

1 SB344
2 184251-1
3 By Senator Albritton
4 RFD: Judiciary
5 First Read: 04-APR-17

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8 SYNOPSIS: Under existing law, a municipal judge is
9 required to admit to bail a person charged with a
10 violation of a municipal ordinance and is allowed
11 to release the person on personal recognizance.

12 This bill, with exceptions, would require a
13 municipal judge to release a defendant in any
14 matter coming before the court charged with
15 committing a violation punishable by a fine or jail
16 time, or both, on an unsecured appearance bond or
17 on personal recognizance.

18
19 A BILL
20 TO BE ENTITLED
21 AN ACT
22

23 To amend Section 12-14-5, Code of Alabama 1975,
24 relating to bail in municipal court; to require a municipal
25 judge to release a defendant on a matter coming before the
26 court charged with a violation punishable by a fine or jail
27 time, or both, on either an unsecured appearance bond or on

1 personal recognizance, with exceptions; and to establish
2 certain procedures for the release of the defendant.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 12-14-5, Code of Alabama 1975, is
5 amended to read as follows:

6 "§12-14-5.

7 "(a) As used in this section, the following terms
8 shall have the following meanings:

9 "(1) PERSONAL RECOGNIZANCE. A defendant's release
10 without any condition of an undertaking relating to, or a
11 deposit of, security.

12 "(2) UNSECURED APPEARANCE BOND. An undertaking to
13 pay to the clerk of the municipal court, for the use of the
14 municipality, a specified sum of money upon the failure of a
15 person released to comply with its conditions.

16 "(b) (1) Municipal judges shall ~~admit to bail~~ release
17 any person coming before the court charged with ~~violation of~~
18 ~~any municipal ordinance~~ committing a violation punishable by a
19 fine or imprisonment, or both, by requiring imposing an
20 unsecured appearance bond, with good security, to be approved
21 by the respective municipal judges or their designees, in an
22 amount not to exceed \$1,000.00 one thousand dollars (\$1,000),
23 and or may, in their discretion, admit to bail such person on
24 a by releasing the person on personal recognizance bond, such
25 bonds to be conditioned on the appearance of such person
26 before the judge on a day named therein to answer the charges
27 preferred against him. The municipal judge may waive an

1 ~~appearance bond upon satisfactory showing that the defendant~~
2 ~~is indigent or otherwise unable to make bond.~~

3 "(2) A defendant released on personal recognizance
4 or pursuant to the execution of an unsecured appearance bond
5 shall be issued a citation to appear at a certain time or date
6 and released no later than the completion of the booking
7 process.

8 "(3) Subdivisions (1) and (2) do not apply if a
9 preliminary determination has been made that the person poses
10 a real and present danger to others or to the public at large
11 or that such a release will not reasonably assure the
12 defendant's appearance as required.

13 "(4) If a preliminary determination has been made
14 pursuant to subdivision (3), the defendant shall be detained
15 until the court conducts a hearing and makes written findings
16 on the record as to the appropriate conditions of release. In
17 making that determination, the court shall be guided by the
18 factors set forth in subsection (a) of Rule 7.2 of the Alabama
19 Rules of Criminal Procedure.

20 "(5) A hearing under subdivision (4) shall take
21 place within 48 hours of arrest if the defendant was arrested
22 without a warrant or within 72 hours of arrest if the
23 defendant was arrested with a warrant.

24 "(c) Notwithstanding the requirements of subsection
25 (b), a municipal judge shall:

26 "(1) Follow the procedure outlined in subsection (a)
27 of Section 15-13-190 when a defendant is charged with domestic

1 violence or a violation of a domestic violence protection
2 order.

3 "(2) Follow the procedure of subsection (1) of
4 Section 32-5A-191 when a defendant is charged with driving
5 under the influence pursuant to Section 32-5A-191."

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