

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

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8 PFD: 07-Jan-26



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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.

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25 A BILL

26 TO BE ENTITLED

27 AN ACT

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

36 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

39 "§15-13-3

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

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

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

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

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- 57 a. Murder, as provided in Section 13A-6-2.
- 58 b. Kidnapping in the first degree, as provided in
- 59 Section 13A-6-43.
- 60 c. Rape in the first degree, as provided in Section
- 61 13A-6-61.
- 62 d. Sodomy in the first degree, as provided in Section
- 63 13A-6-63.
- 64 e. Sexual torture, as provided in Section 13A-6-65.1.
- 65 f. Domestic violence in the first degree, as provided
- 66 in Section 13A-6-130.
- 67 g. Human trafficking in the first degree, as provided
- 68 in Section 13A-6-152.
- 69 h. Burglary in the first degree, as provided in Section
- 70 13A-7-5.
- 71 i. Arson in the first degree, as provided in Section
- 72 13A-7-41.
- 73 j. Robbery in the first degree, as provided in Section
- 74 13A-8-41.
- 75 k. Terrorism, as provided in subdivision (b) (2) of
- 76 Section 13A-10-152.
- 77 l. Aggravated child abuse, as provided in subsection
- 78 (b) of Section 26-15-3.1.
- 79 ~~(2)~~ (c) A court shall order that a defendant charged
- 80 with an offense listed in ~~this~~ subsection (b) be held without
- 81 bail prior to a pretrial detention hearing.
- 82 ~~(3)~~ (d) (1) The court shall hold a pretrial detention
- 83 hearing immediately upon the defendant's first appearance
- 84 before the court, unless the prosecuting attorney or the



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

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

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

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

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

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

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

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

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

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

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

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113 subdivision at the pretrial detention hearing.

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

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

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

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

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

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



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.