

1 HB645
2 168194-1
3 By Representatives Pettus, Standridge and Rowe
4 RFD: Public Safety and Homeland Security
5 First Read: 07-MAY-15

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8 SYNOPSIS: Under existing law, a law enforcement
9 officer may use the electronic uniform non-traffic
10 citation and complaint for certain non-traffic
11 offenses and the ticket is generated in an
12 arresting officer's vehicle via computer.

13 This bill would revise the requirement of
14 verification or swearing of electronic traffic and
15 electronic non-traffic tickets issued by law
16 enforcement officers to provide that the electronic
17 transmission to an appropriate clerk of court of
18 the contents of the ticket with the officer's
19 unique identification for the transmission
20 constitutes the officer's declaration that the
21 officer is making a verified complaint.

22
23 A BILL
24 TO BE ENTITLED
25 AN ACT
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1 To amend Sections 12-12-60 and 32-1-4, Code of
2 Alabama 1975, relating to electronic traffic and non-traffic
3 tickets, to revise the requirement of verification or swearing
4 of electronic traffic and electronic non-traffic tickets; to
5 provide that the electronic transmission to an appropriate
6 clerk of court of the contents of the ticket with the
7 officer's unique identification for the transmission
8 constitutes the officer's declaration that the officer is
9 making a verified complaint.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. Sections 12-12-60 and 32-1-4, Code of
12 Alabama 1975, are amended to read as follows:

13 "§12-12-60.

14 "(a) (1) Whenever any person is arrested for a
15 violation of any non-traffic offense enumerated in Rule 20,
16 Appendix B of the Alabama Rules of Judicial Administration, as
17 adopted by the Supreme Court of Alabama, the arresting
18 officer, unless otherwise provided in this section, shall take
19 the name and address of the person and the license number or
20 identification number of his or her motor vehicle or vessel,
21 as appropriate, and shall issue a summons or otherwise notify
22 him or her in writing to appear at a time and place to be
23 specified in such summons, notice, or electronic uniform
24 non-traffic citation and complaint (eUNTCC). A law enforcement
25 officer who files the ticket electronically shall be
26 considered to have certified the ticket and the officer has
27 the same rights, responsibilities, and liabilities as with all

1 other tickets issued pursuant to this section. The electronic
2 transmission to an appropriate clerk of court of the contents
3 of the ticket with the officer's unique identification for the
4 transmission constitutes the officer's declaration that the
5 officer is making a verified complaint that the ticket is true
6 and correct regarding the person named as defendant therein
7 and no other verification or certification shall be necessary.

8 "(2) For purposes of this section, eUNTCC means a
9 ticket that is electronically generated and printed at the
10 site of a violation. Only violations enumerated in Rule 20,
11 Appendix B of the Alabama Rules of Judicial Administration may
12 be electronically transmitted to the court.

13 "(3) The eUNTCC may also be used to initiate the
14 summons and complaint process pursuant to the Alabama Rules of
15 Criminal Procedure in a printed form wherein it is processed
16 by the court as is any other written ticket not otherwise
17 transmitted electronically.

18 "(4) The person arrested, if he or she so desires,
19 shall have a right to a hearing within 24 hours at a
20 convenient time before a magistrate within the county or city
21 where the arrest occurred, or if an eUNTCC is written, the
22 person may have a hearing within 24 hours at a convenient time
23 before any magistrate in this state. In enforcing this
24 section, a law enforcement agency may require a sufficient
25 written court appearance bond of the arrested person.

26 "(5) Except when an arresting officer cites a person
27 with an eUNTCC, the arresting officer, upon the giving by the

1 person of a sufficient written bond approved by the arresting
2 officer to appear at such time and place, forthwith shall
3 release the person from custody. Except when an arresting
4 officer cites a person with an eUNTCC, a person refusing to
5 give bond to appear shall be taken immediately by the
6 arresting officer before the nearest or most accessible
7 magistrate. When an eUNTCC is used by an arresting officer,
8 the person, upon accepting a written copy of the eUNTCC, shall
9 be deemed, without signature, to have given his or her written
10 bond to appear in court on the date specified on the eUNTCC. A
11 person refusing to accept a written copy of the eUNTCC shall
12 be deemed to be refusing to give bond to appear and the person
13 shall be taken immediately by the arresting officer before the
14 nearest or most accessible magistrate.

15 "(6) Any person who, not having pled guilty as
16 provided in Rule 20 (E) (1) of the Alabama Rules of Judicial
17 Administration, willfully violates his or her written bond by
18 failing to timely appear shall be guilty of a misdemeanor
19 regardless of the disposition of the charge upon which he or
20 she was originally arrested.

21 "(b) This section shall not apply to any of the
22 following and the arresting officer shall take the person
23 forthwith to the nearest or most accessible magistrate:

24 "(1) A person arrested and charged with an offense
25 involving, causing, or contributing to an accident resulting
26 in injury or death.

1 "(2) A person charged with driving or operating a
2 vehicle or vessel while under the influence.

3 "(3) A person who the arresting officer has good
4 cause to believe has committed a felony.

5 "(c) Any officer violating this section shall be
6 guilty of misconduct in office and shall be subject to removal
7 from office.

8 "§32-1-4.

9 "(a) (1) Whenever any person is arrested for a
10 violation of any provision of this title punishable as a
11 misdemeanor, the arresting officer shall, unless otherwise
12 provided in this section, take the name and address of such
13 person and the license number of his or her motor vehicle, and
14 shall issue a summons or otherwise notify him or her in
15 writing or by an electronic traffic ticket or e-ticket to
16 appear at a time and place to be specified in such summons,
17 notice, or e-ticket.

18 "(2) An electronic traffic ticket or e-ticket, for
19 purposes of this chapter, is defined as a ticket that is
20 generated and printed at the site of a traffic violation after
21 a violation has been electronically transmitted to the court.
22 An arresting officer transfers arrest and licensing
23 information of a violator electronically to the court. The
24 court electronically records the arrest and issues a complaint
25 and summons or notice to appear, which is printed at the site
26 of the offense, and given to the violator. A law enforcement
27 officer who files the ticket electronically shall be

1 considered to have certified the ticket and the officer has
2 the same rights, responsibilities, and liabilities as with all
3 other tickets issued pursuant to this section. The electronic
4 transmission to an appropriate clerk of court of the contents
5 of the ticket with the officer's unique identification for the
6 transmission constitutes the officer's declaration that the
7 officer is making a verified complaint that the ticket is true
8 and correct regarding the person named as defendant therein
9 and no other verification or certification shall be necessary.

10 "(3) The person arrested, if he or she so desires,
11 shall have a right to an immediate hearing or a hearing within
12 24 hours at a convenient hour before a magistrate within the
13 county or city where such offense was committed, or if an
14 e-ticket is written, the person shall have a right, if he or
15 she desires, to an immediate hearing or a hearing within 24
16 hours at a convenient hour before any magistrate within this
17 state. Except when an arresting officer cites a person with an
18 e-ticket, the officer shall, upon the giving by such person of
19 a sufficient written bond, approved by the arresting officer,
20 to appear at such time and place, forthwith release the person
21 from custody.

22 "(4) Except when an arresting officer cites a person
23 with an e-ticket, a person refusing to give bond to appear
24 shall be taken immediately by the arresting officer before the
25 nearest or most accessible magistrate. When an e-ticket is
26 used by an arresting officer, a person shall be deemed to have

1 given his or her written bond to appear in court on the date
2 as specified on the e-ticket.

3 "(5) Any person who willfully violates his or her
4 written bond by failing to timely appear shall be guilty of a
5 misdemeanor regardless of the disposition of the charge upon
6 which he or she was originally arrested.

7 "(b) ~~The provisions of this~~ This section shall not
8 apply to any person arrested and charged with an offense
9 causing or contributing to an accident resulting in injury or
10 death to any person nor to any person charged with driving
11 while under the influence of intoxicating liquor or of
12 narcotic or other drugs nor to any person whom the arresting
13 officer shall have good cause to believe has committed any
14 felony, and the arresting officer shall take such person
15 forthwith before the nearest or most accessible magistrate.

16 "(c) Any officer violating ~~any of the provisions of~~
17 this section shall be guilty of misconduct in office and shall
18 be subject to removal from office."

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