

SB119 ENROLLED



1 SB119
2 J5WHNNN-3
3 By Senator Barfoot
4 RFD: Judiciary
5 First Read: 05-Feb-25



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Enrolled, An Act,

Relating to firearms; to amend Sections 13A-11-61, 13A-11-72, 15-13-3, 15-22-32, and 15-22-54, Code of Alabama 1975; to add Section 13A-11-72.2, Code of Alabama 1975; to further provide for the list of persons prohibited from possessing a firearm; to prohibit firearm possession by a person charged with certain felony offenses when the person has been released pending or during trial; to provide affirmative defenses; to provide criminal penalties for a violation; to increase the penalty for the offense of discharging a firearm into an occupied dwelling, building, or other designated space; to provide grounds for revoking probation or parole upon possession of a firearm; to provide for additional offenses that would allow a judge to deny bail under certain circumstances; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Section 111.05 of the Constitution of Alabama of 2022.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 13A-11-72, Code of Alabama 1975, is amended to read as follows:

"§13A-11-72

(a) (1) ~~No person who has been convicted in this state or elsewhere of committing or attempting to commit a crime of violence, misdemeanor offense of domestic violence, violent offense as listed in Section 12-25-32(15), anyone who is~~



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~~subject to a valid protection order for domestic abuse, or~~
~~anyone of unsound mind shall own a firearm or have one in his~~
~~or her possession or under his or her control. A person may~~
not own a firearm or have a firearm in his or her possession
or under his or her control if any of the following apply:

a. The person has been convicted in this state or
elsewhere of any kind of felony offense within the previous
five years.

b. The person has been convicted in this state or
elsewhere of three or more felony offenses of any kind at any
time; provided the felony offense convictions used to support
a charge under this paragraph each arose from a different
indictment or complaint or otherwise arose on a different date
of charge.

c. The person has been convicted in this state or
elsewhere of committing or attempting to commit a crime of
violence as defined in Section 13A-11-70, misdemeanor offense
of domestic violence as defined in subsection (h), or a
violent offense as defined in Section 12-25-32.

d. The person is subject to a valid protection order
for domestic abuse.

e. The person is of unsound mind.

(2) A violation of this subsection is a Class C felony.

(3) It shall be an affirmative defense to a prosecution
under this subsection that the defendant has received a pardon
pursuant to Section 15-22-36 which expressly restores the
defendant's right to possess a firearm as to each conviction
supporting the prosecution.



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(b) (1) No person who is a minor, except under the circumstances provided in this section, an habitual drunkard, or who has a drug addiction shall own a pistol or have one in his or her possession or under his or her control.

(2) A violation of this subsection is a Class A misdemeanor.

(c) (1) No person who is an alien and is illegally or unlawfully in the United States or has been admitted to the United States under a nonimmigrant visa as defined in 8 U.S.C § 1101(a) (26), provided no exception to this subsection as listed in 18 U.S.C § 922(y) (2) applies, shall own a pistol or other firearm or have one in his or her possession or under his or her control.

(2) A violation of this subsection is a Class C felony.

(d) (1) Subject to the exceptions provided by Section 13A-11-74, no person shall knowingly with intent to do bodily harm carry or possess a deadly weapon on the premises of a ~~public~~ school.

(2) A violation of this subsection is a Class C felony.

(e) School security personnel and school resource officers qualified under Section 16-1-44.1(a), employed by a local board of education, and authorized by the employing local board of education to carry a deadly weapon while on duty are exempt from subsection (d). Law enforcement officers are exempt from this section, and persons with permits issued pursuant to Section 13A-11-75, are exempt from subsection (d).

(f) A person shall not be in violation of Section 13A-11-57 or 13A-11-76 and a minor shall not be in violation



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85 of this section if the minor has permission to possess a
86 pistol from a parent or legal guardian who is not prohibited
87 from possessing a firearm under state or federal law, and any
88 of the following are satisfied:

89 (1) The minor is attending a hunter education course or
90 a firearms safety course under the supervision of an adult who
91 is not prohibited from possessing a firearm under state or
92 federal law.

93 (2) The minor is engaging in practice in the use of a
94 firearm or target shooting at an established range under the
95 supervision of an adult who is not prohibited from possessing
96 a firearm under state or federal law.

97 (3) The minor is engaging in an organized competition
98 involving the use of a firearm or participating in or
99 practicing for a performance by an organized group under 26
100 U.S.C. § 501(c)(3) which uses firearms as part of the
101 performance.

102 (4) The minor is hunting or fishing pursuant to a valid
103 license, if required, and the person has the license in his or
104 her possession; has written permission of the owner or legal
105 possessor of the land on which the activities are being
106 conducted; and the pistol, when loaded, is carried only in a
107 manner discernible by ordinary observation.

108 (5) The minor is on real property under the control of
109 the minor's parent, legal guardian, or grandparent.

110 (6) The minor is a member of the armed services or
111 National Guard and the minor is acting in the line of duty.

112 (7) The minor is traveling by motor vehicle to any of



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the locations or activities listed in subdivisions (1) through (6), has written permission to possess the pistol or firearm by his or her parent or legal guardian, and the pistol or firearm is unloaded, locked in a compartment or container that is in or affixed securely to the motor vehicle, and is out of reach of the driver and any passenger in the motor vehicle.

(g) This section does not apply to a minor who uses a pistol or other firearm while acting in self-defense of himself, herself, or other persons against an intruder into the residence of the minor or a residence in which the minor is an invited guest.

(h) For the purposes of this section, the following terms have the following meanings:

(1) CONVICTED. a. Means a person was represented by counsel in the case, or knowingly and intelligently waived the right to counsel in the case if required by law, and either the case was tried before a judge, tried by a jury, or the person knowingly and intelligently waived the right to have the case tried, by guilty plea or otherwise.

b. A person is not considered to have been convicted for the purposes of this section if the person is not considered to have been convicted in the jurisdiction in which the proceedings were held or the conviction has been expunged, set aside, or is of an offense for which the person has been pardoned or has had his or her civil rights restored, unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.



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(2) DEADLY WEAPON. A firearm or anything manifestly designed, made, or adapted for the purposes of inflicting death or serious physical injury, and the term includes, but is not limited to, a bazooka, hand grenade, missile, or explosive or incendiary device; a pistol, rifle, or shotgun; or a switch-blade knife, gravity knife, stiletto, sword, or dagger; or any club, baton, billy, black-jack, bludgeon, or metal knuckles.

(3) MISDEMEANOR OFFENSE OF DOMESTIC VIOLENCE. A misdemeanor offense that has, as its elements, the use or attempted use of physical force or the threatened use of a dangerous instrument or deadly weapon, and the victim is a current or former spouse, parent, step-parent, child, step-child, grandparent, step-grandparent, grandchild, step-grandchild, any person with whom the defendant has a child in common, or a present or former household member, or a person who has or had a dating relationship with the defendant.

~~(4) PUBLIC~~ (5) SCHOOL. A school composed of grades K-12 and shall include a school bus used for grades K-12.

~~(5) (4) QUALIFIED INDIVIDUAL. A spouse or former spouse of the person, an individual who is a parent of a child of the person, A victim as defined in Section 30-5-2 or an individual who cohabitates or has cohabited with the person.~~

(6) SCHOOL RESOURCE OFFICER. An Alabama Peace Officers' Standards and Training Commissioner-certified law enforcement officer employed by a law enforcement agency who is specifically selected and specially trained for the school



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169 setting.

170 (7) UNSOUND MIND. Includes any person who is subject to
171 any of the findings listed below, and who has not had his or
172 her rights to possess a firearm reinstated by operation of law
173 or legal process:

174 a. Found by a court, board, commission, or other lawful
175 authority that, as a result of marked subnormal intelligence,
176 mental illness, incompetency, condition, or disease, is a
177 danger to himself, herself, or others or lacks the mental
178 capacity to contract or manage his or her own affairs.

179 b. Found to be insane, not guilty by reason of mental
180 disease or defect, found mentally incompetent to stand trial,
181 or found not guilty by a reason of lack of mental
182 responsibility by a court in a criminal case, to include
183 state, federal, and military courts.

184 c. Involuntarily committed for a final commitment for
185 inpatient treatment to the Department of Mental Health or a
186 Veterans' Administration hospital by a court after a hearing.

187 (8) VALID PROTECTION ORDER. An order issued after a
188 hearing of which the person received actual notice, and at
189 which the person had an opportunity to participate, that does
190 either of the following:

191 a. Restrains the person from harassing, stalking, or
192 threatening a qualified individual or child of the qualified
193 individual or person or engaging in other conduct that would
194 place a qualified individual in reasonable fear of bodily
195 injury to the individual or child and that includes a finding
196 that the person represents a credible threat to the physical



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safety of the qualified individual or child.

b. By its terms, explicitly prohibits the use, attempted use, or threatened use of physical force against the qualified individual or child that would reasonably be expected to cause bodily injury.

"

Section 2. Section 13A-11-72.2 is added to the Code of Alabama 1975, to read as follows:

"§13A-11-72.2

(a) It shall be unlawful for any person to knowingly have a firearm in his or her possession or under his or her control when the person has been charged with committing or attempting to commit a crime of violence as defined in Section 13A-11-70, misdemeanor offense of domestic violence as defined in Section 13A-11-72, or violent offense as listed in Section 12-25-32(15), and thereafter has been released pending or during trial.

(b) Unless waived by the defendant, a person may not be convicted of violating this section unless the person is first convicted of the crime of violence as defined in Section 13A-11-70, misdemeanor offense of domestic violence as defined in Section 13A-11-72, or violent offense listed in Section 12-25-32(15), or a lesser included offense, which gave rise to the charge and for which the person was released pending or during trial.

(c) A person who violates this section shall be guilty of a Class C felony."



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Section 3. Sections 13A-11-61, 15-22-32, and 15-22-54, Code of Alabama 1975, are amended to read as follows:

"§13A-11-61

(a) No person shall shoot or discharge a firearm, explosive or other weapon ~~which~~ that discharges a dangerous projectile into any occupied or unoccupied dwelling, ~~or~~ building, ~~or~~ railroad locomotive, ~~or~~ railroad car, aircraft, automobile, truck, or watercraft ~~in this state~~.

(b) Any person who commits an act prohibited by subsection (a) with respect to an occupied dwelling, ~~or~~ building, ~~or~~ railroad locomotive, ~~or~~ railroad car, aircraft, automobile, truck, or watercraft shall be ~~deemed~~ guilty of a Class ~~B~~ A felony ~~as defined by the state criminal code, and upon conviction, shall be punished as prescribed by law.~~

(c) Any person who commits any act prohibited by subsection (a) ~~hereof~~ with respect to an unoccupied dwelling, ~~or~~ building, ~~or~~ railroad locomotive, ~~or~~ railroad car, aircraft, automobile, truck, or watercraft shall be ~~deemed~~ guilty of a Class C felony ~~as defined by the state criminal code, and upon conviction, shall be punished as prescribed by law.~~

"§15-22-32

(a) Whenever there is reasonable cause to believe that a prisoner who has been paroled has violated his or her parole, the Board of Pardons and Paroles, at its next meeting, may declare the parolee to be delinquent, and time owed shall date from the delinquency. The Department of Corrections, after receiving notice from the sheriff of the county jail



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where the parolee is being held, shall promptly notify the board of the return of a parolee charged with violation of his or her parole. The board, a single member of the board, a parole revocation hearing officer, or a designated parole officer shall hold a parole court and consider the case of the parole violator. The parolee shall be afforded all rights provided in subdivision (f)(1). The parole court shall determine whether sufficient evidence supports the violation charges. Except as provided in subparagraph (f)(1)a.2., if a hearing is not held within 20 business days, the parolee shall be released back to parole supervision.

(b) Upon finding sufficient evidence to support a parole violation, the parole court may recommend to the board revocation or reinstatement of parole, and the board may take any of the following actions:

(1)a. If the underlying offense was a violent offense as defined in Section 12-25-32 and classified as a Class A felony, a sex offense pursuant to Section 15-20A-5, possession of a firearm by a person forbidden from firearm possession pursuant to Section 13A-11-72, or aggravated theft by deception pursuant to Section 13A-8-2.1, the board shall revoke parole and require the parolee to serve the balance of the term for which he or she was originally sentenced, or any portion thereof, in a state prison facility, calculated from the date of his or her rearrest as a delinquent parolee.

b. If the parole violation was for absconding, possessing a firearm, or being arrested or convicted of a new offense, ~~or absconding~~, the board may revoke parole and



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require the parolee to serve the balance of the term for which he or she was originally sentenced, or any portion thereof, in a state prison facility, calculated from the date of his or her rearrest as a delinquent parolee.

c. For all other parolees, the board may impose a period of confinement of no more than 45 consecutive days to be served in a residential transition center established pursuant to Section 15-22-30.1 or a consenting county jail designated for this purpose as provided in Section 14-1-23. The parolee shall be held in the county jail of the county in which the violation occurred while awaiting the revocation hearing. The Department of Corrections shall reimburse the state mileage rate to the county, as determined by the Alabama Comptroller's Office, for any state inmate charged with, or sanctioned or revoked for, a parole violation and who is transferred to or from a Department of Corrections facility or to or from a consenting county jail by the county.

(2) Upon completion of the confinement period and release from confinement, the parolee shall automatically continue on parole for the remaining term of the sentence without further action from the board. The parole court may not recommend and the board may not revoke parole unless the parolee has previously received a total of three periods of confinement under this subsection. A parolee shall receive only three total periods of confinement pursuant to this subsection. The maximum 45-day term of confinement ordered pursuant to this subsection shall be reduced by any time served in custody prior to the imposition of the period of



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309 confinement and shall be credited to the balance of the
310 incarceration term for which the parolee was originally
311 sentenced. In the event the time remaining on parole
312 supervision is 45 days or less, the term of confinement may
313 not exceed the remainder of the parolee's sentence.

314 (3) The total time spent in confinement under this
315 subsection may not exceed the term of the parolee's original
316 sentence.

317 (4) Confinement shall be immediate. The board shall
318 ensure that the Department of Corrections, a county jail, a
319 residential transition center, or a consenting county jail
320 receives necessary documentation for imposing a period of
321 confinement within five business days of the board's action.

322 (5) If the parolee is presented to a county jail,
323 excluding a consenting county jail designated for this
324 purpose, as provided in Section 14-1-23, for any period of
325 confinement with a serious health condition, if the admittance
326 of the parolee would create a security risk to the county
327 jail, or if the county jail is near, at, or over capacity, the
328 sheriff may refuse to admit the parolee. If, while in custody
329 of the county jail, the parolee develops a serious health
330 condition, if the presence of the parolee creates a security
331 risk to the county jail, or if the county jail reaches near,
332 at, or over capacity, the sheriff may release the parolee upon
333 notification to the parole officer. A sheriff and employees in
334 the county jail shall be immune from liability for exercising
335 discretion pursuant to Section 36-1-12 in refusing to admit a
336 parolee into the jail or releasing a parolee from jail



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pursuant to this subdivision.

(c) The position of Parole Revocation Hearing Officer is created and established, subject to the state Merit System.

(d) The board may appoint or employ hearing officers who shall conduct a parole court. The hearing officers shall determine the sufficiency of evidence to support parole violation charges and recommend to the board revocation of parole pursuant to subsection (b) or reinstatement of parole.

(e) In lieu of subsections (a) and (b), when a parolee violates his or her parole terms and conditions, his or her parole officer, after an administrative review and approval by the parole officer's supervisor, may impose any of the following sanctions:

(1) Mandatory behavior treatment.

(2) Mandatory substance abuse treatment.

(3) GPS monitoring.

(4) Any other treatment as determined by the board or supervising officer.

(5)a. A short period of confinement in the county jail of the county in which the violation occurred. Periods of confinement under this subdivision may not exceed six days per month during any three separate months during the period of parole. The six days per month confinement periods may only be imposed as two-day or three-day consecutive periods at any single time. The total periods of confinement may not exceed nine total days.

b. Confinement pursuant to this subdivision does not limit the board's ability to directly impose sanctions,



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periods of confinement, or revoke parole.

(f)(1) Prior to imposing a sanction pursuant to subsection (e), the parolee must first be presented with a violation report setting forth the alleged parole violations and supporting evidence. The parolee shall be advised that he or she has all of the following rights:

a.1. The right to have a parole court, in person or by electronic means, on the alleged violation or violations. Except as provided in subparagraph 2., if a parole court is requested, no parolee may be held beyond 20 business days of the request.

2. If a parole court cannot be held within 20 business days due to a state of emergency being proclaimed under Chapter 9 of Title 31: (i) if the parolee is being held in a Department of Corrections facility, the parole court shall be held within 40 business days; or (ii) if the parolee is being held in a county jail, the sheriff may agree to the parole court being held within 40 business days. No parolee may be held beyond 40 business days of the request to have a parole court.

b. The right to present relevant witnesses and documentary evidence.

c. The right to retain and have counsel at the hearing if he or she so desires.

d. The right to confront and cross examine any adverse witnesses.

(2) Upon the signing of a waiver of these rights by the parolee and the supervising parole officer, with approval of a



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supervisor, the parolee may be treated, monitored, or confined for the period recommended in the violation report and designated on the waiver. The parolee may not request a review if he or she has signed a written waiver of rights as provided in this subsection.

(g) The board shall adopt guidelines and procedures to implement the requirements of this section, which shall include the requirement of a supervisor's approval prior to exercise of the delegation of authority authorized by subsection (e)."

"§15-22-54

(a) The period of probation or suspension of execution of sentence shall be determined by the court and may not be waived by the defendant. The period of probation or suspension may be continued, extended, or terminated as determined by the court. Except as provided in Section 32-5A-191, relating to ignition interlock requirements, the maximum probation period of a defendant guilty of a misdemeanor may not exceed two years, nor shall the maximum probation period of a defendant guilty of a felony exceed five years, except as provided in Section 13A-8-2.1. When the conditions of probation or suspension of sentence are fulfilled, the court, by an order duly entered on its minutes, shall discharge the defendant.

(b) The court granting probation, upon the recommendation of the officer supervising the probationer, may terminate all authority and supervision over the probationer prior to the declared date of completion of probation upon showing a continued satisfactory compliance with the



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conditions of probation over a sufficient portion of the period of the probation. At least every two years, and after providing notice to the district attorney, the court shall review the probationer's suitability for discharge from probation supervision if the probationer has satisfied all financial obligations owed to the court, including restitution, and has not had his or her supervision revoked.

(c) At any time during the period of probation or suspension of execution of sentence, the court may issue a warrant and have the probationer arrested for violating any of the conditions of probation or suspension of sentence, and the court shall hold a violation hearing. No probationer shall be held in jail awaiting the violation hearing for longer than 20 business days, unless new criminal charges are pending. If the hearing is not held within the specified time, the sheriff shall release the probation violator unless there are other pending criminal charges. A judge may issue a bond to a probationer for release from custody.

(d) Except as provided in Chapter 15 of Title 12, any probation officer or law enforcement officer with power of arrest, when requested by the probation officer, may arrest a probationer without a warrant if the probationer violates the conditions of probation in the presence of the arresting officer. The arresting officer, or his or her agency, as soon as practicable, but no later than 24 hours following the arrest, shall notify the Board of Pardons and Paroles of the probationer's arrest. The probationer may be detained in the county jail or other appropriate place of detention until the



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probationer is brought before the court. The probation officer shall report the arrest and detention to the court and submit in writing a report showing in what manner the probationer has violated probation.

(e) After conducting a violation hearing and finding sufficient evidence to support a probation violation, the court may take any of the following actions:

(1)a. If the underlying offense was a violent offense as defined in Section 12-25-32 and a Class A felony, a sex offense pursuant to Section 15-20A-5, possession of a firearm by a person forbidden from firearm possession pursuant to Section 13A-11-72, or aggravated theft by deception pursuant to Section 13A-8-2.1, the court shall revoke probation and require the probationer to serve the balance of the term for which he or she was originally sentenced, or any portion thereof, in a state prison facility, calculated from the date of his or her rearrest as a delinquent probationer.

b. If the probation violation was for absconding, possessing a firearm, being arrested or convicted of a new offense, ~~absconding~~, or failing to successfully complete a court supervised, evidence-based treatment program, as defined in Section 12-25-32, a court ordered faith-based program, or any other court ordered rehabilitative program, the court may revoke probation and require the probationer to serve the balance of the term for which he or she was originally sentenced, or any portion thereof, in a state prison facility, calculated from the date of his or her rearrest as a delinquent probationer.



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c. For all other probationers, the court may impose a period of confinement of no more than 45 consecutive days to be served in a residential transition center established pursuant to Section 15-22-30.1 or a consenting county jail designated for this purpose as provided in Section 14-1-23. The probationer shall be held in the county jail of the county in which the violation occurred while awaiting the revocation hearing. The Department of Corrections shall reimburse the state mileage rate to the county, as determined by the Alabama Comptroller's Office, for any probationer charged with, or sanctioned or revoked for, a probation violation and who is transferred to or from a Department of Corrections facility or to or from a consenting county jail by the county.

(2) Upon completion of the confinement period, the remaining probation period or suspension of sentence shall automatically continue upon the defendant's release from confinement. The court may not revoke probation unless the defendant has previously received a total of three periods of confinement pursuant to this subsection. For purposes of revocation, the court may take judicial notice of the three total periods of confinement under this subsection. A defendant shall only receive three total periods of confinement pursuant to this subsection. The maximum 45-day term of confinement ordered pursuant to this subsection for a felony shall be reduced by any time served in custody prior to the imposition of the period of confinement and shall be credited to the suspended sentence. If the time remaining on the imposed sentence is 45 days or less, the term of



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505 confinement may not exceed the remainder of the defendant's
506 sentence.

507 (3) The total time spent in confinement under this
508 subsection may not exceed the term of the defendant's original
509 sentence.

510 (4) Confinement shall be immediate. The court shall
511 ensure that the circuit clerk receives the order revoking
512 probation within five business days. The circuit clerk shall
513 ensure that the Department of Corrections, a county jail, a
514 residential transition center, or a consenting county jail
515 receives necessary transcripts for imposing a period of
516 confinement within five business days of its receipt of the
517 court's order.

518 (5) If a probation violator with a serious health
519 condition is presented to a county jail, excluding a
520 consenting county jail designated for this purpose as provided
521 in Section 14-1-23, for any period of confinement, if the
522 confinement of the probation violator would create a security
523 risk to the county jail, or if the county jail is near, at, or
524 over capacity, the sheriff may refuse to admit the probation
525 violator. If, while in custody of the county jail, a probation
526 violator develops a serious health condition, if a confinement
527 of the probation violator creates a security risk to the
528 county jail, or if the county jail reaches near, at, or over
529 capacity, the sheriff may release the probation violator upon
530 notification to the probation officer and to the court who has
531 jurisdiction over the probation violator. A sheriff and his or
532 her employees shall be immune from liability for exercising



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discretion pursuant to Section 36-1-12 in refusing to admit a probation violator into the jail or releasing a probation violator from jail pursuant to this subdivision.

(f) In lieu of subsections (c) through (e), when a probationer violates his or her probation terms and conditions imposed by the court, his or her probation officer, after an administrative review and approval by the probation officer's supervisor, may impose any of the following sanctions:

(1) Mandatory behavioral treatment.

(2) Mandatory substance abuse treatment.

(3) GPS monitoring.

(4) Any other treatment as determined by the court or supervising officer.

(5) A short period of confinement in the county jail of the county in which the violation occurred. Periods of confinement under this subdivision may not exceed six days per month during any three separate months during the period of probation. The six days per month confinement period may only be imposed as two-day or three-day consecutive periods at any single time. The total periods of confinement may not exceed nine total days.

(g) (1) Prior to imposing a sanction pursuant to subsection (f), the probationer must first be presented with a written violation report setting forth the alleged probation violations and supporting evidence. The probationer shall be provided a written notice that he or she has the right to all of the following:

a. Have a hearing before the court on the alleged



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violation or violations in person or by electronic means. If a hearing is requested, no probationer shall be held beyond 20 business days of the request. Only requesting probationers posing a threat to public safety or a flight risk shall be arrested while awaiting a hearing.

b. Present relevant witnesses and documentary evidence.

c. Retain and have counsel at the hearing and that counsel shall be appointed if the probationer is indigent.

d. Confront and cross examine any adverse witnesses.

(2) The probationer may waive the right to have a hearing. Upon the signing of a waiver of these rights by the probationer and the supervising probation officer, with approval of the probation officer's supervisor, the probationer may be treated, monitored, or confined for the period recommended in the violation report and designated on the waiver. The probationer may not request a review if he or she has signed a written waiver of rights as provided in this subsection.

(h) The board shall adopt guidelines and procedures to implement the requirements of this section, which shall include the requirement of a supervisor's approval prior to a supervising probation officer's exercise of the delegation of authority authorized by subsection (f)."

Section 4. Section 15-13-3, Code of Alabama 1975, is amended to read as follows:

"§15-13-3

(a) A defendant is not eligible for bail when he or she is charged with capital murder pursuant to Section 13A-5-40,



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if the court is of the opinion, on the evidence adduced, that he or she is guilty of the offense.

(b) ~~(1) The court, after~~ After a pretrial detention hearing as provided in this subsection (d) for an offense enumerated in this subsection and, after the presentment of an indictment or a showing of probable cause in the charged offense, and if the court may deny a defendant bail if both of the following apply:

(1) The prosecuting attorney proves by clear and convincing evidence that no condition or combination of conditions of release will reasonably ensure the defendant's appearance in court or protect the safety of the community or any person, ~~may deny a defendant's bail, if he or she.~~

(2) The defendant is charged with any of the following offenses:

a. Murder, as provided in Section 13A-6-2, or any solicitation, attempt, or conspiracy to commit murder.

b. Kidnapping in the first degree, as provided in Section 13A-6-43.

c. Rape in the first degree, as provided in Section 13A-6-61.

d. Sodomy in the first degree, as provided in Section 13A-6-63.

e. Sexual torture, as provided in Section 13A-6-65.1.

f. Domestic violence in the first degree, as provided in Section 13A-6-130.

g. Human trafficking in the first degree, as provided in Section 13A-6-152.



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h. Burglary in the first degree, as provided in Section 13A-7-5.

i. Arson in the first degree, as provided in Section 13A-7-41.

j. Robbery in the first degree, as provided in Section 13A-8-41.

k. Terrorism, as provided in ~~subdivision (b) (2) of~~ Section 13A-10-152 (b) (2).

l. Aggravated child abuse, as provided in ~~subsection (b) of~~ Section 26-15-3.1 (b).

m. Shooting or discharging a firearm, explosive, or other weapon into an occupied dwelling, building, railroad locomotive, railroad car, aircraft, automobile, truck, or watercraft, as provided in Section 13A-11-61(b).

~~(2)~~ (c) A court shall order that a defendant charged with an offense listed in ~~this~~ subsection (b) be held without bail prior to a pretrial detention hearing.

~~(3)~~ (d) (1) ~~The~~ Except as otherwise provided in subdivision (2), the court shall hold a pretrial detention hearing immediately upon the defendant's first appearance before the court, unless the prosecuting attorney or the defendant requests a continuance. Except for good cause, a continuance on a motion of the defendant may not exceed five days, excluding Saturdays, Sundays, and state holidays, and a continuance on motion by the prosecuting attorney may not exceed three days, excluding Saturdays, Sundays, and state holidays. The defendant shall be detained during any continuance.



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(2) If the prosecuting attorney files a motion with the court stating the prosecuting attorney is not requesting the defendant be denied bail, the court may waive the pretrial detention hearing.

~~(4)~~a.(e) (1) A defendant shall have all of the following rights at a pretrial detention hearing:

~~1.~~a. To be represented by counsel. If the defendant is financially unable to obtain counsel, he or she shall have counsel appointed.

~~2.~~b. To testify.

~~3.~~c. To present witnesses.

~~4.~~d. To present evidence.

~~5.~~e. To cross-examine witnesses.

~~b.~~(2) The judge shall have discretion as to who the defendant may call as a witness ~~as provided in this subdivision~~ at the pretrial detention hearing.

~~(5)~~(f) In considering whether there are any conditions or combination of conditions that would reasonably ensure the defendant's appearance in court or protect the safety of the community and of any person, the court shall consider all of the following factors:

~~a.~~(1) The nature and circumstances of the offenses charged.

~~b.~~(2) The weight of the evidence against the defendant.

~~c.~~(3) The history and characteristics of the defendant, including, but not limited to the defendant's character, physical and mental condition, family ties, employment, financial resources, length of residence in the community,



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community ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings, and whether, at the time of the current offense, the defendant was on probation, parole, or on other release pending trial, sentencing, appeal, or completion of sentence for an offense.

~~d.~~ (4) The nature and seriousness of the danger to any person or the community if the defendant is released.

~~(6)~~ (g) At any pretrial detention hearing, the rules governing admissibility of evidence in criminal trials shall not apply, and the court shall receive all relevant evidence. All evidence shall be recorded. The testimony of a defendant may not be admissible in any other criminal proceeding against the defendant, except if being used for perjury based on the testimony or for the purpose of impeachment in any subsequent proceeding.

(h) If either party requests an extension of the pretrial detention hearing provided for in subsection (d), the court may construe the pretrial detention hearing as the preliminary hearing required pursuant to Section 15-11-1.

~~(7)a.~~ (i) (1) A prosecuting attorney may file a motion for a pretrial detention hearing at any time.

~~b.~~ (2) A pretrial detention hearing may be reopened, before or after a determination by the court, at any time prior to trial if the court finds that information exists that was not known by the movant at the time of the pretrial detention hearing.

~~(8)~~ (j) In an order denying bail, the judge shall make



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written findings or state for the record findings of fact and a statement of the reasons for denying bail. The judge shall enter an order denying bail within 48 hours of the pretrial detention hearing."

Section 5. Although this bill would have as its purpose or effect the requirement of a new or increased expenditure of local funds, the bill is excluded from further requirements and application under Section 111.05 of the Constitution of Alabama of 2022, because the bill defines a new crime or amends the definition of an existing crime.

Section 6. Sections 1, 2, and 3 of this act shall become effective on October 1, 2025. Section 4 of this act shall become effective immediately upon the ratification of the amendment to the Constitution of Alabama of 2022 proposed by SB 118 of the 2025 Regular Session.



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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB119
Senate 09-Apr-25
I hereby certify that the within Act originated in and passed
the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives
Passed: 29-Apr-25

By: Senator Barfoot