

1 SB232
2 209260-1
3 By Senator Whatley
4 RFD: Judiciary
5 First Read: 11-FEB-21

1
2
3
4
5
6
7
8 SYNOPSIS: Under existing law, unless otherwise
9 specified, a person who violates a provision of the
10 rules of the road is guilty of a Class C
11 misdemeanor and is required to be punished by a
12 fine or imprisonment. The amount of the fine or the
13 length of imprisonment is conditioned on the number
14 of prior convictions within the previous calendar
15 year.

16 This bill would specify that, with
17 exceptions, if a person is arrested for or
18 convicted of a speeding violation, the person may
19 not be placed in jail or imprisoned solely for that
20 arrest or conviction.

21 Amendment 621 of the Constitution of Alabama
22 of 1901, now appearing as Section 111.05 of the
23 Official Recompilation of the Constitution of
24 Alabama of 1901, as amended, prohibits a general
25 law whose purpose or effect would be to require a
26 new or increased expenditure of local funds from
27 becoming effective with regard to a local

1 governmental entity without enactment by a 2/3 vote
2 unless: it comes within one of a number of
3 specified exceptions; it is approved by the
4 affected entity; or the Legislature appropriates
5 funds, or provides a local source of revenue, to
6 the entity for the purpose.

7 The purpose or effect of this bill would be
8 to require a new or increased expenditure of local
9 funds within the meaning of the amendment. However,
10 the bill does not require approval of a local
11 governmental entity or enactment by a 2/3 vote to
12 become effective because it comes within one of the
13 specified exceptions contained in the amendment.

14
15 A BILL
16 TO BE ENTITLED
17 AN ACT
18

19 Relating to motor vehicles; to add Section 32-5A-179
20 to the Code of Alabama 1975, to further provide for certain
21 speeding violations; and in connection therewith would have as
22 its purpose or effect the requirement of a new or increased
23 expenditure of local funds within the meaning of Amendment 621
24 of the Constitution of Alabama of 1901, now appearing as
25 Section 111.05 of the Official Recompilation of the
26 Constitution of Alabama of 1901, as amended.
27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. §32-5A-179.

2 Section 32-5A-179 is added to the Code of Alabama
3 1975, to read as follows:

4 (a) Notwithstanding any provision of law to the
5 contrary, including Section 32-5A-8, and except as otherwise
6 provided in Section 32-5A-178, a person arrested or convicted
7 for a violation of this article may not be jailed or
8 imprisoned solely in connection with the arrest or conviction.

9 (b) Nothing in this section prohibits a person from
10 being jailed or imprisoned for failing to timely appear at a
11 time and place specified in any summons, notice, or e-ticket
12 received by the person at the time of his or her arrest.

13 Section 2. Although this bill would have as its
14 purpose or effect the requirement of a new or increased
15 expenditure of local funds, the bill is excluded from further
16 requirements and application under Amendment 621, now
17 appearing as Section 111.05 of the Official Recompilation of
18 the Constitution of Alabama of 1901, as amended, because the
19 bill defines a new crime or amends the definition of an
20 existing crime.

21 Section 3. This act shall become effective on the
22 first day of the third month following its passage and
23 approval by the Governor, or its otherwise becoming law.