

1 SB281
2 183436-1
3 By Senator Ward
4 RFD: Judiciary
5 First Read: 07-MAR-17

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8 SYNOPSIS: Under existing law, a mayor is authorized to
9 remit fines, commute sentences, and pardon a person
10 found guilty of violating a municipal ordinance but
11 a mayor cannot reduce court costs. Additionally, a
12 municipal court judge is authorized to issue arrest
13 warrants and to punish contempt by imposing fines
14 and sentences of imprisonment, or both.

15 This bill would authorize a mayor to remit
16 court costs and authorize any municipal court judge
17 to remit fines, court costs, fees, payments, and
18 other charges in cases where the court determines
19 that a defendant cannot afford to pay the full
20 amount that would otherwise be required by law.

21 This bill would delete the authority of a
22 mayor to commute sentences.

23 This bill would clarify that the authority
24 of the municipal court judge extends to issuing
25 warrants for the failure of a criminal defendant to
26 appear in court and that the willful failure of a
27 defendant to appear may be punishable by contempt,

1 the sentence for which includes fines and
2 imprisonment.

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4 A BILL
5 TO BE ENTITLED
6 AN ACT

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8 To amend Sections 12-14-15, 12-14-31, and 12-14-32
9 of the Code of Alabama 1975, relating to the power of mayors
10 to remit fines and costs and commute sentences imposed by
11 municipal court judges and the general powers of municipal
12 court judges; to authorize a mayor to remit court costs; to
13 provide for the authority of municipal court judges to remit
14 fines, court costs, or other charges upon a showing of
15 indigency; to delete the authority of a mayor to commute
16 sentences for violations of municipal ordinances; and to
17 authorize municipal court judges to issue arrest warrants and
18 hold an accused in contempt of court under certain
19 circumstances when the accused has failed to appear in court.
20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. Sections 12-14-15, 12-14-31, and 12-14-32
22 of the Code of Alabama 1975, are amended to read as follows:

23 "§12-14-15.

24 "The mayor, or upon a satisfactory showing of
25 indigency, the municipal court judge, may remit any or all
26 ~~fines and such costs as are payable to the municipality and~~
27 ~~commute sentences imposed by a municipal court or the court to~~

1 ~~which an appeal was taken for violations of municipal~~
2 ~~ordinances and , court costs, or other fees, payments, or~~
3 ~~charges fixed by law upon the conviction of a defendant for~~
4 ~~violations of municipal ordinances. The mayor may also grant~~
5 pardons, after conviction, for violation of such ordinances,
6 and he or she shall report his or her action to the council or
7 other governing body at the first regular meeting thereof in
8 the succeeding month with ~~his~~ the reasons therefor in writing.

9 "§12-14-31.

10 "(a) A municipal judge may administer oaths, compel
11 the attendance of witnesses and compel the production of books
12 and papers, punish by fine not exceeding \$50.00 and/or
13 imprisonment not exceeding five days any person found and
14 adjudged to be in contempt of court and shall have power
15 coextensive with the jurisdiction of the district court to
16 issue writs and other process and to approve and declare bonds
17 forfeited. In contempt of court cases brought pursuant to
18 Section 12-14-32(b) or Section 12-19-311(c) and (d), a
19 municipal judge may punish by a fine not exceeding five
20 hundred dollars (\$500).

21 "(b) The municipal judge or, when there is more than
22 one judge in the municipality, the presiding judge shall
23 designate any other municipal officers who shall be authorized
24 to approve appearance and appeal bonds.

25 "§12-14-32.

26 "(a) Municipal judges are authorized to issue arrest
27 and search warrants for municipal ordinance violations

1 returnable to the municipal court and for violations of state
2 law returnable to any state court.

3 "(b) A municipal judge may also issue a warrant for
4 the arrest of an accused who fails to appear as required,
5 after having been released conditioned upon his or her
6 appearance at a subsequent official proceeding, either without
7 bail or on a judicial public bail, recognizance, or signature
8 bond, including a bond on electronic traffic and non-traffic
9 violations. The accused may also be found in contempt of court
10 for knowingly or willfully failing to appear as required,
11 provided that failure to appear as required by a probation
12 officer as an incident of probation supervision shall not be
13 punishable by contempt."

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