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4 SYNOPSIS:

5 Under existing law, when a defendant is charged
6 with an enumerated offense under Aniah's Law, the
7 defendant is not eligible for bail until he or she
8 receives a pretrial detention hearing where the court
9 will determine whether to grant the defendant bail. If
10 the prosecuting authority does not request the
11 defendant be denied bail, the court may waive the
12 hearing and grant the defendant bail.

13 This bill would provide that if the defendant is
14 charged with a Class A felony that resulted in the
15 death of any individual, the prosecuting authority is
16 required to request that the defendant be denied bail
17 and the court may not waive the pretrial detention
18 hearing.

19 This bill would also make nonsubstantive,
20 technical revisions to update the existing code
21 language to current style.

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25 A BILL

26 TO BE ENTITLED

27 AN ACT

28

29 Relating to bail; to amend Section 15-13-3, Code of
30 Alabama 1975, to require a pretrial detention hearing without
31 exception if the defendant is charged with a Class A felony
32 resulting in death; and to make nonsubstantive, technical
33 revisions to update the existing code language to current
34 style.

35 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

36 Section 1. Section 15-13-3, Code of Alabama 1975, is
37 amended to read as follows:

38 "§15-13-3

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

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

56 a. Murder, as provided in Section 13A-6-2.

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

59 c. Rape in the first degree, as provided in Section
60 13A-6-61.

61 d. Sodomy in the first degree, as provided in Section
62 13A-6-63.

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

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

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

68 h. Burglary in the first degree, as provided in Section
69 13A-7-5.

70 i. Arson in the first degree, as provided in Section
71 13A-7-41.

72 j. Robbery in the first degree, as provided in Section
73 13A-8-41.

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

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

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

81 ~~(3)~~ (d) (1) The court shall hold a pretrial detention
82 hearing immediately upon the defendant's first appearance
83 before the court, unless the prosecuting attorney or the
84 defendant requests a continuance. Except for good cause, a

85 continuance on a motion of the defendant may not exceed five
86 days, excluding Saturdays, Sundays, and state holidays, and a
87 continuance on motion by the prosecuting attorney may not
88 exceed three days, excluding Saturdays, Sundays, and state
89 holidays. The defendant shall be detained during any
90 continuance.

91 (2) Notwithstanding any other provision of law to the
92 contrary, when the defendant is charged with a Class A felony
93 resulting in the death of any individual, both of the
94 following apply:

95 a. The prosecuting attorney shall without exception
96 request that the defendant be denied bail.

97 b. The court may not waive the pretrial detention
98 hearing.

99 ~~4~~a.(e) (1) A defendant shall have all of the following
100 rights at a pretrial detention hearing:

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

104 2.b. To testify.

105 3.c. To present witnesses.

106 4.d. To present evidence.

107 5.e. To cross-examine witnesses.

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

111 ~~4~~(5)(f) In considering whether there are any conditions
112 or combination of conditions that would reasonably ensure the

113 defendant's appearance in court or protect the safety of the
114 community and of any person, the court shall consider all of
115 the following factors:

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

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

119 ~~c.~~ (3) The history and characteristics of the defendant,
120 including, but not limited to the defendant's character,
121 physical and mental condition, family ties, employment,
122 financial resources, length of residence in the community,
123 community ties, past conduct, history relating to drug or
124 alcohol abuse, criminal history, and record concerning
125 appearance at court proceedings, and whether, at the time of
126 the current offense, the defendant was on probation, parole,
127 or on other release pending trial, sentencing, appeal, or
128 completion of sentence for an offense.

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

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

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

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

146 (8)(i) In an order denying bail, the judge shall make
147 written findings or state for the record findings of fact and
148 a statement of the reasons for denying bail. The judge shall
149 enter an order denying bail within 48 hours of the hearing."

150 Section 2. If Section 4 of Act 2025-273, which amends
151 Section 15-13-3, Code of Alabama 1975, becomes effective
152 pursuant to the ratification of the constitutional amendment
153 proposed by Act 2025-227, the Code Commissioner shall give
154 effect to both this act and Section 4 of Act 2025-273 to the
155 extent that the language is not in substantive conflict and in
156 a manner that will make the code section intelligible.

157 Section 3. This act shall become effective on June 1,
158 2026.