

HB16 INTRODUCED



1 HB16
2 8RYQFF2-1
3 By Representative England
4 RFD: Judiciary
5 First Read: 06-Feb-24
6 PFD: 01-Dec-23



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SYNOPSIS:

Under the Alabama Bail Reform Act of 1993, if cash bail is set by a judicial officer in a criminal proceeding, the defendant or some person on behalf of the defendant is required to deposit the total sum in cash with the court having jurisdiction.

This bill would authorize the court to accept a cash deposit in an amount less than the total sum upon approval of the judicial officer setting the cash bail.

A BILL
TO BE ENTITLED
AN ACT

Relating to the Alabama Bail Reform Act of 1993; to amend Section 15-13-111, Code of Alabama 1975, as amended by Act 2023-476 (2023 Regular Session), to authorize the clerk of the court having jurisdiction over a criminal case to accept a lesser amount of the total cash bail ordered by a judicial officer, upon approval of that officer.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 15-13-111 of the Code of Alabama 1975, as amended by Act 2023-476 (2023 Regular Session), is amended to read as follows:



HB16 INTRODUCED

29 "§15-13-111

30 For persons arrested and taken into custody, there
31 shall be four kinds of bail used in this state. No other form
32 of bail may be approved and accepted by any judicial officer,
33 court clerk, magistrate, or any other person designated to
34 accept and approve bail as stipulated in Division 1, ~~Sections~~
35 ~~15-13-100 to 15-13-110, inclusive~~. The four kinds of bail
36 shall be judicial public bail, cash bail, property bail, and
37 professional surety bail. Their definitions are as follows:

38 (1) CASH BAIL. Cash bail is when the defendant or some
39 person on behalf of the defendant deposits cash in an amount
40 equal to a part or the total sum of the bail as set by the
41 judicial officer to the clerk of the court having jurisdiction
42 over the case. Acceptance of cash bail shall conform to
43 Division 9.

44 (2) JUDICIAL PUBLIC BAIL. Judicial public bail is the
45 release of any defendant without any condition of an
46 undertaking relating to, or a deposit of, security. Judicial
47 public bail shall be granted to persons subjected to custodial
48 arrest only by a judicial officer having jurisdiction over the
49 defendant and in accordance with the procedures established in
50 Division 7.

51 (3) PROFESSIONAL SURETY BAIL. Professional surety bail
52 is when a defendant is released on bail by having a
53 professional surety or professional bail company execute a
54 bond on behalf of the defendant and becoming surety on the
55 bail. Professional surety or professional bail companies shall
56 meet the qualification requirements of Division 10.



HB16 INTRODUCED

57 (4) PROPERTY BAIL. Property bail is when a defendant is
58 released on bail by having at least one or more real property
59 owners that own real property in the state, execute or become
60 bail or surety for the defendant. Real property owners shall
61 qualify and meet requirements applying to property bail as set
62 out in Division 8."

63 Section 2. This act shall become effective on June 1,
64 2024.