

1 SB185
2 126766-2
3 By Senator Fielding
4 RFD: Judiciary
5 First Read: 09-MAR-11

1 SB185

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4 ENROLLED, An Act,

5 Relating to the issuance of a complaint and summons
6 or notice to appear in court for persons arrested for
7 misdemeanor non-traffic violations; to provide for the use of
8 an electronic uniform non-traffic citation and complaint
9 (eUNTCC), as an alternative method for issuing tickets; to
10 provide for a notice to appear in court similar to the
11 e-tickets used for traffic offenses.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. (a) (1) Whenever any person is arrested
14 for a violation of any non-traffic offense enumerated in Rule
15 20, Appendix B of the Alabama Rules of Judicial
16 Administration, as adopted by the Supreme Court of Alabama,
17 the arresting officer, unless otherwise provided in this
18 section, shall take the name and address of the person and the
19 license number or identification number of his or her motor
20 vehicle or vessel, as appropriate, and shall issue a summons
21 or otherwise notify him or her in writing to appear at a time
22 and place to be specified in such summons, notice, or
23 electronic uniform non-traffic citation and complaint
24 (eUNTCC).

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

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

11 (4) The person arrested, if he or she so desires,
12 shall have a right to a hearing within 24 hours at a
13 convenient time before a magistrate within the county or city
14 where the arrest occurred, or if an eUNTCC is written, the
15 person may have a hearing within 24 hours at a convenient time
16 before any magistrate in this state. In enforcing this
17 section, a law enforcement agency may require a sufficient
18 written court appearance bond of the arrested person.

19 (5) Except when an arresting officer cites a person
20 with an eUNTCC, the arresting officer, upon the giving by the
21 person of a sufficient written bond approved by the arresting
22 officer to appear at such time and place, forthwith shall
23 release the person from custody. Except when an arresting
24 officer cites a person with an eUNTCC, a person refusing to
25 give bond to appear shall be taken immediately by the

1 arresting officer before the nearest or most accessible
2 magistrate. When an eUNTCC is used by an arresting officer,
3 the person, upon accepting a written copy of the eUNTCC, shall
4 be deemed, without signature, to have given his or her written
5 bond to appear in court on the date specified on the eUNTCC. A
6 person refusing to accept a written copy of the eUNTCC shall
7 be deemed to be refusing to give bond to appear and the person
8 shall be taken immediately by the arresting officer before the
9 nearest or most accessible magistrate.

10 (6) Any person who, not having pled guilty as
11 provided in Rule 20 (E) (1) of the Alabama Rules of Judicial
12 Administration, willfully violates his or her written bond by
13 failing to timely appear shall be guilty of a misdemeanor
14 regardless of the disposition of the charge upon which he or
15 she was originally arrested.

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

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

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

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

1 (c) Any officer violating this section shall be
2 guilty of misconduct in office and shall be subject to removal
3 from office.

4 Section 2. All laws or parts of laws which conflict
5 with this act are repealed.

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

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB185

Senate 05-APR-11

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris
Secretary

House of Representatives
Amended and passed 02-JUN-11

Senate concurred in House amendment 02-JUN-11

By: Senator Fielding