

1 HB167
2 126658-1
3 By Representatives Williams (J), Beckman, Long, Henry,
4 Johnson (K), Shiver and Wallace
5 RFD: Judiciary
6 First Read: 03-MAR-11

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8 SYNOPSIS: Currently, there is no statewide law
9 authorizing a magistrate or judge of a municipal
10 court to assess a warrant recall fee against a
11 defendant in order to recall a failure to appear
12 warrant.

13 This bill would allow magistrates and judges
14 of a municipal court to assess such a warrant
15 recall fee of \$100 to be paid when the warrant is
16 recalled.

17 This bill would provide that the proceeds
18 of the fee would be deposited in the municipal
19 corrections fund.

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21 A BILL
22 TO BE ENTITLED
23 AN ACT

24
25 Relating to the operation of municipal courts; to
26 provide for a failure to appear warrant recall fee and to

1 allow a magistrate or judge of a municipal court to recall
2 under certain conditions a failure to appear warrant.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. (a) Notwithstanding any law to the
5 contrary, a judge or a magistrate of a municipal court may
6 assess a defendant with a warrant recall fee that shall be
7 paid in order for the judge or magistrate to recall a failure
8 to appear warrant arising from any municipal ordinance
9 violation against the municipality.

10 (b) The warrant recall fee shall be one hundred
11 dollars (\$100) and is to be paid by the defendant at the time
12 the warrant is recalled.

13 (c) Nothing herein shall be construed to require a
14 magistrate or judge of a municipal court to recall a warrant
15 that has been issued. All orders to recall a warrant shall be
16 issued solely in the discretion of the judge or magistrate.

17 Section 2. All fees received by a municipal court
18 for the warrant recall fee shall be deposited into the
19 municipal corrections fund and allocated pursuant to
20 subsection (a) of Section 11-47-7.1 of the Code of Alabama
21 1975.

22 Section 3. The provisions of this act shall
23 supersede any local law allowing a warrant recall fee.

24 Section 4. This act shall become effective
25 immediately following its passage and approval by the
26 Governor, or its otherwise becoming law.