

**House Judiciary Reported Substitute for HB80**

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5 A BILL

6 TO BE ENTITLED

7 AN ACT

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9 Relating to evictions; to amend Section 6-6-332, Code
10 of Alabama 1975, and to add Section 6-6-338 to the Code of
11 Alabama 1975; to provide certain notices to a tenant during
12 the eviction process; to establish the duties of a sheriff or
13 constable during the execution of a writ of possession; to
14 remove civil liability of officers and others for damages
15 relating to execution of a writ of possession; and to make
16 nonsubstantive, technical revisions to update the existing
17 code language to current style.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. Section 6-6-332, Code of Alabama 1975, is
20 amended to read as follows:

21 "§6-6-332

22 (a) Upon complaint being made, the district judge shall
23 issue a notice to the party against whom the complaint is made
24 to the following effect:

25 The State of Alabama,

26 _____ County.

27 To _____

28 You are hereby commanded to be and appear before me, at



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29 ____ on the ____ day of ____, 2____, to answer to, and make
 30 defense against a complaint exhibited to me against you by
 31 ____ , for a forcible entry and detainer (or for unlawful
 32 detainer, as the case may be).

33 Witness my hand this ____ day of ____, 2____.

34 _____ District Court Judge

35 (b) The notice shall contain the following language:

36 "EVICTION NOTICE. You are being sued for eviction. At
 37 the eviction hearing, the judge will determine if the landlord
 38 is entitled to possession of your rental unit. If the landlord
 39 is granted possession of the rental unit, then you will have
 40 at least seven calendar days from the date of the judgment to
 41 move out or appeal the eviction. If you move out by the date
 42 ordered by the court and leave personal property behind, the
 43 landlord may dispose of such abandoned property without
 44 further notice. The landlord will have no obligation to
 45 preserve the personal property upon removal. If you do not
 46 move out by the date and time ordered by the court, the
 47 landlord may have you removed by law enforcement and the
 48 landlord may remove any personal property remaining on the
 49 premises to the curb or an area designated for garbage. The
 50 landlord will have no obligation to preserve the personal
 51 property upon removal."

52 (c) The notice shall be served on the defendant at
 53 least six days before the return day of the process and may be
 54 served on the defendant anywhere within the state. The return
 55 of the service ~~thereof~~ by any sheriff, special process server,
 56 or constable of the state is sufficient proof of service. ~~or~~

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57 ~~proof of the fact may be made before the judge. Alternatively,~~
58 proof of service may be presented to the judge. A copy of the
59 notice shall be personally served upon the defendant. If the
60 sheriff, special process server, or constable is unable to
61 serve the defendant personally, service may be had by
62 delivering the notice to any person who is sui juris residing
63 on the premises, ~~or if. If,~~ after reasonable effort, ~~no person~~
64 individual is found residing on the premises, service may be
65 made by posting a copy of the notice on the door of the
66 premises, ~~and on.~~ On the same day of posting or by the close
67 of the next business day, the sheriff, the constable, the
68 person filing the complaint, or anyone on behalf of the
69 person, shall mail a copy of the notice of the filing of the
70 unlawful detainer action by ~~enclosing, directing, stamping,~~
71 ~~and mailing by first class~~ first-class mail ~~a copy of the~~
72 ~~notice~~ to the defendant at the mailing address of the
73 premises. ~~and if~~ If there is no mailing address for the
74 premises, notice shall be mailed by first-class mail to the
75 last known address, if any, of the defendant and ~~making an~~
76 ~~entry of this action~~ shall be disclosed on the affidavit filed
77 in the case. Service of the notice by posting shall be
78 complete as of the date of mailing the notice.

79 ~~(c)~~ (d) Upon complaint being made and upon request of
80 the plaintiff to have the notice served on the defendant by a
81 process server other than a sheriff or constable, the court
82 shall, if the process server is qualified under Rule 4-1
83 ~~(b) (2)~~ of the Alabama Rules of Civil Procedure, order the
84 clerk to deliver the notice to the process server for

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85 service."

86 Section 2. Section 6-6-338 is added to the Code of
87 Alabama 1975, to read as follows:

88 \$6-6-338

89 (a) An officer authorized to execute a writ of
90 possession issued pursuant to Section 6-6-337 shall post a
91 written warning of at least 8 1/2 by 11 inches on the exterior
92 of the front door of the rental unit notifying the tenant that
93 the writ has been issued and that the writ will be executed on
94 or after a specific date and time stated in the warning, which
95 date is not sooner than 24 hours after the warning is posted.

96 (b) Upon execution of the writ, the officer shall:

97 (1) Instruct the tenant and all individuals occupying
98 the property to leave the premises immediately;

99 (2) Keep the peace while the plaintiff, owner,
100 landlord, or their authorized agent of the plaintiff, owner,
101 or landlord, changes the locks and removes the personal
102 property of the unlawful occupants from the premises to the
103 curb or property line; and

104 (3) If the tenant or other individuals on the property
105 fail to comply, physically remove them from the premises.

106 (c) An officer may use reasonable force in executing a
107 writ under this section.

108 (d) The following persons are immune from any claim
109 that seeks to impose civil liability for damages to the
110 defendant's property resulting from the execution of a writ in
111 a reasonable manner:

112 (1) Any officer or individual acting under the

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113 officer's supervision and within the line and scope of his or
114 her duties who executes the writ issued by the district court.

115 (2) The plaintiff, owner, or landlord for whom the writ
116 was issued.

117 (3) Any agent of the plaintiff, owner, or landlord for
118 whom the writ was issued.

119 (e) A person described in subsection (d) does not have
120 a duty to store or protect the tenant's property during or
121 after execution of the writ of possession and may dispose of
122 any property remaining on the premises after execution without
123 further notice or legal liability.

124 Section 3. This act shall become effective on June 1,
125 2026.