



House Judiciary Reported Substitute for SB82

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A BILL
TO BE ENTITLED
AN ACT

Relating to criminal procedure; to amend Sections 12-14-51 and 12-17-94, Code of Alabama 1975, to require the magistrates of the municipal courts and the clerks of the circuit courts to audit and recall warrants in certain circumstances.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 12-14-51 and 12-17-94, Code of Alabama 1975, are amended to read as follows:

"§12-14-51

(a) The magistrates ~~shall be considered~~ are the chief officers of the municipal court administrative agency.

(b) The Supreme Court ~~may~~, by rule, may prescribe procedures for the appointment of magistrates by class or position and, ~~in addition thereto~~, provide for the appointment of other magistrates by the Administrative Director of Courts, upon recommendation by municipal judges.

(c) The powers of a magistrate shall be limited to the following:

- (1) Issuance of arrest warrants.
- (2) Granting of bail in minor misdemeanor prosecutions



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29 in accordance with the discretionary bail schedule and
30 approving property, cash, and professional surety bonds upon a
31 municipal judge's approval.

32 (3) Receiving of pleas of guilty in minor misdemeanors
33 where a schedule of fines has been ~~prescribed~~ provided by
34 rule.

35 (4) Accountability to the municipal court for all
36 uniform traffic tickets and complaints issued, including all
37 electronic traffic tickets or e-tickets, as defined in Section
38 32-1-4, ~~in instances in which the court has, in its~~
39 ~~discretion, determined~~ where the court has decided to use
40 e-tickets, and for all ~~moneys~~ monies received and records of
41 offenses.

42 (5) Accepting and screening affidavits of substantial
43 hardship upon a municipal judge's approval and, if authorized
44 by court order, assigning attorneys on a rotating basis from a
45 list approved by the court.

46 (6) Conducting arraignments and setting nonguilty pleas
47 for trial, upon a municipal judge's approval.

48 (7) Opening court and calling the docket, upon a
49 municipal judge's approval.

50 (8) Granting continuances in municipal ordinance
51 violation cases, upon a municipal judge's approval.

52 (9) Dismissing no ~~driver's~~ driver license violations
53 pursuant to Section 32-6-9 where the defendant shows proof of
54 a ~~driver's~~ driver license at the time the citation was
55 written.

56 (10) Dismissing mandatory liability insurance



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57 violations pursuant to Section ~~32-7A-20~~32-7A-23 where the
58 defendant has produced satisfactory evidence that at the time
59 of the citation the motor vehicle was covered by a liability
60 insurance policy in accordance with Section 32-7A-4.

61 (11) Dismissing equipment violations where a municipal
62 ordinance allows and where the law enforcement officer signs
63 the uniform traffic ticket and complaint verifying ~~that~~ the
64 equipment has been replaced.

65 (12) Using emails or text messages to notify a
66 defendant of any legal process required by the court in
67 addition to any other form of communication as provided for by
68 law, at the discretion of the municipal court clerk and the
69 magistrate upon request and consent by the defendant, using
70 contact information provided by the defendant.

71 (13)a. Every five years, auditing outstanding warrants
72 for Class B and Class C misdemeanors and violations which have
73 not been executed within 10 years of the date of issuance.
74 This paragraph does not apply to Class B or Class C
75 misdemeanors or violations for sex offenses, domestic
76 violence, offenses that involve the use of a deadly weapon or
77 dangerous instrument or are attached or associated with felony
78 charges arising out of the same set of facts or circumstances.
79 The warrants shall be ordered to be recalled by the presiding
80 judge.

81 b. Notification that a warrant has been recalled shall
82 be made to the appropriate law enforcement agencies.

83 ~~(13)~~ (14) Any other authority as may be granted by law.

84 (d) In the performance of any official duty provided



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85 for by this section, a municipal magistrate shall have
86 absolute judicial immunity from any liability arising from the
87 execution of the duties provided for by this section."

88 "§12-17-94

89 (a) The duties of the clerks of the circuit court
90 include all of the following:

91 (1) ~~To sign~~ Sign and issue all summons, subpoenas,
92 writs, executions, and other processes, under the authority of
93 the court.

94 (2) ~~To keep~~ Keep a consolidated docket sheet of civil
95 and criminal cases, to include: (i) the names of the parties;
96 (ii) the character the of action or offense; (iii) the names
97 of the attorneys; (iv) the sheriff's return, which shall
98 be entered in all civil and criminal cases standing for trial,
99 in the order in which they are brought; (v) the bench
100 notes, orders, rulings on motions and pleadings, other
101 preliminary matters, and final judgment which have been made
102 in each case by the judge, which shall be the official
103 minutes.

104 (3) ~~To keep~~ Keep all papers, books, dockets, and
105 records belonging to their office with care and security, with
106 the papers filed, arranged, numbered, and labeled, so as to be
107 of easy reference, and the books, dockets, and records
108 properly lettered. Parties shall be allowed to inspect the
109 records free of charge.

110 (4) ~~To make~~ Make out and deliver, on application and
111 payment of the legal fees ~~therefor,~~ to any person applying for
112 the same, a correct transcript, properly certified, of any



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113 paper or record in their offices.

114 (5) ~~To exercise such~~ Exercise duties as are, or may be,
115 conferred upon them by law, including administrative rules
116 ~~promulgated~~ adopted by order of the Supreme Court of Alabama.

117 (6) ~~To monitor~~ Monitor compliance with court orders
118 issued by a state court which assess court costs, fines, and
119 other related court-ordered money against criminal defendants
120 and ~~to~~ utilize accounts receivable systems and other
121 procedures, including notice processes, to ensure payment of
122 court-ordered money.

123 (7)a. Every five years, audit outstanding warrants for
124 Class B and Class C misdemeanors and violations which have not
125 been executed within 10 years of the date of issuance. This
126 paragraph does not apply to any Class B or Class C
127 misdemeanors or violations for sex offenses, domestic
128 violence, offenses that involve the use of a deadly weapon or
129 dangerous instrument or are attached or associated with felony
130 charges arising out of the same set of facts or circumstances.
131 The warrants shall be ordered to be recalled by the presiding
132 judge.

133 b. Notification that a warrant has been recalled shall
134 be made to the appropriate law enforcement agencies.

135 (b) Any clerk of any circuit court who fails to perform
136 any duty imposed on him or her, for the failure to perform
137 which no other punishment is provided, shall, on conviction,
138 be fined not exceeding ~~\$200.00~~ two hundred dollars (\$200)."

139 Section 2. This act shall become effective on October
140 1, 2025.