercise of a judicial function by a magistrate or clerk.

1           (b) For the purposes of this section, a judicial  
2 function is a duty which requires the use of discretion by the  
3 magistrate or clerk, including, but not limited to, conducting  
4 or executing any of the following:

5           (1) Probable cause hearings and determinations.

6           (2) The issuance and recall of arrest warrants and  
7 summonses.

8           (3) Initial appearance hearings.

9           (4) Bail hearings.

10          (5) Any other pretrial release hearing conducted by  
11 a circuit or district court magistrate as mandated by statute,  
12 the Alabama Rules of Criminal Procedure, or the Alabama Rules  
13 of Judicial Administration.

14          (6) Any other law hereinafter enacted by the  
15 Legislature.

16          (7) Any other rule hereinafter adopted by the  
17 Alabama Supreme Court.

18          Section 2. This act shall become effective  
19 immediately following its passage and approval by the  
20 Governor, or its otherwise becoming law.