

HB386 INTRODUCED



1 HB386
2 SUU9587-1
3 By Representative Treadaway (N & P)
4 RFD: Jefferson County Legislation
5 First Read: 02-Apr-24



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4 A BILL
5 TO BE ENTITLED
6 AN ACT
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9 Relating to Jefferson County; to confirm the power of
10 the Sheriff of Jefferson County to appoint reserve deputies to
11 assist in performing and executing Writs of Possession or
12 Writs of Restitution or similar actions involving the seizure
13 or securing of real property under emergency conditions in the
14 county; to provide for the payment of a fee to the reserve
15 deputy by private parties for services provided pursuant to
16 this bill; and to provide for training of reserve deputies
17 prior to executing the writs.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. A new Part 7 is added to Title 45, Chapter
20 37, Article 23 of the Code of Alabama 1975, consisting of
21 Sections 45-37-236 to 45-37-236.3 to read as follows:

22 PART 7. RESERVE DEPUTIES

23 §45-37-236. Definitions.

24 For the purposes of this part, the following words have
25 the following meanings:

26 (1) EMERGENCY WRIT CONDITION. Any time as determined by
27 the sheriff, when there are more than two hundred fifty Writs
28 of Possession or Writs of Execution issued and unexecuted in



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the county.

(2) RESERVE DEPUTY. A reserve deputy appointed by the sheriff who meets the following qualifications:

a. Is currently certified by the Alabama Peace Officers' Standards and Training Commission.

b. Is not employed by the Jefferson County Sheriff's Department at the time of appointment and service.

c. Is trained by the Jefferson County Sheriff for special assignment to perform duties consistent with this part.

(3) WRIT OF EXECUTION or WRIT OF POSSESSION. A lawful writ issued by the Circuit or District Court Clerk of Jefferson County relating to the seizure or securing of real property located in the county.

§45-37-236.1. Power of Jefferson County Sheriff to appoint Reserve Deputies to Execute Writs of Possession or Writs of Execution.

(a) In an emergency writ condition, the Jefferson County Sheriff may appoint and deputize reserve deputies to assist in the execution of Writs of Possession or Writs of Execution or similar actions involving the seizure or securing of real property.

(b) Any duly appointed and deputized reserve deputy shall perform duties under this part upon request by the Jefferson County Sheriff when requested to serve a writ duly issued by the Jefferson County Circuit or District Clerk.

(c) Upon execution of the writ, the reserve deputy shall make return on the writ as normally completed by the



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sheriff and return the writ to the court clerk.

(d) In exercising powers and duties pursuant to this part, the reserve deputy shall be entitled to the same immunities and legal protections provided to reserve deputies under Section 36-22-3, Code of Alabama 1975, as long as the reserve deputy is acting within the line and scope of his or her duties and is acting in compliance with law.

§45-37-236.2. Payment of fees by Private Parties to Reserve Deputies for Executing Writs.

(a) For execution and return of writs under this part, notwithstanding any other provision of law, a reserve deputy in Jefferson County may be paid a fee by the property owner for execution of the writ. The fee shall not exceed two hundred fifty dollars (\$250) for each writ executed.

(b) The fee provided for in this section shall be paid directly to the reserve deputy by the property owner without the submission of a certified statement to the court clerk and the reserve deputy shall receive no funds from the county treasury for the services.

(c) The fee provided for in this section shall not be payable by the property owner unless proper return is made upon the writ and the writ is returned to the court clerk.

(d) The Jefferson County Sheriff shall not receive any fee related to the service, except as otherwise authorized by law.

§45-37-236.3 Training Required for Reserve Deputies.

(a) Prior to the Jefferson County Sheriff delivering a writ to a reserve deputy for execution as provided for in this



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part, the sheriff shall require the reserve deputy to successfully do the following:

(1) Submit proof that the reserve deputy is certified by the Alabama Peace Officers' Standards and Training Commission.

(2) Complete training by the Jefferson County Sheriff's Department on the legal and proper procedures for the execution of writs of execution or possession.

(b) The sheriff shall establish a training program and provide any necessary documentation or certification to prove the completion of the training required in this section. The sheriff shall require the training to be renewed by the reserve deputy at least every three years, or sooner if required by the sheriff.

(c) The sheriff may charge each reserve deputy a fee, set by the sheriff, for the training and certification of completion of the training.

Section 2. This act shall supersede Act 592 of the 1967 Regular Session (Acts 1967, p. 1378), providing for the appointment of reserve deputy sheriffs in Jefferson County, to the extent of any conflict.

Section 3. This act shall become effective on June 1, 2024.