

1 SB39
2 176838-1
3 By Senator Sanders
4 RFD: Judiciary
5 First Read: 07-FEB-17
6 PFD: 02/01/2017

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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.