

1 SB31
2 196833-1
3 By Senator Ward
4 RFD: Judiciary
5 First Read: 05-MAR-19
6 PFD: 02/11/2019

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8 SYNOPSIS: This bill would provide for the voluntary
9 transfer of a case from a municipal court to the
10 county district or circuit court when the defendant
11 qualifies for a pretrial diversion program, mental
12 health court, drug court, veterans' court, or
13 similar program that is offered by the county
14 district or circuit court and not offered by the
15 municipal court.

16 This bill would specify that both the
17 defendant and the municipal court in the case shall
18 retain the right to object to the transfer of the
19 case.

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21 A BILL
22 TO BE ENTITLED
23 AN ACT

24
25 Relating to municipal courts; to provide for the
26 transfer of a municipal court case under certain
27 circumstances.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. (a) The presiding judge of a circuit,
3 upon consultation with the district attorney, may provide for
4 the voluntary transfer of a case from a municipal court of the
5 jurisdiction to the district or circuit court if all of the
6 following apply:

7 (1) The defendant qualifies for a pretrial diversion
8 program, mental health court, drug court, veterans' court, or
9 similar program.

10 (2) The county district or circuit court offers a
11 pretrial diversion program, mental health court, drug court,
12 veterans' court, or similar program.

13 (3) The municipal court does not offer a pretrial
14 diversion program, mental health court, drug court, veterans'
15 court, or similar program.

16 (b) A case transferred under subsection (a) shall
17 become the exclusive jurisdiction of the district and circuit
18 courts and shall be prosecuted under the state law charged by
19 the municipality.

20 (c) Both the municipal court and the defendant shall
21 retain the right to object to a transfer under subsection (a).
22 The case may not be transferred if either the municipal court
23 or the defendant objects.

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