

HB546 INTRODUCED



1 HB546
2 AR8LIQ7-1
3 By Representative Yarbrough (N & P)
4 RFD: Local Legislation
5 First Read: 03-Mar-26



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A BILL
TO BE ENTITLED
AN ACT

Relating to Lawrence County; to amend Section 45-40-233.75, Code of Alabama 1975, to revise the reporting year upon which a surplus in the Lawrence County Community Corrections and Court Services Fund may be paid over to the General Fund of Lawrence County; to amend Section 45-40-233.77, Code of Alabama 1975, to revise the time in which a percentage of an appearance bond is to be remitted to the Lawrence County Community Corrections and Court Services Fund; To amend Section 45-40-233.81, Code of Alabama 1975, to revise the effective date on which a municipality may commence participation in the temporary release and related programs; and to repeal Act 1979-736, 1979 Regular Session (Acts 1979, p. 1307).

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 45-40-233.75, Code of Alabama 1975, is amended to read as follows:

"§45-40-233.75

(a) All amounts collected and deposited in the Lawrence County Community Corrections and Court Services Fund shall be expended for the implementation of this subpart, including,



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29 but not limited to: (i) paying salaries and other expenses
30 involved in conducting investigations and studies necessary to
31 determine whether particular defendants will be granted the
32 benefits of this subpart; (ii) administration required to
33 carry out this subpart; (iii) transportation of defendants to
34 and from their places of employment; (iv) matching any federal
35 and state grants that may be available in relation to the
36 purposes of this subpart; and (v) implementation and
37 administration of the treatment, rehabilitation, education,
38 intervention, and pretrial diversion programs created pursuant
39 to Section 45-40-233.79 as determined to be required by law or
40 consistent with the purposes of this subpart.

41 (b) If at the end of any ~~calendar~~fiscal year there is a
42 surplus in the Lawrence County Community Corrections and Court
43 Services Fund, the surplus shall be paid to the General Fund
44 of Lawrence County if a majority of the commission members, by
45 affirmative vote, decide at a ~~duly~~-convened meeting of the
46 commission that the surplus, or any portion thereof, is in
47 excess of an amount necessary to carry out this subpart.

48 Section 2. Section 45-40-233.77, Code of Alabama 1975,
49 is amended to read as follows:

50 "§45-40-233.77

51 (a) ~~Any~~Except as provided in subsection (b), any
52 individual in Lawrence County charged with a non-capital,
53 bailable offense, as a matter of right, ~~may~~shall be released
54 pending trial on his or her personal recognizance or upon the
55 execution of an appearance bond. ~~However, if~~

56 (b) If a judge having jurisdiction determines that a



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57 release will not reasonably assure the defendant's appearance
58 as required or that a defendant's being at-large will pose a
59 real and present danger to the public, the judge, either in
60 lieu of or in addition to the methods and conditions of
61 release specified in Rules 7.2(a) and 7.3 of the Alabama Rules
62 of Criminal Procedure, may:

63 (1) Require the defendant to execute an appearance bond
64 in a specified amount with 10 percent of the amount to be
65 deposited with the clerk of the court, in cash or other
66 security as directed, and ~~10 percent~~ within 30 days of the
67 deposit, the clerk shall remit 10 percent of the deposit ~~shall~~
68 ~~be remitted within 10 days after the deposit~~ to the Lawrence
69 County Commission for ~~deposit~~ distribution to the fund
70 established by Section 45-40-233.73, and ~~that~~ shall return the
71 remainder of the deposit ~~shall be returned by the clerk~~ to the
72 defendant ~~after he or she is discharged~~ upon dismissal of the
73 pending charges or the imposition of sentence after
74 conviction; or

75 (2) Impose any additional condition deemed reasonably
76 necessary to assure appearance as required, including a
77 condition requiring the defendant return to custody after
78 specified hours.

79 ~~(b)~~ (c) In determining which methods and conditions of
80 release will reasonably assure the appearance of a defendant
81 as required or will protect certain individuals or the general
82 public from a defendant who poses a real and present danger,
83 the judge or magistrate, in addition to considering the
84 principles and guidelines set forth in Rules 7.2(a) and 7.3 of



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85 the Alabama Rules of Criminal Procedure, shall bear in mind
86 that the purposes of this subpart are not only to assure the
87 presence of the defendant at trial, but also to assure that
88 all defendants, regardless of financial or social status,
89 shall not needlessly be detained pending appearance to answer
90 charges, or pending appeal, when detention serves neither the
91 ends of justice nor the public interest.

92 ~~(e)~~ (d) All amounts collected under this section shall
93 be paid into the Lawrence County Community Corrections and
94 Court Services Fund, unless payment is otherwise directed by
95 general law.

96 Section 3. Section 45-40-233.81, Code of Alabama 1975,
97 is amended to read as follows:

98 "§45-40-233.81

99 (a) Any municipality in Lawrence County may elect to
100 participate in the programs authorized by this subpart. The
101 election shall be evidenced by a resolution adopted by the
102 governing body of the municipality by which the municipality
103 agrees to participate in the programs authorized by this
104 subpart and to contribute any revenue arising from work
105 release programs authorized by this subpart to the Lawrence
106 County Community Corrections and Court Services Fund.

107 (b) A certified copy of the resolution shall be sent to
108 the Lawrence County Community Corrections and Court Services
109 Commission ~~and the~~ .

110 (c) The election shall be effective on the first day of
111 the ~~calendar~~ fiscal quarter next following delivery of the
112 resolution to the commission.



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113 Section 4. Act 1979-736, 1979 Regular Session (Acts
114 1979, p. 1307), now appearing as Subpart 3, Part 4, Article
115 23, Chapter 40 of Title 45, Code of Alabama 1975, and
116 establishing a rehabilitation board and a work release
117 program, is repealed.

118 Section 5. This act shall become effective on October
119 1, 2026.