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3 SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR SB34
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8 SYNOPSIS: Under existing law, a mayor is authorized to
9 remit fines, commute sentences, and pardon a person
10 found guilty of violating a municipal ordinance but
11 a mayor cannot reduce court costs. Additionally, a
12 municipal court judge is authorized to issue arrest
13 warrants and to punish contempt by imposing fines
14 or sentences of imprisonment, or both.

15 This bill would authorize a mayor to remit
16 court costs and authorize any municipal court judge
17 to remit fines, court costs, fees, payments, and
18 other charges in cases where the court determines
19 that a defendant cannot afford to pay the full
20 amount that would otherwise be required by law.

21 This bill would clarify that the authority
22 of the municipal court judge extends to issuing
23 warrants for the failure of a criminal defendant to
24 appear in court and that the willful failure of a
25 defendant to appear may be punishable by contempt,
26 the sentence for which includes fines and
27 imprisonment.

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2 A BILL
3 TO BE ENTITLED
4 AN ACT

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6 To amend Sections 12-14-15 and 12-14-32 of the Code
7 of Alabama 1975, relating to the power of mayors to remit
8 fines and costs and commute sentences imposed by municipal
9 court judges and the general powers of municipal court judges;
10 to authorize a mayor to remit court costs; to provide for the
11 authority of municipal court judges to remit fines, court
12 costs, or other charges upon a showing of indigency; to delete
13 the authority of a mayor to commute sentences for violations
14 of municipal ordinances; and to authorize municipal court
15 judges to issue arrest warrants and hold an accused in
16 contempt of court under certain circumstances when the accused
17 has failed to appear in court.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. Sections 12-14-15 and 12-14-32 of the
20 Code of Alabama 1975, are amended to read as follows:

21 "§12-14-15.

22 "The mayor, or upon a satisfactory showing of
23 indigency, the municipal court judge, may remit any or all
24 fines and such costs as are payable to the municipality and
25 commute sentences imposed by a municipal court or the court to
26 which an appeal was taken for violations of municipal
27 ordinances and, court costs, or other fees, payments, or

1 charges fixed by law upon the conviction of a defendant for
2 violations of municipal ordinances. The mayor may also grant
3 pardons, after conviction, for violation of such ordinances,
4 and he or she shall report his or her action to the council or
5 other governing body at the first regular meeting thereof in
6 the succeeding month with ~~his~~ the reasons therefor in writing.

7 "§12-14-32.

8 "(a) Municipal judges are authorized to issue arrest
9 and search warrants for municipal ordinance violations
10 returnable to the municipal court and for violations of state
11 law returnable to any state court.

12 "(b) A municipal judge may also issue a warrant for
13 the arrest of an accused who fails to appear as required,
14 after having been released conditioned upon his or her
15 appearance at a subsequent official proceeding, either with or
16 without bail or on a judicial public bail, recognizance, or
17 signature bond, including a bond on electronic traffic and
18 non-traffic violations.

19 "(c) No person shall be arrested on a warrant for
20 failure to appear if he or she voluntarily appears before a
21 judicial officer prior to service of the warrant on the person
22 either to request a new court date or to plead guilty to the
23 underlying charged offense or offenses, if applicable. In the
24 event that a person voluntarily appears, the warrant for
25 failure to appear shall be suspended pending his or her
26 appearance as ordered or as otherwise directed by the court.

1 "(d) The accused may also be found in contempt of
2 court for willfully failing to appear as required, provided
3 that no failure to appear shall be considered willful if the
4 defendant subsequently appeared voluntarily under subsection
5 (c). Failure to appear as required by a probation officer as
6 an incident of probation supervision shall not be punishable
7 by contempt."

8 Section 2. This act shall become effective on the
9 first day of the third month following its passage and
10 approval by the Governor, or its otherwise becoming law.