

HB42 INTRODUCED



1 HB42
2 EMBX9C9-1
3 By Representative England
4 RFD: Judiciary
5 First Read: 04-Feb-25
6 PFD: 11-Sep-24



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SYNOPSIS:

Under the Alabama Bail Reform Act of 1993, if cash bail is set by a judicial officer in a criminal proceeding, the defendant or some person on behalf of the defendant is required to deposit the total sum in cash with the court having jurisdiction.

This bill would authorize the court to accept a cash deposit in an amount less than the total sum upon approval of the judicial officer setting the cash bail.

A BILL
TO BE ENTITLED
AN ACT

Relating to the Alabama Bail Reform Act of 1993; to amend Section 15-13-111, Code of Alabama 1975, to authorize the clerk of the court having jurisdiction over a criminal case to accept a lesser amount of the total cash bail ordered by a judicial officer, upon approval of that officer.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 15-13-111 of the Code of Alabama 1975, is amended to read as follows:

"§15-13-111

For persons arrested and taken into custody, there



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29 shall be four kinds of bail used in this state. No other form
30 of bail may be approved and accepted by any judicial officer,
31 court clerk, magistrate, or any other person designated to
32 accept and approve bail as stipulated in Division 1, ~~Sections~~
33 ~~15-13-100 to 15-13-110, inclusive~~. The four kinds of bail
34 shall be judicial public bail, cash bail, property bail, and
35 professional surety bail. Their definitions are as follows:

36 (1) CASH BAIL. Cash bail is when the defendant or some
37 person on behalf of the defendant deposits cash in an amount
38 equal to a part or the total sum of the bail as set by the
39 judicial officer to the clerk of the court having jurisdiction
40 over the case. Acceptance of cash bail shall conform to
41 Division 9.

42 (2) JUDICIAL PUBLIC BAIL. Judicial public bail is the
43 release of any defendant without any condition of an
44 undertaking relating to, or a deposit of, security. Judicial
45 public bail shall be granted to persons subjected to custodial
46 arrest only by a judicial officer having jurisdiction over the
47 defendant and in accordance with the procedures established in
48 Division 7.

49 (3) PROFESSIONAL SURETY BAIL. Professional surety bail
50 is when a defendant is released on bail by having a
51 professional surety or professional bail company execute a
52 bond on behalf of the defendant and becoming surety on the
53 bail. Professional surety or professional bail companies shall
54 meet the qualification requirements of Division 10.

55 (4) PROPERTY BAIL. Property bail is when a defendant is
56 released on bail by having at least one or more real property



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57 owners that own real property in the state, execute or become
58 bail or surety for the defendant. Real property owners shall
59 qualify and meet requirements applying to property bail as set
60 out in Division 8."

61 Section 2. This act shall become effective on October
62 1, 2025.