

## HB126 INTRODUCED



1 HB126  
2 6YC6JZ3-1  
3 By Representatives Brown, Oliver, Moore (P), Reynolds, DuBose,  
4 Rehm, Estes, Barnes, Sells, Standridge, Marques, Mooney,  
5 Yarbrough  
6 RFD: Judiciary  
7 First Read: 13-Jan-26  
8 PFD: 07-Jan-26



## 4 SYNOPSIS:

5 Under existing law, when a defendant is charged  
6 with an enumerated offense under Aniah's Law, the  
7 defendant is not eligible for bail until he or she  
8 receives a pretrial detention hearing where the court  
9 will determine whether to grant the defendant bail. If  
10 the prosecuting authority does not request the  
11 defendant be denied bail, the court may waive the  
12 hearing and grant the defendant bail.

13 This bill would provide that if the defendant is  
14 charged with either a Class A felony that resulted in  
15 the death of any individual or attempted murder, the  
16 prosecuting authority is required to request that the  
17 defendant be denied bail and the court may not waive  
18 the pretrial detention hearing.

19 This bill would also make nonsubstantive,  
20 technical revisions to update the existing code  
21 language to current style.

22  
23  
24  
25 A BILL  
26 TO BE ENTITLED  
27 AN ACT  
28



## HB126 INTRODUCED

Relating to bail; to amend Section 15-13-3, Code of Alabama 1975, to require a pretrial detention hearing without exception if the defendant is charged with committing certain offenses, including any Class A felony resulting in death and attempted murder; and to make nonsubstantive, technical revisions to update the existing code language to current style.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 15-13-3, Code of Alabama 1975, is amended to read as follows:

"§15-13-3

(a) A defendant is not eligible for bail when he or she is charged with capital murder pursuant to Section 13A-5-40, if the court is of the opinion, on the evidence adduced, that he or she is guilty of the offense.

(b) ~~(1) The court, after~~ After a pretrial detention hearing as provided in ~~this~~ subsection (d) for an offense enumerated in this subsection and, ~~after~~ the presentment of an indictment or a showing of probable cause in the charged offense, ~~and if~~ the court may deny a defendant bail if both of the following apply:

(1) The prosecuting attorney proves by clear and convincing evidence that no condition or combination of conditions of release will reasonably ensure the defendant's appearance in court or protect the safety of the community or any person, ~~may deny a defendant's bail, if he or she.~~

(2) The defendant is charged with any of the following offenses:



## HB126 INTRODUCED

a. Murder, as provided in Section 13A-6-2.

b. Kidnapping in the first degree, as provided in  
Section 13A-6-43.

c. Rape in the first degree, as provided in Section  
13A-6-61.

d. Sodomy in the first degree, as provided in Section  
13A-6-63.

e. Sexual torture, as provided in Section 13A-6-65.1.

f. Domestic violence in the first degree, as provided  
in Section 13A-6-130.

g. Human trafficking in the first degree, as provided  
in Section 13A-6-152.

h. Burglary in the first degree, as provided in Section  
13A-7-5.

i. Arson in the first degree, as provided in Section  
13A-7-41.

j. Robbery in the first degree, as provided in Section  
13A-8-41.

k. Terrorism, as provided in subdivision (b)(2) of  
Section 13A-10-152.

l. Aggravated child abuse, as provided in subsection  
(b) of Section 26-15-3.1.

~~(2)~~ (c) A court shall order that a defendant charged  
with an offense listed in ~~this~~ subsection (b) be held without  
bail prior to a pretrial detention hearing.

~~(3)~~ (d) (1) The court shall hold a pretrial detention  
hearing immediately upon the defendant's first appearance  
before the court, unless the prosecuting attorney or the



## HB126 INTRODUCED

defendant requests a continuance. Except for good cause, a continuance on a motion of the defendant may not exceed five days, excluding Saturdays, Sundays, and state holidays, and a continuance on motion by the prosecuting attorney may not exceed three days, excluding Saturdays, Sundays, and state holidays. The defendant shall be detained during any continuance.

(2) Notwithstanding any other provision of law to the contrary, the prosecuting attorney shall without exception request that the defendant be denied bail, and the court may not waive the pretrial detention hearing, under either of the following circumstances:

a. The defendant is charged with the commission of a Class A felony resulting in the death of any individual.

b. Contingent upon the ratification of the constitutional amendment proposed by Act 2025-227, the defendant is charged with attempted murder.

~~(4)a.~~ (e) (1) A defendant shall have all of the following rights at a pretrial detention hearing:

~~1.a.~~ a. To be represented by counsel. If the defendant is financially unable to obtain counsel, he or she shall have counsel appointed.

~~2.b.~~ b. To testify.

~~3.c.~~ c. To present witnesses.

~~4.d.~~ d. To present evidence.

~~5.e.~~ e. To cross-examine witnesses.

~~b.~~ (2) The judge shall have discretion as to who the defendant may call as a witness as provided in this



## HB126 INTRODUCED

subdivision at the pretrial detention hearing.

~~(5)~~ (f) In considering whether there are any conditions or combination of conditions that would reasonably ensure the defendant's appearance in court or protect the safety of the community and of any person, the court shall consider all of the following factors:

~~a.~~ (1) The nature and circumstances of the offenses charged.

~~b.~~ (2) The weight of the evidence against the defendant.

~~c.~~ (3) The history and characteristics of the defendant, including, but not limited to the defendant's character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings, and whether, at the time of the current offense, the defendant was on probation, parole, or on other release pending trial, sentencing, appeal, or completion of sentence for an offense.

~~d.~~ (4) The nature and seriousness of the danger to any person or the community if the defendant is released.

~~(6)~~ (g) At any pretrial detention hearing, the rules governing admissibility of evidence in criminal trials shall not apply, and the court shall receive all relevant evidence. All evidence shall be recorded. The testimony of a defendant may not be admissible in any other criminal proceeding against the defendant, except if being used for perjury based on the testimony or for the purpose of impeachment in any subsequent



## HB126 INTRODUCED

141 proceeding.

142 ~~(7)~~a. (h) (1) A prosecuting attorney may file a motion  
143 for a pretrial detention hearing at any time.

144 ~~b.~~ (2) A pretrial detention hearing may be reopened,  
145 before or after a determination by the court, at any time  
146 prior to trial if the court finds that information exists that  
147 was not known by the movant at the time of the pretrial  
148 detention hearing.

149 ~~(8)~~ (i) In an order denying bail, the judge shall make  
150 written findings or state for the record findings of fact and  
151 a statement of the reasons for denying bail. The judge shall  
152 enter an order denying bail within 48 hours of the hearing."

153 Section 2. If Section 4 of Act 2025-273, which amends  
154 Section 15-13-3, Code of Alabama 1975, becomes effective  
155 pursuant to the ratification of the constitutional amendment  
156 proposed by Act 2025-227, the Code Commissioner shall give  
157 effect to both this act and Section 4 of Act 2025-273 to the  
158 extent that the language is not in substantive conflict and in  
159 a manner that will make the code section intelligible.

160 Section 3. If the constitutional amendment proposed by  
161 Act 2025-227 is not ratified, the Code Commissioner shall omit  
162 paragraph (d) (2)b. of Section 15-13-3, Code of Alabama 1975,  
163 as added by this act.

164 Section 4. This act shall become effective on June 1,  
165 2026.