

SB114 INTRODUCED



1 SB114
2 XD3U9ZZ-1
3 By Senator Bell
4 RFD: Veterans, Military Affairs and Public Safety
5 First Read: 13-Jan-26



SYNOPSIS:

Under existing law, an individual may be arrested without a warrant if the individual has been charged in another state with a crime punishable by death or life imprisonment.

This bill would provide that an individual may be arrested without a warrant if the individual has been charged in another state with a felony.

This bill would also authorize out-of-state law enforcement officers to arrest individuals suspected of committing a felony in the officer's home state at the conclusion of a fresh pursuit.

A BILL

TO BE ENTITLED

AN ACT

Relating to criminal procedure; to amend Section 15-9-41, Code of Alabama 1975; to further provide for the conditions under which an individual may be arrested without a warrant; and to add Section 15-9-50 to the Code of Alabama 1975, to authorize arrests by out-of-state law enforcement officers in certain circumstances.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:



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Section 1. Section 15-9-41, Code of Alabama 1975, is amended to read as follows:

"§15-9-41

(a) ~~The arrest of a person may be lawfully made also by an officer or a private citizen~~ An officer or private citizen, without a warrant, may lawfully arrest an individual upon reasonable information that the ~~accused~~ individual stands charged in the courts of another state with any of the following:

(1) a ~~A~~ crime punishable by death ~~or life~~.

(2) A crime punishable by imprisonment ~~in the courts of another state~~ for a term exceeding one year.

(3) Any crime otherwise punishable as a felony.

(b) ~~When so arrested~~ Following an arrest pursuant to subsection (a), the ~~accused arrestee~~ must ~~be taken~~ receive a hearing before a district or circuit court judge with all practicable speed ~~and~~. A complaint must be made against him or her under oath setting forth the ground for the arrest as in Section 15-9-40~~r~~. ~~and thereafter~~ Thereafter, his or her answer shall be heard as if he or she had been arrested on a warrant."

Section 2. Section 15-9-50 is added to the Code of Alabama 1975, to read as follows:

§15-9-50

(a) For the purposes of this section, the following terms have the following meanings:

(1) ARRESTING OFFICER. An officer, employee, or agent of any state or of any political subdivision of a state who is



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required by law to: (i) maintain public order; (ii) make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses; and (iii) investigate the commission or suspected commission of offenses.

(2) FELONY. Any of the following crimes committed in any state:

a. A crime punishable by death.

b. A crime punishable by imprisonment for a term exceeding one year.

c. Any crime otherwise punishable as a felony.

(3) FRESH PURSUIT. a. The term includes, but is not limited to, all of the following:

1. The term as defined by the common law.

2. The pursuit of an individual who has committed a felony or who is reasonably suspected of having committed a felony.

3. The pursuit of an individual suspected of having committed a supposed felony, though no felony has actually been committed, if there is reasonable ground for believing that a felony has been committed.

b. The term does not necessarily imply instant pursuit, but pursuit without unreasonable delay.

(4) POWER TO ARREST. The legal authority to arrest and hold an individual in custody that is equivalent in scope to an Alabama law enforcement officer's authority to arrest and hold in custody an individual believed to have committed a felony in this state.



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(b) Any arresting officer of another state, while engaged in fresh pursuit of an individual believed to have committed a felony in that state, shall have the power to arrest that individual in this state.

(c) Subsection (b) shall not be construed to make any arrest in this state unlawful that would otherwise be lawful.

(d) (1) If an arrest is made in this state pursuant to subsection (b), the arresting officer, without unnecessary delay, shall take the individual before a district or circuit judge for the county in which the arrest was made. The judge shall conduct a hearing to determine the lawfulness of the arrest.

(2)a. If the judge determines that the arrest was lawful, he or she shall commit the individual to custody for a reasonable time to await the issuance of an extradition warrant or admit the individual to bail for the same purpose.

b. If the judge determines that the arrest was not lawful, he or she shall discharge the individual.

Section 3. This act shall become effective immediately.