

HB518 INTRODUCED



1 HB518
2 SLAYP77-1
3 By Representative Brinyark
4 RFD: Judiciary
5 First Read: 26-Feb-26



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SYNOPSIS:

Under existing law, law enforcement officers may issue citations for certain violations, traffic offenses, and misdemeanors in lieu of performing a custodial arrest.

This bill would authorize a warrant for such a violation to be sworn and issued by a judge or magistrate remotely, digitally, via video link, or by telephone and would specify that the physical presence of the affiant before the judge or magistrate is not required.

This bill would allow law enforcement officers to swear to the citations they issue for certain violations, traffic offenses, and misdemeanors in the presence of a judge or magistrate remotely, digitally, via video link, or by telephone.

This bill would also authorize law enforcement officers to act as a magistrate in the limited scope of administering oaths to other law enforcement officers to swear to the facts contained in a citation.

A BILL
TO BE ENTITLED
AN ACT



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29
30 Relating to criminal procedure; to authorize the use of
31 certain digital, electronic, or telephonic means to obtain a
32 warrant for certain violations subject to citation in lieu of
33 arrest procedures; to authorize the use of certain digital,
34 electronic, or telephonic means to swear to the facts
35 contained in citations issued for certain violations; to
36 provide that the physical presence of the affiant in such
37 circumstances is not required; and to authorize law
38 enforcement officers to administer oaths to other law
39 enforcement officers in certain circumstances.

40 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

54 (3) UNIFORM NONTRAFFIC CITATION AND COMPLAINT. The
55 complaint and summons issued in lieu of arrest for any
56 nontraffic offense enumerated in Rule 20, Appendix B of the



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57 Alabama Rules of Judicial Administration, as adopted by the
58 Supreme Court of Alabama, or an electronic version of the
59 citation containing substantially the same information found
60 on the citation.

61 (4) UNIFORM TRAFFIC TICKET AND COMPLAINT. The complaint
62 and summons used in all non-felony traffic cases filed in all
63 courts of the state or an electronic version of the ticket
64 containing substantially the same information found on the
65 ticket.

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

- 69 a. Misdemeanor violations.
- 70 b. Traffic violations.
- 71 c. Municipal ordinance violations.

72 (2) The physical presence of the affiant before the
73 judge or magistrate is not required. Other methods of
74 technology not specifically described in subdivision (1) may
75 be used to facilitate the oath and issuance of a criminal
76 warrant pursuant to this subsection upon approval of the
77 technology by the Director of the Administrators of the
78 Courts.

79 (c) (1) Upon the issuance of a Uniform Traffic Ticket
80 and Complaint, a law enforcement officer may swear to the
81 facts contained in the Uniform Traffic Ticket and Complaint
82 before any person within the judicial branch of government who
83 is authorized by the state to administer oaths. Both the law
84 enforcement officer and the person administering the oath may



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85 complete this swearing through remote or digital means, via
86 video link, by telephone, or through any other technology that
87 has been approved by the Director of the Administrators of the
88 Courts.

89 (2) Upon the issuance of a Uniform Nontraffic Citation
90 and Complaint, a law enforcement officer may swear to the
91 facts contained in the Uniform Nontraffic Citation and
92 Complaint before any person within the judicial branch of
93 government who is authorized by the state to administer oaths.
94 Both the law enforcement officer and the person administering
95 the oath may complete this swearing through remote or digital
96 means, via video link, by telephone, or through any other
97 technology that has been approved by the Director of the
98 Administrators of the Courts.

99 (d) (1) A law enforcement officer, when engaged in the
100 performance of his or her official duties, may administer
101 oaths to other law enforcement officers to swear to the facts
102 contained in a complaint for a misdemeanor offense, a Uniform
103 Traffic Ticket and Complaint, or a Uniform Nontraffic Citation
104 and Complaint through the following means:

- 105 a. Reliable electronic means.
- 106 b. In the physical presence of an affiant.

107 (2) Upon the issuance of a complaint for a misdemeanor
108 offense, a Uniform Traffic Ticket and Complaint, or a Uniform
109 Nontraffic Citation and Complaint, a law enforcement officer
110 may swear to the facts contained in the complaint for a
111 misdemeanor, the Uniform Traffic Ticket and Complaint, or the
112 Uniform Nontraffic Citation and Complaint before any law



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113 enforcement officer who is authorized to administer oaths
114 pursuant to subdivision (1).

115 (3) A law enforcement officer may not notarize his or
116 her own signature.

117 Section 2. This act shall become effective on October
118 1, 2026.