

# HB156 INTRODUCED



1 HB156  
2 Z5BCWWR-1  
3 By Representative Lee  
4 RFD: Judiciary  
5 First Read: 04-Feb-25



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SYNOPSIS:

Under existing law, an individual may only be arrested on an out-of-state warrant if the individual has been charged with a crime punishable by death or life imprisonment.

This bill would provide that an individual may be arrested on an out-of-state warrant for any crime that would constitute a felony in this state or if the arresting officer has actual knowledge that an out-of-state warrant has been issued for the individual for a felony or misdemeanor in accordance with the laws of that state.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to criminal procedure; to amend Sections 15-9-41 and 15-10-3, Code of Alabama 1975, to further provide for arrests in certain circumstances.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 15-9-41 and 15-10-3, Code of Alabama 1975, are amended to read as follows:

"§15-9-41



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29           The arrest of ~~a person~~ an individual may be lawfully  
30 made ~~also~~ by an officer or a private citizen without a warrant  
31 upon reasonable information that the accused stands charged in  
32 the courts of another state with a crime ~~punishable by death~~  
33 ~~or life imprisonment in the courts of another state~~ that would  
34 constitute a felony in this state. When so arrested, the  
35 accused must be taken before a district or circuit court judge  
36 with all practicable speed, and the complaint must be made  
37 against him or her under oath setting forth the ground for the  
38 arrest as in Section 15-9-40~~7~~, ~~and thereafter~~ Thereafter, his  
39 or her answer shall be heard as if he or she had been arrested  
40 on a warrant."

41           "§15-10-3

42           (a) An officer may arrest ~~a person~~ an individual  
43 without a warrant, on any day and at any time, in any of the  
44 following instances:

45           (1) If a public offense has been committed or a breach  
46 of the peace threatened in the presence of the officer.

47           (2) When a felony has been committed, though not in the  
48 presence of the officer, by the ~~person~~ individual arrested.

49           (3) When a felony has been committed and the officer  
50 has probable cause to believe that the ~~person~~ individual  
51 arrested committed the felony.

52           (4) When the officer has probable cause to believe that  
53 the ~~person~~ individual arrested has committed a felony,  
54 although it may afterwards appear that a felony had not in  
55 fact been committed.

56           (5) When a charge has been made, upon probable cause,



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57 that the ~~person~~individual arrested has committed a felony.

58 (6) When the officer has actual knowledge that a  
59 warrant for the ~~person's~~individual's arrest for the  
60 commission of a felony or misdemeanor has been issued,  
61 provided the warrant was issued in this state in accordance  
62 with this chapter or by the courts of another state. However,  
63 upon request, the officer shall show the warrant to the  
64 arrested ~~person~~individual as soon as possible. If the officer  
65 does not have the warrant in his or her possession at the time  
66 of arrest the officer shall inform the ~~defendant~~individual of  
67 the offense charged and of the fact that a warrant has been  
68 issued.

69 (7) When the officer has probable cause to believe that  
70 a felony or misdemeanor has been committed by the ~~person~~  
71 individual arrested in violation of a protection order,  
72 including a domestic violence protection order or an elder  
73 abuse protection order, issued by a court of competent  
74 jurisdiction.

75 (8) When an offense involves a crime of domestic  
76 violence, including domestic violence in the first degree,  
77 pursuant to Section 13A-6-130, domestic violence in the second  
78 degree, pursuant to Section 13A-6-131, domestic violence in  
79 the third degree, pursuant to Section 13A-6-132, interference  
80 with a domestic violence emergency call, in violation of  
81 Section 13A-6-137, or domestic violence by strangulation or  
82 suffocation, pursuant to Section 13A-6-138, or elder abuse as  
83 defined in Section 38-9F-3, and the arrest is based on  
84 probable cause.



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85 (b) When a law enforcement officer investigates an  
86 allegation of domestic violence or elder abuse, whether or not  
87 an arrest is made, the officer shall make a written report of  
88 the alleged incident, including a statement of the complaint,  
89 and the disposition of the case.

90 (c) If ~~the defendant~~ an individual is arrested under  
91 this section for committing an act of domestic violence,  
92 including domestic violence in the first degree, pursuant to  
93 Section 13A-6-130, domestic violence in the second degree,  
94 pursuant to Section 13A-6-131, domestic violence in the third  
95 degree, pursuant to Section 13A-6-132, interference with a  
96 domestic violence emergency call, in violation of Section  
97 13A-6-137, or domestic violence by strangulation or  
98 suffocation, pursuant to Section 13A-6-138, in violation of a  
99 domestic violence protection order, or an act of elder abuse  
100 in violation of an elder abuse protection order, the ~~defendant~~  
101 individual shall be held in custody until brought before the  
102 court within 48 hours for the purpose of enforcing the  
103 protection order and for consideration of bail in accordance  
104 with Section 15-13-190 and the applicable rules of criminal  
105 procedure, pending a hearing. If the ~~defendant~~ individual is  
106 not brought before the court within 48 hours, the ~~defendant~~  
107 individual shall be subject to bail according to the Alabama  
108 Rules of Criminal Procedure."

109 Section 2. This act shall become effective immediately.