

1 HB541
2 117629-1
3 By Representative Black
4 RFD: Judiciary
5 First Read: 11-FEB-10

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8 SYNOPSIS: This bill would provide for an e-ticket for
9 non-traffic offenses similar to the e-ticket
10 presently in use for traffic offenses. This bill
11 would also provide for the issuance of a complaint
12 and summons or notice to appear for persons
13 arrested for misdemeanor non-traffic violations
14 enumerated in the Alabama Rules of Judicial
15 Administration.

16
17 A BILL
18 TO BE ENTITLED
19 AN ACT

20
21 Relating to the issuance of a complaint and summons
22 or notice to appear in court for persons arrested for
23 misdemeanor non-traffic violations; to provide for the use of
24 an electronic uniform non-traffic citation and complaint
25 (eUNTCC), as an alternative method for issuing tickets; to
26 provide for a notice to appear in court similar to the
27 e-tickets used for traffic offenses.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. (a) (1) Whenever any person is arrested
3 for a violation of any offense enumerated in Rule 20, Appendix
4 B of the Alabama Rules of Judicial Administration, as adopted
5 by the Supreme Court of Alabama, the arresting officer, unless
6 otherwise provided in this section, shall take the name and
7 address of the person and the license number or identification
8 number of his or her motor vehicle or vessel, as appropriate,
9 and shall issue a summons or otherwise notify him or her in
10 writing to appear at a time and place to be specified in such
11 summons, notice, or electronic uniform non-traffic citation
12 and complaint (eUNTCC).

13 (2) For purposes of this act, eUNTCC means a ticket
14 that is electronically generated and printed at the site of a
15 violation. Only violations enumerated in Rule 20, Appendix B
16 of the Alabama Rules of Judicial Administration may be
17 electronically transmitted to the court.

18 (3) The eUNTCC may also be used to initiate the
19 summons and complaint process pursuant to the Alabama Rules of
20 Criminal Procedure in a printed form wherein it is processed
21 by the court as is any other written ticket not otherwise
22 transmitted electronically.

23 (4) The person arrested, if he or she so desires,
24 shall have a right to a hearing within 24 hours at a
25 convenient time before a magistrate within the county or city
26 where the arrest occurred, or if an eUNTCC is written, the
27 person may have a hearing within 24 hours at a convenient time

1 before any magistrate in this state. In enforcing this
2 section, a law enforcement agency may require a sufficient
3 written court appearance bond of the arrested person.

4 (5) Except when an arresting officer cites a person
5 with an eUNTCC, the arresting officer, upon the giving by the
6 person of a sufficient written bond approved by the arresting
7 officer to appear at such time and place, forthwith shall
8 release the person from custody. Except when an arresting
9 officer cites a person with an eUNTCC, a person refusing to
10 give bond to appear shall be taken immediately by the
11 arresting officer before the nearest or most accessible
12 magistrate. When an eUNTCC is used by an arresting officer,
13 the person, upon accepting a written copy of the eUNTCC, shall
14 be deemed, without signature, to have given his or her written
15 bond to appear in court on the date specified on the eUNTCC. A
16 person refusing to accept a written copy of the eUNTCC shall
17 be deemed to be refusing to give bond to appear and the person
18 shall be taken immediately by the arresting officer before the
19 nearest or most accessible magistrate.

20 (6) Any person who willfully violates his or her
21 written bond by failing to timely appear shall be guilty of a
22 misdemeanor regardless of the disposition of the charge upon
23 which he or she was originally arrested.

24 (b) This section shall not apply to any of the
25 following and the arresting officer shall take the person
26 forthwith to the nearest or most accessible magistrate:

1 (1) A person arrested and charged with an offense
2 involving, causing, or contributing to an accident resulting
3 in injury or death.

4 (2) A person charged with driving or operating a
5 vehicle or vessel while under the influence.

6 (3) A person who the arresting officer has good
7 cause to believe has committed a felony.

8 (c) Any officer violating this section shall be
9 guilty of misconduct in office and shall be subject to removal
10 from office.

11 Section 2. All laws or parts of laws which conflict
12 with this act are repealed.

13 Section 3. This act shall become effective on the
14 first day of the first month following its passage and
15 approval by the Governor, or its otherwise becoming law.