

HB60 ENROLLED



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



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1 Enrolled, An Act,

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

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

23 (b) A court shall continue a criminal case upon a
24 showing by the prosecution or the defendant that a witness is
25 unavailable because the witness is on active duty as a member
26 of the National Guard or as a member of a reserve or active
27 component of the Armed Forces of the United States if all of
28 the following are established by the movant:



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29 (1) The witness is material and necessary.

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

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

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

41 (2) For any case in which the defendant is accused of
42 committing a violent offense as defined in Section 12-25-32,
43 Code of Alabama 1975, or a sex offense as defined in Section
44 15-20A-5, Code of Alabama 1975, or for any case in which bail
45 has previously been revoked or denied, the court may set bail.

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

49 (d) This section shall apply to a criminal case to
50 which a judge has been appointed pursuant to the Speedy Trial
51 Act, Article 2 of Chapter 1 of Title 12, Code of Alabama 1975.

52 Section 2. (a) (1) A court shall grant a continuance for
53 good cause shown when a party or his or her counsel of record
54 in a civil case is absent from court when the case is called
55 for trial because the party or counsel of record is on active
56 duty as a member of the National Guard or a reserve or active



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57 component of the Armed Forces of the United States, unless the
58 court finds, on the record, that granting the continuance
59 would substantially prejudice another party, unduly burden the
60 administration of justice, or that reasonable alternatives
61 exist to protect the rights of the absent service member.

62 (2) The case may proceed if the party, in the absence
63 of his or her counsel of record, or the counsel of record in
64 the absence of the party, announces ready for trial on the
65 call of the case.

66 (b) A court shall continue a civil case upon a showing
67 by a party that a witness is unavailable because the witness
68 is on active duty as a member of the National Guard or as a
69 member of a reserve or active component of the Armed Forces of
70 the United States if all of the following are established by
71 the movant:

72 (1) The witness is material and necessary.

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

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

80 Section 3. It is the intent of the Legislature that,
81 pursuant to Section 150 of the Constitution of Alabama of
82 2022, the Supreme Court of Alabama shall amend its rules to
83 conform with this act.

84 Section 4. This act shall become effective on October

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85 1, 2026.



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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 10-Mar-26.

John Treadwell
Clerk

Senate

09-Apr-26

Passed