

HB60 ENGROSSED



1 HB60
2 3PSDQZE-2
3 By Representative Tillman
4 RFD: Judiciary
5 First Read: 13-Jan-26
6 PFD: 13-Nov-25



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A BILL
TO BE ENTITLED
AN ACT

Relating to criminal and civil procedure; to provide requirements for a court to continue a case when certain parties to the case are absent due to service with the National Guard or Armed Forces of the United States; to provide requirements in criminal cases for bail to be set for a defendant when the state is granted such a continuance, with exceptions; and to require the Alabama Supreme Court to amend its rules accordingly.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) (1) A court, upon motion, shall continue a criminal case when the defendant, the defendant's attorney, the victim, the victim's representative if the victim is unavailable, or the prosecutor is absent from court when the case is called for trial because he or she is on active duty as a member of the National Guard or a reserve or active component of the Armed Forces of the United States.

(2) The movant shall state under oath that the absence is due to service on active duty as a member of the National Guard or a reserve or active component of the Armed Forces of the United States.



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29 (b) A court shall continue a criminal case upon a
30 showing by the prosecution or the defendant that a witness is
31 unavailable because the witness is on active duty as a member
32 of the National Guard or as a member of a reserve or active
33 component of the Armed Forces of the United States if all of
34 the following are established by the movant:

35 (1) The witness is material and necessary.

36 (2) The movant has submitted a request to the proper
37 military authority for the testimony of the witness in
38 accordance with 5 U.S.C. § 301, and any rule or directive
39 adopted or issued by the proper authority pursuant to that
40 section.

41 (3) The provisions of Section 12-21-135.1, Code of
42 Alabama 1975, are not satisfied.

43 (c) (1) Except as provided in subdivisions (2) and (3),
44 in any case in which the prosecution is granted a continuance
45 pursuant to subsection (a) or (b), a court shall set bail upon
46 application by the defendant.

47 (2) For any case in which the defendant is accused of
48 committing a violent offense as defined in Section 12-25-32,
49 Code of Alabama 1975, or a sex offense as defined in Section
50 15-20A-5, Code of Alabama 1975, or for any case in which bail
51 has previously been revoked or denied, the court may set bail.

52 (3) This subsection does not apply to a case when the
53 defendant is charged with committing a capital offense under
54 Section 13A-5-40, Code of Alabama 1975.

55 (d) This section shall apply to a criminal case to
56 which a judge has been appointed pursuant to the Speedy Trial



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57 Act, Article 2 of Chapter 1 of Title 12, Code of Alabama 1975.

58 Section 2. (a) (1) A court shall grant a continuance for
59 good cause shown when a party or his or her counsel of record
60 in a civil case is absent from court when the case is called
61 for trial because the party or counsel of record is on active
62 duty as a member of the National Guard or a reserve or active
63 component of the Armed Forces of the United States, unless the
64 court finds, on the record, that granting the continuance
65 would substantially prejudice another party, unduly burden the
66 administration of justice, or that reasonable alternatives
67 exist to protect the rights of the absent service member.

68 (2) The case may proceed if the party, in the absence
69 of his or her counsel of record, or the counsel of record in
70 the absence of the party, announces ready for trial on the
71 call of the case.

72 (b) A court shall continue a civil case upon a showing
73 by a party that a witness is unavailable because the witness
74 is on active duty as a member of the National Guard or as a
75 member of a reserve or active component of the Armed Forces of
76 the United States if all of the following are established by
77 the movant:

78 (1) The witness is material and necessary.

79 (2) The movant has submitted a request to the proper
80 military authority for the testimony of the witness in
81 accordance with 5 U.S.C. § 301, and any rule or directive
82 adopted or issued by the proper authority pursuant to that
83 section.

84 (3) The provisions of Section 12-21-135.1, Code of



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85 Alabama 1975, are not satisfied.

86 Section 3. It is the intent of the Legislature that,
87 pursuant to Section 150 of the Constitution of Alabama of
88 2022, the Supreme Court of Alabama shall amend its rules to
89 conform with this act.

90 Section 4. This act shall become effective on October
91 1, 2026.



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94 House of Representatives

95 Read for the first time and referred13-Jan-26
96 to the House of Representatives
97 committee on Judiciary
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99 Read for the second time and placed14-Jan-26
100 on the calendar:
101 0 amendments
102
103 Read for the third time and passed10-Mar-26
104 as amended
105 Yeas 105
106 Nays 0
107 Abstains 0
108
109
110 John Treadwell
111 Clerk
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