

1 HB170
2 156283-1
3 By Representative Williams (J)
4 RFD: Judiciary
5 First Read: 14-JAN-14

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8 SYNOPSIS: Currently, there is no statewide law
9 authorizing a magistrate or judge of a municipal
10 court to assess a warrant recall fee against a
11 defendant in order to recall a failure to appear
12 warrant.

13 This bill would allow magistrates and judges
14 of a municipal court to assess such a warrant
15 recall fee of \$100 to be paid when the warrant is
16 recalled.

17 This bill would provide that the proceeds
18 of the fee would be deposited in the municipal
19 corrections fund.

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21 A BILL
22 TO BE ENTITLED
23 AN ACT

24
25 Relating to municipal courts; to provide for a
26 failure to appear warrant recall fee and to allow a magistrate

1 or judge of a municipal court to recall under certain
2 conditions a failure to appear warrant.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. (a) Notwithstanding any law to the
5 contrary, a judge or a magistrate of a municipal court may
6 assess a defendant with a warrant recall fee that shall be
7 paid in order for the judge or magistrate to recall a failure
8 to appear warrant arising from any municipal ordinance
9 violation against the municipality.

10 (b) The warrant recall fee shall be one hundred
11 dollars (\$100) and is to be paid by the defendant at the time
12 the warrant is recalled.

13 (c) Nothing herein shall be construed to require a
14 magistrate or judge of a municipal court to recall a warrant
15 that has been issued. All orders to recall a warrant shall be
16 issued solely in the discretion of the judge or magistrate.

17 Section 2. All fees received by a municipal court
18 for the warrant recall fee shall be deposited into the
19 municipal corrections fund and allocated pursuant to
20 subsection (a) of Section 11-47-7.1 of the Code of Alabama
21 1975.

22 Section 3. The provisions of this act shall not
23 supersede any local law allowing a warrant recall fee in the
24 municipality in effect on the effective date of this act. The
25 warrant recall fee authorized by this act shall be collected
26 only in municipalities that have not provided by local law for
27 the collection of a warrant recall fee.

1 Section 4. This act shall become effective
2 immediately following its passage and approval by the
3 Governor, or its otherwise becoming law.