

1 HB460
2 183703-2
3 By Representative Rowe
4 RFD: Judiciary
5 First Read: 04-APR-17

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8 SYNOPSIS: This bill would provide absolute judicial
9 immunity to every magistrate and clerk of the
10 circuit and district courts of this state from any
11 civil lawsuit arising from the exercise of a
12 judicial function of a magistrate.

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14 A BILL
15 TO BE ENTITLED
16 AN ACT

17
18 Relating to immunity of magistrates and clerks; to
19 provide absolute judicial immunity to every magistrate and
20 clerk of the circuit and district courts of this state under
21 certain conditions.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. (a) Notwithstanding any other provision
24 of law to the contrary, every magistrate and clerk of the
25 circuit and district courts of this state shall have absolute
26 judicial immunity from any civil lawsuit that arises from the
27 exercise of a judicial function by a magistrate or clerk.

1 (b) For the purposes of this section, a judicial
2 function is a duty which requires the use of discretion by the
3 magistrate or clerk, including, but not limited to, conducting
4 or executing any of the following:

5 (1) Probable cause hearings and determinations.

6 (2) The issuance and recall of arrest warrants and
7 summonses.

8 (3) Initial appearance hearings.

9 (4) Bail hearings.

10 (5) Any other pretrial release hearing conducted by
11 a circuit or district court magistrate as mandated by statute,
12 the Alabama Rules of Criminal Procedure, or the Alabama Rules
13 of Judicial Administration.

14 (6) Any other law hereinafter enacted by the
15 Legislature.

16 (7) Any other rule hereinafter adopted by the
17 Alabama Supreme Court.

18 Section 2. This act shall become effective
19 immediately following its passage and approval by the
20 Governor, or its otherwise becoming law.