

1 59800-2 : g : 09/24/2003 : House GFA / KD

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3 HB36 HOUSE GOVERNMENT FINANCE AND APPROPRIATIONS COMMITTEE
4 ENGROSSED SUBSTITUTE

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10 A BILL
11 TO BE ENTITLED
12 AN ACT

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14 Relating to the execution of warrants or writs of
15 arrest; to amend Section 15-10-10, Code of Alabama 1975, to
16 provide that an arrest warrant from another county or
17 municipality may be executed by any law enforcement officer in
18 this state; to amend Section 15-10-11, Code of Alabama 1975,
19 relating to a warrant issued by a municipal court, to allow
20 any law enforcement officer in this state to pursue a
21 defendant and execute a warrant or writ in another county,
22 municipality, or jurisdiction; and to amend Section 15-10-13
23 of the Code of Alabama 1975, to provide that neither the
24 sheriff, his or her designee, nor a local officer involved in
25 the arrest will be liable if it later appears that the warrant
26 or writ was illegally issued, that notice of the warrant on

1 the named person was erroneous, or that the person having the
2 warrant was not authorized to execute it.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Sections 15-10-10, 15-10-11, and
5 15-10-13, Code of Alabama 1975, are amended to read as
6 follows:

7 "§15-10-10.

8 "A warrant or writ of arrest ~~shall~~ may be executed
9 in the county in which it was issued, unless the defendant is
10 in another county. When the defendant is in another county, it
11 may be executed therein by any lawful law enforcement officer
12 having the warrant or writ. on a written endorsement on the
13 warrant by a judge or magistrate of that county signed by him,
14 to the following effect: "This warrant may be executed in
15 _____ county." The law enforcement officer may request
16 the summons of persons to assist in making the arrest and may
17 exercise the same authority as the officer possesses in his or
18 her own county, municipality, or jurisdiction.

19 "§15-10-11.

20 "Any ~~lawful~~ law enforcement officer, having a
21 warrant or writ of arrest issued by a municipal court to
22 execute, may pursue the defendant into another county,
23 municipality, or jurisdiction and may execute the warrant or
24 writ pursuant to Section 15-10-10. and, on obtaining a signed
25 endorsement on the warrant by an officer of that county
26 authorized to issue such a warrant, to the following effect:
27 "A. B. is authorized to execute this warrant in _____

1 county," may summon persons to assist him in making the
2 arrest, and exercise the same authority as in his own county.

3 "§15-10-13.

4 "(a) ~~The endorsement of a judge or magistrate,~~
5 ~~according to the provisions of Sections 15-10-10 and 15-10-11,~~
6 ~~must not be made unless he is satisfied from his own knowledge~~
7 ~~or from the oral or written statement, on oath, of some~~
8 ~~credible persons, proving the handwriting of the judge or~~
9 ~~magistrate issuing the arrest warrant, in the one case, and in~~
10 ~~the other, that the person in pursuit is an officer authorized~~
11 ~~to make the arrest in the county in which the warrant or writ~~
12 ~~of arrest was issued.~~

13 "~~(b) No judge or magistrate law enforcement officer,~~
14 ~~sheriff, or designee involved in the execution of the arrest~~
15 ~~warrant or writ of arrest, having complied with the provisions~~
16 ~~of Sections 15-10-10 and 15-10-11 subsection (a) of this~~
17 ~~section, is liable to any indictment or action for making such~~
18 ~~endorsement, executing the warrant or writ or for the~~
19 ~~detainment, custody, or arrest although it may afterwards~~
20 ~~appear that such the warrant or writ was illegally issued or~~
21 ~~that the information provided concerning the notice of the~~
22 ~~warrant or writ on the named person was erroneous or that the~~
23 ~~person was not authorized to execute the same."~~

24 Section 2. All proceedings pending and all rights
25 and liabilities existing, acquired, or incurred on the
26 effective date of this act may be consummated according to law
27 in force when they were commenced. This act shall not be

1 construed to affect any prosecution pending before the
2 effective date of this act.

3 Section 3. This act shall become effective on the
4 first day of the third month following its passage and
5 approval by the Governor, or its otherwise becoming law.