

HB510 INTRODUCED



1 HB510
2 WKLW9E5-1
3 By Representative Yarbrough (N & P)
4 RFD: Local Legislation
5 First Read: 03-Apr-25



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A BILL
TO BE ENTITLED
AN ACT

Relating to Lawrence County; to amend Section 6 of Act 2024-320 of the 2024 Regular Session, now appearing as Section 45-40-233.75, Code of Alabama 1975, to revise the reporting year upon which a surplus in the Lawrence County Community Corrections and Court Services Fund shall be paid over to the General Fund of Lawrence County; to amend Section 8 of Act 2024-320 of the 2024 Regular Session, now appearing as Section 45-40-233.77, Code of Alabama 1975, to revise the time in which a percentage of an appearance bond is to be remitted to the Lawrence County Community Corrections and Court Services Fund; to amend Section 12 of Act 2024-320 of the 2024 Regular Session, now appearing as Section 45-40-233.81, Code of Alabama 1975, to revise the effective date on which a municipality may commence participation in the temporary release and related programs; and to repeal Act 1979-736, 1979 Regular Session (Acts 1979, p. 1307).

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 6 of Act 2024-320, 2024 Regular Session, now appearing as Section 45-40-233.75, Code of Alabama 1975, is amended to read as follows:



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29 "§45-40-233.75

30 (a) All amounts collected and deposited in the Lawrence
31 County Community Corrections and Court Services Fund shall be
32 expended for the implementation of this subpart including, but
33 not limited to: (i) paying salaries and other expenses
34 involved in conducting investigations and studies necessary to
35 determine whether particular defendants will be granted the
36 benefits of this subpart; (ii) administration required to
37 carry out this subpart; (iii) transportation of defendants to
38 and from their places of employment; (iv) matching any federal
39 and state grants that may be available in relation to the
40 purposes of this subpart; and (v) implementation and
41 administration of the treatment, rehabilitation, education,
42 intervention, and pretrial diversion programs created pursuant
43 to Section 45-40-233.79 as determined to be required by law or
44 consistent with the purposes of this subpart.

45 (b) If at the end of any ~~calendar~~fiscal year there is a
46 surplus in the Lawrence County Community Corrections and Court
47 Services Fund, the unallocated surplus shall be paid to the
48 General Fund of Lawrence County if a three-fourths majority of
49 the commission members, by affirmative vote, decide at a ~~duly~~
50 convened meeting of the full commission, at which a majority
51 of the membership is in attendance, that the surplus, or any
52 portion thereof, ~~is in excess amount of an amount necessary to~~
53 ~~carry out this subpart~~ is to be paid to the General Fund of
54 Lawrence County."

55 Section 2. Section 8 of Act 2024-320, 2024 Regular
56 Session, now appearing as Section 45-40-233.77, Code of



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57 Alabama 1975, is amended to read as follows:

58 "§45-40-233.77

59 (a) ~~Any~~Except as provided in subsection (b), any
60 individual in Lawrence County charged with a non-capital,
61 bailable offense, as a matter of right, ~~may~~shall be released
62 pending trial on his or her personal recognizance or upon the
63 execution of an appearance bond. ~~However, if~~

64 (b) If a judge having jurisdiction determines that a
65 release will not reasonably assure the defendant's appearance
66 as required or that a defendant's being at-large will pose a
67 real and present danger to the public, the judge, either in
68 lieu of or in addition to the methods and conditions of
69 release specified in Rules 7.2(a) and 7.3 of the Alabama Rules
70 of Criminal Procedure, may:

71 (1) Require the defendant to execute an appearance bond
72 in a specified amount with 10 percent of the amount to be
73 deposited with the clerk of the court, in cash or other
74 security as directed, and ~~10 percent~~within 30 days of the
75 deposit, the clerk shall remit 10 percent of the deposit ~~shall~~
76 ~~be remitted within 10 days after the deposit~~ to the Lawrence
77 County Commission for ~~deposit~~distribution to the fund
78 established by Section 45-40-233.73, and ~~that~~shall return the
79 remainder of the deposit ~~shall be returned by the clerk~~ to the
80 defendant ~~after he or she is discharged~~ upon dismissal of the
81 pending charges or the imposition of sentence after
82 conviction; or

83 (2) Impose any additional condition deemed reasonably
84 necessary to assure appearance as required, including a



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85 condition requiring the defendant return to custody after
86 specified hours.

87 ~~(b)~~ (c) In determining which methods and conditions of
88 release will reasonably assure the appearance of a defendant
89 as required or will protect certain individuals or the general
90 public from a defendant who poses a real and present danger,
91 the judge or magistrate, in addition to considering the
92 principles and guidelines set forth in Rules 7.2(a) and 7.3 of
93 the Alabama Rules of Criminal Procedure, shall bear in mind
94 that the purposes of this subpart are not only to assure the
95 presence of the defendant at trial, but also to assure that
96 all defendants, regardless of financial or social status,
97 shall not needlessly be detained pending appearance to answer
98 charges, or pending appeal, when detention serves neither the
99 ends of justice nor the public interest.

100 ~~(e)~~ (d) All amounts collected under this section shall
101 be paid into the Lawrence County Community Corrections and
102 Court Services Fund, unless payment is otherwise directed by
103 general law."

104 Section 3. Section 12 of Act 2024-320, 2024 Regular
105 Session, now appearing as Section 45-40-233.81, Code of
106 Alabama 1975, is amended to read as follows:

107 "§45-40-233.81

108 (a) Any municipality in Lawrence County may elect to
109 participate in the programs authorized by this subpart. The
110 election shall be evidenced by a resolution adopted by the
111 governing body of the municipality by which the municipality
112 agrees to participate in the programs authorized by this



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113 subpart and to contribute any revenue arising from work
114 release programs authorized by this subpart to the Lawrence
115 County Community Corrections and Court Services Fund.

116 (b) A certified copy of the resolution shall be sent to
117 the Lawrence County Community Corrections and Court Services
118 Commission ~~and the~~.

119 (c) The election shall be effective on the first day of
120 the ~~calendar~~ fiscal quarter next following delivery of the
121 resolution to the commission."

122 Section 4. Act 1979-736, 1979 Regular Session (Acts
123 1979, p. 1307), now appearing as Subpart 3, Part 4, Article
124 23, Chapter 40 of Title 45, Code of Alabama 1975, and
125 establishing a rehabilitation board and a work release
126 program, is repealed.

127 Section 5. This act shall become effective on October
128 1, 2025.