

**SB82 INTRODUCED**



1 SB82  
2 WMWD559-1  
3 By Senators Orr, Elliott  
4 RFD: County and Municipal Government  
5 First Read: 04-Feb-25



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

SYNOPSIS:

Existing law provides for the responsibilities of the magistrates of the municipal courts and the clerks of the circuit court.

This bill would provide that a magistrate and a clerk are required to annually audit and recall outstanding warrants for certain Class B and C misdemeanors and would provide for exceptions.

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.



## SB82 INTRODUCED

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

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

36 (1) Issuance of arrest warrants.

37 (2) Granting of bail in minor misdemeanor prosecutions  
38 in accordance with the discretionary bail schedule and  
39 approving property, cash, and professional surety bonds upon a  
40 municipal judge's approval.

41 (3) Receiving of pleas of guilty in minor misdemeanors  
42 where a schedule of fines has been ~~prescribed~~ provided by  
43 rule.

44 (4) Accountability to the municipal court for all  
45 uniform traffic tickets and complaints issued, including all  
46 electronic traffic tickets or e-tickets, as defined in Section  
47 32-1-4, ~~in instances in which the court has, in its~~  
48 ~~discretion, determined~~ where the court has decided to use  
49 e-tickets, and for all ~~moneys~~ monies received and records of  
50 offenses.

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

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



## SB82 INTRODUCED

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

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

61 (9) Dismissing no ~~driver's~~driver license violations  
62 pursuant to Section 32-6-9 where the defendant shows proof of  
63 a ~~driver's~~driver license at the time the citation was  
64 written.

65 (10) Dismissing mandatory liability insurance  
66 violations pursuant to Section ~~32-7A-20~~32-7A-23 where the  
67 defendant has produced satisfactory evidence that at the time  
68 of the citation the motor vehicle was covered by a liability  
69 insurance policy in accordance with Section 32-7A-4.

70 (11) Dismissing equipment violations where a municipal  
71 ordinance allows and where the law enforcement officer signs  
72 the uniform traffic ticket and complaint verifying ~~that~~ the  
73 equipment has been replaced.

74 (12) Using emails or text messages to notify a  
75 defendant of any legal process required by the court in  
76 addition to any other form of communication as provided for by  
77 law, at the discretion of the municipal court clerk and the  
78 magistrate upon request and consent by the defendant, using  
79 contact information provided by the defendant.

80 (13)a. Annually auditing and recalling outstanding  
81 warrants for Class B and Class C misdemeanors and violations  
82 which have not been served within 10 years of the date of  
83 issuance. This paragraph does not apply to Class B or Class C  
84 misdemeanors or violations for sex offenses, domestic



## SB82 INTRODUCED

85 violence, offenses that involve the use of a deadly weapon or  
86 dangerous instrument or are attached or associated with felony  
87 charges arising out of the same set of facts or circumstances.

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

90 ~~(13)~~ (14) Any other authority as may be granted by law.

91 (d) In the performance of any official duty provided  
92 for by this section, a municipal magistrate shall have  
93 absolute judicial immunity from any liability arising from the  
94 execution of the duties provided for by this section."

95 "§12-17-94

96 (a) The duties of the clerks of the circuit court  
97 include all of the following:

98 (1) ~~To sign~~ Sign and issue all summons, subpoenas,  
99 writs, executions, and other processes, under the authority of  
100 the court.

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

111 (3) ~~To keep~~ Keep all papers, books, dockets, and  
112 records belonging to their office with care and security, with



## SB82 INTRODUCED

113 the papers filed, arranged, numbered, and labeled, so as to be  
114 of easy reference, and the books, dockets, and records  
115 properly lettered. Parties shall be allowed to inspect the  
116 records free of charge.

117 (4) ~~To make~~ Make out and deliver, on application and  
118 payment of the legal fees ~~therefor~~, to any person applying for  
119 the same, a correct transcript, properly certified, of any  
120 paper or record in their offices.

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

124 (6) ~~To monitor~~ Monitor compliance with court orders  
125 issued by a state court which assess court costs, fines, and  
126 other related court-ordered money against criminal defendants  
127 and ~~to~~ utilize accounts receivable systems and other  
128 procedures, including notice processes, to ensure payment of  
129 court-ordered money.

130 (7)a. Annually audit and recall outstanding warrants  
131 for Class B and Class C misdemeanors and violations which have  
132 not been served within 10 years of the date of issuance. This  
133 paragraph does not apply to any Class B or Class C  
134 misdemeanors or violations for sex offenses, domestic  
135 violence, offenses that involve the use of a deadly weapon or  
136 dangerous instrument or are attached or associated with felony  
137 charges arising out of the same set of facts or circumstances.

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

140 (b) Any clerk of any circuit court who fails to perform



## SB82 INTRODUCED

141 any duty imposed on him or her, for the failure to perform  
142 which no other punishment is provided, shall, on conviction,  
143 be fined not exceeding ~~\$200.00~~two hundred dollars (\$200)."

144 Section 2. This act shall become effective on October  
145 1, 2025.