

HB198 INTRODUCED



1 HB198
2 U9E1QDX-1
3 By Representative Treadaway
4 RFD: Public Safety and Homeland Security
5 First Read: 13-Jan-26



SYNOPSIS:

Under existing law, a sheriff and his deputies are the individuals responsible for executing writs issued by the courts.

This bill would authorize sheriffs to appoint special reserve deputies to assist in the execution of writs when more than 250 writs have been issued in a county but have not yet been executed.

A BILL
TO BE ENTITLED
AN ACT

Relating to special reserve sheriff's deputies; to provide for the appointment and service of special reserve deputies.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the purposes of this act, the following terms have the following meanings:

(1) EMERGENCY WRIT CONDITION. Any time, as determined by the sheriff, when more than 250 writs have been issued in the county but have not yet been executed.

(2) SPECIAL RESERVE DEPUTY. An individual appointed by the sheriff to serve writs under emergency writ conditions.



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(3) WRIT OF SEIZURE. A lawful writ issued by the circuit or district clerk of the judicial circuit ordering the seizure or securing of real property located within the specific county overseen by the sheriff.

Section 2. (a) During an emergency writ condition, the sheriff of any county in Alabama may appoint special reserve deputies to assist in the execution of writs of seizure or similar actions involving the seizure or securing of real property.

(b) Upon execution of a writ of seizure, a special reserve deputy shall make return on the writ of seizure as normally completed by the sheriff and shall return the writ of seizure to the appropriate clerk.

(c) A special reserve deputy, when acting within the scope of his or her duties pursuant to this act and in compliance with the law, shall be entitled to the same immunities and legal protections provided to deputies under Section 36-22-3, Code of Alabama 1975.

Section 3. (a) Notwithstanding any other provision of law, if an emergency writ condition exists, a petitioner may request that a writ of seizure be executed by a special reserve deputy. Once the special reserve deputy executes the writ of seizure and returns the writ of seizure to the appropriate clerk, the petitioner shall pay directly to the special reserve deputy a service fee for the execution of the writ of seizure.

(b) The sheriff shall establish the amount of the service fee, which may not exceed two hundred fifty dollars



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57 (\$250) .

58 (c) A special reserve deputy may not receive any funds
59 from the county treasury for the service of writs of seizure.

60 (d) The sheriff may not receive any fee for any service
61 of writ performed by a special reserve deputy.

62 Section 4. (a) Prior to appointing an individual to
63 serve as a special reserve deputy, the sheriff shall confirm
64 that the individual meets all of the following qualifications:

65 (1) Is currently certified by the Alabama Peace
66 Officers' Standards and Training Commission.

67 (2) Is not employed by a sheriff's department at the
68 time of his or her appointment as a reserve deputy.

69 (3) Has successfully completed training from the
70 sheriff for special assignment writ execution within the last
71 three years.

72 (b) The sheriff shall establish a training program for
73 special reserve deputies and shall maintain documentation of
74 all individuals who have successfully completed the training
75 and the date on which each individual most recently
76 successfully completed the training.

77 (c) The sheriff may charge a reasonable fee to each
78 individual seeking to complete special reserve deputy
79 training.

80 Section 5. This act shall become effective on October
81 1, 2026.