

## HB154 INTRODUCED



1      HB154  
2      NR5BQJJ-1  
3      By Representative Lee  
4      RFD: Public Safety and Homeland Security  
5      First Read: 13-Jan-26



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4     SYNOPSIS:

5                 Under existing law, an individual may be  
6     arrested without a warrant if the individual has been  
7     charged in another state with a crime punishable by  
8     death or life imprisonment.

9                 This bill would provide that an individual may  
10    be arrested without a warrant if the individual has  
11    been charged in another state with a felony.

12                This bill would also authorize out-of-state law  
13    enforcement officers to arrest individuals suspected of  
14    committing a felony in the officer's home state at the  
15    conclusion of a fresh pursuit.

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18                A BILL

19                TO BE ENTITLED

20                AN ACT

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22                Relating to criminal procedure; to amend Section  
23    15-9-41, Code of Alabama 1975; to further provide for the  
24    conditions under which an individual may be arrested without a  
25    warrant; and to add Section 15-9-50 to the Code of Alabama  
26    1975, to authorize arrests by out-of-state law enforcement  
27    officers in certain circumstances.

28    BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:



## HB154 INTRODUCED

29                   Section 1. Section 15-9-41, Code of Alabama 1975, is  
30                   amended to read as follows:

31                   "§15-9-41

32                   (a) ~~The arrest of a person may be lawfully made also by~~  
33 ~~an officer or a private citizen~~ An officer or private citizen,  
34                   without a warrant, may lawfully arrest an individual upon  
35                   reasonable information that the ~~accused~~ individual stands  
36                   charged in the courts of another state with any of the  
37                   following:

38                   (1) ~~a~~ A crime punishable by death ~~or life~~.

39                   (2) A crime punishable by imprisonment ~~in the courts of~~  
40 ~~another state~~ for a term exceeding one year.

41                   (3) Any crime otherwise punishable as a felony.

42                   (b) ~~When so arrested~~ Following an arrest pursuant to  
43 subsection (a), the ~~accused~~ arrestee must ~~be taken~~ receive a  
44 hearing before a district or circuit court judge with all  
45 practicable speed ~~and~~. A complaint must be made against him or  
46 her under oath setting forth the ground for the arrest as in  
47 Section 15-9-40~~r.~~ ~~and thereafter~~ Thereafter, his or her answer  
48 shall be heard as if he or she had been arrested on a  
49 warrant."

50                   Section 2. Section 15-9-50 is added to the Code of  
51 Alabama 1975, to read as follows:

52                   §15-9-50

53                   (a) For the purposes of this section, the following  
54 terms have the following meanings:

55                   (1) ARRESTING OFFICER. An officer, employee, or agent  
56 of any state or of any political subdivision of a state who is



57 required by law to: (i) maintain public order; (ii) make  
58 arrests for offenses, whether that duty extends to all  
59 offenses or is limited to specific offenses; and (iii)  
60 investigate the commission or suspected commission of  
61 offenses.

62 (2) FELONY. Any of the following crimes committed in  
63 any state:

64 a. A crime punishable by death.

65 b. A crime punishable by imprisonment for a term  
66 exceeding one year.

67 c. Any crime otherwise punishable as a felony.

68 (3) FRESH PURSUIT. a. The term includes, but is not  
69 limited to, all of the following:

70 1. The term as defined by the common law.

71 2. The pursuit of an individual who has committed a  
72 felony or who is reasonably suspected of having committed a  
73 felony.

74 3. The pursuit of an individual suspected of having  
75 committed a supposed felony, though no felony has actually  
76 been committed, if there is reasonable ground for believing  
77 that a felony has been committed.

78 b. The term does not necessarily imply instant pursuit,  
79 but pursuit without unreasonable delay.

80 (4) POWER TO ARREST. The legal authority to arrest and  
81 hold an individual in custody that is equivalent in scope to  
82 an Alabama law enforcement officer's authority to arrest and  
83 hold in custody an individual believed to have committed a  
84 felony in this state.



## **HB154 INTRODUCED**

85 (b) Any arresting officer of another state, while  
86 engaged in fresh pursuit of an individual believed to have  
87 committed a felony in that state, shall have the power to  
88 arrest that individual in this state.

89 (c) Subsection (b) shall not be construed to make any  
90 arrest in this state unlawful that would otherwise be lawful.

91 (d) (1) If an arrest is made in this state pursuant to  
92 subsection (b), the arresting officer, without unnecessary  
93 delay, shall take the individual before a district or circuit  
94 judge for the county in which the arrest was made. The judge  
95 shall conduct a hearing to determine the lawfulness of the  
96 arrest.

101                   b. If the judge determines that the arrest was not  
102                   lawful, he or she shall discharge the individual.

103 Section 3. This act shall become effective immediately.