

1 SB408  
2 176838-1  
3 By Senator Sanders  
4 RFD: Judiciary  
5 First Read: 12-APR-16

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8 SYNOPSIS: This bill would require all circuit,  
9 district, and municipal courts in the state to  
10 consider alternatives to incarceration for  
11 defendants unable to pay fines or court fees, to  
12 provide notice when enforcing fines and court fees,  
13 and to safeguard against unconstitutional practices  
14 by court staff and private contractors.

15 This bill would also prohibit the courts  
16 from incarcerating a person for nonpayment of fines  
17 or court fees without first conducting an indigency  
18 determination and establishing that the failure to  
19 pay was willful; from conditioning access to a  
20 judicial hearing on the prepayment of fines or  
21 court fees; from using arrest warrants or driver's  
22 license suspension as a means of coercing the  
23 payment of court debt when individuals have not  
24 been afforded constitutionally adequate procedural  
25 protections; and from employing bail or bond  
26 practices that cause defendants to remain

1           incarcerated solely because they cannot afford to  
2           pay for their release.

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4                           A BILL  
5                           TO BE ENTITLED  
6                           AN ACT

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8           Relating to the enforcement of payment of fines and  
9           court fees; to require circuit, district, and municipal courts  
10          to consider alternatives to incarceration for defendants  
11          unable to pay fines or court fees, to provide notice when  
12          enforcing fines and court fees, and to safeguard against  
13          unconstitutional practices by court staff and private  
14          contractors; and to prohibit the courts from incarcerating a  
15          person for nonpayment of fines or court fees without first  
16          conducting an indigency determination and establishing that  
17          the failure to pay was willful, conditioning access to a  
18          judicial hearing on the prepayment of fines or court fees,  
19          using arrest warrants or driver's license suspension as a  
20          means of coercing the payment of court debt when individuals  
21          have not been afforded constitutionally adequate procedural  
22          protections, and employing bail or bond practices that cause  
23          defendants to remain incarcerated solely because they cannot  
24          afford to pay for their release.

25          BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26                        Section 1. (a) This section applies to all circuit,  
27          district, and municipal courts in the state.

1 (b) The court may not incarcerate a person for  
2 nonpayment of fines or court fees without first conducting an  
3 indigency determination and establishing that the failure to  
4 pay was willful.

5 (c) The court must consider alternatives to  
6 incarceration for defendants unable to pay fines and court  
7 fees, including, but not limited to, reasonable installment  
8 payments and community service.

9 (d) The court may not condition access to a judicial  
10 hearing on the prepayment of fines or court fees.

11 (e) The court must provide notice and, in cases  
12 where imprisonment may result, counsel, when enforcing fines  
13 and court fees.

14 (f) The court may not use arrest warrants or  
15 driver's license suspension as a means of coercing the payment  
16 of court debt when individuals have not been afforded  
17 constitutionally adequate procedural protections.

18 (g) The court may not employ bail or bond practices  
19 that cause defendants to remain incarcerated solely because  
20 they cannot afford to pay for their release.

21 (h) The court shall safeguard against  
22 unconstitutional practices by court staff and private  
23 contractors.

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