



House Judiciary Reported Substitute for HB518

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A BILL
TO BE ENTITLED
AN ACT

Relating to criminal procedure; to authorize the use of certain digital, electronic, or telephonic means to obtain a warrant for certain violations subject to citation in lieu of arrest procedures; to authorize the use of certain digital, electronic, or telephonic means to swear to the facts contained in citations issued for certain violations; to provide that the physical presence of the affiant in such circumstances is not required; and to authorize law enforcement officers to administer oaths to other law enforcement officers in certain circumstances.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) For purposes of this section, the following terms have the following meanings:

(1) LAW ENFORCEMENT OFFICER. A police officer, deputy sheriff, deputy constable, or other official who has the authority to make arrests; is employed by the state, county, or municipality; and is certified by the Alabama Peace Officers' Standards and Training Commission. The term includes enforcement officers of the Alabama State Law Enforcement Agency, the Department of Corrections, and the Board of



House Judiciary Reported Substitute for HB518

29 Pardons and Paroles.

30 (2) RELIABLE ELECTRONIC MEANS. Means compliant with
31 criminal justice information system measures by which a
32 document may be signed and transmitted.

33 (3) UNIFORM NONTRAFFIC CITATION AND COMPLAINT. The
34 complaint and summons issued in lieu of arrest for any
35 nontraffic offense enumerated in Rule 20, Appendix B of the
36 Alabama Rules of Judicial Administration, as adopted by the
37 Supreme Court of Alabama, or an electronic version of the
38 citation containing substantially the same information found
39 on the citation.

40 (4) UNIFORM TRAFFIC TICKET AND COMPLAINT. The complaint
41 and summons used in all non-felony traffic cases filed in all
42 courts of the state or an electronic version of the ticket
43 containing substantially the same information found on the
44 ticket.

45 (b) (1) Warrants for any of the following offenses may
46 be sworn and issued by a judge or magistrate remotely,
47 digitally, via video link, or by telephone:

- 48 a. Misdemeanor violations.
- 49 b. Traffic violations.
- 50 c. Municipal ordinance violations.

51 (2) The physical presence of the affiant before the
52 judge or magistrate is not required. Other methods of
53 technology not specifically described in subdivision (1) may
54 be used to facilitate the oath and issuance of a criminal
55 warrant pursuant to this subsection upon approval of the
56 technology by the Director of the Administrators of the



House Judiciary Reported Substitute for HB518

57 Courts.

58 (c) (1) Upon the issuance of a Uniform Traffic Ticket
59 and Complaint, a law enforcement officer may swear to the
60 facts contained in the Uniform Traffic Ticket and Complaint
61 before any person within the judicial branch of government who
62 is authorized by the state to administer oaths. Both the law
63 enforcement officer and the person administering the oath may
64 complete this swearing through remote or digital means, via
65 video link, by telephone, or through any other technology that
66 has been approved by the Director of the Administrators of the
67 Courts.

68 (2) Upon the issuance of a Uniform Nontraffic Citation
69 and Complaint, a law enforcement officer may swear to the
70 facts contained in the Uniform Nontraffic Citation and
71 Complaint before any person within the judicial branch of
72 government who is authorized by the state to administer oaths.
73 Both the law enforcement officer and the person administering
74 the oath may complete this swearing through remote or digital
75 means, via video link, by telephone, or through any other
76 technology that has been approved by the Director of the
77 Administrators of the Courts.

78 (d) (1) A law enforcement officer, when engaged in the
79 performance of his or her official duties, may administer
80 oaths to other law enforcement officers to swear to the facts
81 contained in a complaint for a misdemeanor offense, a Uniform
82 Traffic Ticket and Complaint, or a Uniform Nontraffic Citation
83 and Complaint through the following means:

84 a. Reliable electronic means.



House Judiciary Reported Substitute for HB518

85 b. In the physical presence of an affiant.

86 (2) Upon the issuance of a complaint for a misdemeanor
87 offense, a Uniform Traffic Ticket and Complaint, or a Uniform
88 Nontraffic Citation and Complaint, a law enforcement officer
89 may swear to the facts contained in the complaint for a
90 misdemeanor, the Uniform Traffic Ticket and Complaint, or the
91 Uniform Nontraffic Citation and Complaint before any law
92 enforcement officer who is authorized to administer oaths
93 pursuant to subdivision (1). The affiant shall then present
94 the sworn complaint to the proper judicial officer for the
95 judicial officer to determine if probable cause exists to
96 issue an arrest warrant pursuant to Chapter 7 of Title 15,
97 Code of Alabama 1975.

98 (3) Upon swearing to the facts contained in the
99 complaint before a law enforcement officer who is authorized
100 to administer oaths pursuant to subdivision (1), the law
101 enforcement officer administering the oath shall notate on the
102 deposition his or her name, the date, and the time of
103 administering the oath.

104 (4) A law enforcement officer may not notarize his or
105 her own signature.

106 Section 2. This act shall become effective on October
107 1, 2026.