

**SB119 ENGROSSED**



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



**SB119 Engrossed**

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A BILL  
TO BE ENTITLED  
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:



## SB119 Engrossed

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

30 "§13A-11-72

31 (a) (1) ~~No person who has been convicted in this state~~  
32 ~~or elsewhere of committing or attempting to commit a crime of~~  
33 ~~violence, misdemeanor offense of domestic violence, violent~~  
34 ~~offense as listed in Section 12-25-32(15), anyone who is~~  
35 ~~subject to a valid protection order for domestic abuse, or~~  
36 ~~anyone of unsound mind shall own a firearm or have one in his~~  
37 ~~or her possession or under his or her control. A person may~~  
38 not own a firearm or have a firearm in his or her possession  
39 or under his or her control if any of the following apply:

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

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

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

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



## SB119 Engrossed

56 e. The person is of unsound mind.

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

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

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

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

69 (c) (1) No person who is an alien and is illegally or  
70 unlawfully in the United States or has been admitted to the  
71 United States under a nonimmigrant visa as defined in 8 U.S.C  
72 § 1101(a)(26), provided no exception to this subsection as  
73 listed in 18 U.S.C § 922(y)(2) applies, shall own a pistol or  
74 other firearm or have one in his or her possession or under  
75 his or her control.

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

77 (d) (1) Subject to the exceptions provided by Section  
78 13A-11-74, no person shall knowingly with intent to do bodily  
79 harm carry or possess a deadly weapon on the premises of a  
80 ~~public~~ school.

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

82 (e) School security personnel and school resource  
83 officers qualified under Section 16-1-44.1(a), employed by a



## SB119 Engrossed

84 local board of education, and authorized by the employing  
85 local board of education to carry a deadly weapon while on  
86 duty are exempt from subsection (d). Law enforcement officers  
87 are exempt from this section, and persons with permits issued  
88 pursuant to Section 13A-11-75, are exempt from subsection (d).

89 (f) A person shall not be in violation of Section  
90 13A-11-57 or 13A-11-76 and a minor shall not be in violation  
91 of this section if the minor has permission to possess a  
92 pistol from a parent or legal guardian who is not prohibited  
93 from possessing a firearm under state or federal law, and any  
94 of the following are satisfied:

95 (1) The minor is attending a hunter education course or  
96 a firearms safety course under the supervision of an adult who  
97 is not prohibited from possessing a firearm under state or  
98 federal law.

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

103 (3) The minor is engaging in an organized competition  
104 involving the use of a firearm or participating in or  
105 practicing for a performance by an organized group under 26  
106 U.S.C. § 501(c)(3) which uses firearms as part of the  
107 performance.

108 (4) The minor is hunting or fishing pursuant to a valid  
109 license, if required, and the person has the license in his or  
110 her possession; has written permission of the owner or legal  
111 possessor of the land on which the activities are being



## SB119 Engrossed

112 conducted; and the pistol, when loaded, is carried only in a  
113 manner discernible by ordinary observation.

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

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

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

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

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

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

138 b. A person is not considered to have been convicted  
139 for the purposes of this section if the person is not



## SB119 Engrossed

140 considered to have been convicted in the jurisdiction in which  
141 the proceedings were held or the conviction has been expunged,  
142 set aside, or is of an offense for which the person has been  
143 pardoned or has had his or her civil rights restored, unless  
144 the pardon, expungement, or restoration of civil rights  
145 expressly provides that the person may not ship, transport,  
146 possess, or receive firearms.

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

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

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

167 ~~(5)~~ (4) QUALIFIED INDIVIDUAL. ~~A spouse or former spouse~~



## SB119 Engrossed

168 ~~of the person, an individual who is a parent of a child of the~~  
169 ~~person, A victim as defined in Section 30-5-2 or an individual~~  
170 who cohabitates or has cohabited with the person.

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

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

180 a. Found by a court, board, commission, or other lawful  
181 authority that, as a result of marked subnormal intelligence,  
182 mental illness, incompetency, condition, or disease, is a  
183 danger to himself, herself, or others or lacks the mental  
184 capacity to contract or manage his or her own affairs.

185 b. Found to be insane, not guilty by reason of mental  
186 disease or defect, found mentally incompetent to stand trial,  
187 or found not guilty by a reason of lack of mental  
188 responsibility by a court in a criminal case, to include  
189 state, federal, and military courts.

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

193 (8) VALID PROTECTION ORDER. An order issued after a  
194 hearing of which the person received actual notice, and at  
195 which the person had an opportunity to participate, that does





## SB119 Engrossed

196 either of the following:

197           a. Restrains the person from harassing, stalking, or  
198 threatening a qualified individual or child of the qualified  
199 individual or person or engaging in other conduct that would  
200 place a qualified individual in reasonable fear of bodily  
201 injury to the individual or child and that includes a finding  
202 that the person represents a credible threat to the physical  
203 safety of the qualified individual or child.

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

208           "

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

211           "§13A-11-72.2

212           (a) It shall be unlawful for any person to knowingly  
213 have a firearm in his or her possession or under his or her  
214 control when the person has been charged with committing or  
215 attempting to commit a crime of violence as defined in Section  
216 13A-11-70, misdemeanor offense of domestic violence as defined  
217 in Section 13A-11-72, or violent offense as listed in Section  
218 12-25-32(15), and thereafter has been released pending or  
219 during trial.

220           (b) Unless waived by the defendant, a person may not be  
221 convicted of violating this section unless the person is first  
222 convicted of the crime of violence as defined in Section  
223 13A-11-70, misdemeanor offense of domestic violence as defined



## SB119 Engrossed

224 in Section 13A-11-72, or violent offense listed in Section  
225 12-25-32(15), or a lesser included offense, which gave rise to  
226 the charge and for which the person was released pending or  
227 during trial.

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

230

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

233 "§13A-11-61

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

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

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



## SB119 Engrossed

252 "§15-22-32

253 (a) Whenever there is reasonable cause to believe that  
254 a prisoner who has been paroled has violated his or her  
255 parole, the Board of Pardons and Paroles, at its next meeting,  
256 may declare the parolee to be delinquent, and time owed shall  
257 date from the delinquency. The Department of Corrections,  
258 after receiving notice from the sheriff of the county jail  
259 where the parolee is being held, shall promptly notify the  
260 board of the return of a parolee charged with violation of his  
261 or her parole. The board, a single member of the board, a  
262 parole revocation hearing officer, or a designated parole  
263 officer shall hold a parole court and consider the case of the  
264 parole violator. The parolee shall be afforded all rights  
265 provided in subdivision (f)(1). The parole court shall  
266 determine whether sufficient evidence supports the violation  
267 charges. Except as provided in subparagraph (f)(1)a.2., if a  
268 hearing is not held within 20 business days, the parolee shall  
269 be released back to parole supervision.

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

274 (1)a. If the underlying offense was a violent offense  
275 as defined in Section 12-25-32 and classified as a Class A  
276 felony, a sex offense pursuant to Section 15-20A-5, possession  
277 of a firearm by a person forbidden from firearm possession  
278 pursuant to Section 13A-11-72, or aggravated theft by  
279 deception pursuant to Section 13A-8-2.1, the board shall



## SB119 Engrossed

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

284 b. If the parole violation was for absconding,  
285 possessing a firearm, or being arrested or convicted of a new  
286 offense, ~~or absconding,~~ the board may revoke parole and  
287 require the parolee to serve the balance of the term for which  
288 he or she was originally sentenced, or any portion thereof, in  
289 a state prison facility, calculated from the date of his or  
290 her rearrest as a delinquent parolee.

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

304 (2) Upon completion of the confinement period and  
305 release from confinement, the parolee shall automatically  
306 continue on parole for the remaining term of the sentence  
307 without further action from the board. The parole court may



## SB119 Engrossed

308 not recommend and the board may not revoke parole unless the  
309 parolee has previously received a total of three periods of  
310 confinement under this subsection. A parolee shall receive  
311 only three total periods of confinement pursuant to this  
312 subsection. The maximum 45-day term of confinement ordered  
313 pursuant to this subsection shall be reduced by any time  
314 served in custody prior to the imposition of the period of  
315 confinement and shall be credited to the balance of the  
316 incarceration term for which the parolee was originally  
317 sentenced. In the event the time remaining on parole  
318 supervision is 45 days or less, the term of confinement may  
319 not exceed the remainder of the parolee's sentence.

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

323 (4) Confinement shall be immediate. The board shall  
324 ensure that the Department of Corrections, a county jail, a  
325 residential transition center, or a consenting county jail  
326 receives necessary documentation for imposing a period of  
327 confinement within five business days of the board's action.

328 (5) If the parolee is presented to a county jail,  
329 excluding a consenting county jail designated for this  
330 purpose, as provided in Section 14-1-23, for any period of  
331 confinement with a serious health condition, if the admittance  
332 of the parolee would create a security risk to the county  
333 jail, or if the county jail is near, at, or over capacity, the  
334 sheriff may refuse to admit the parolee. If, while in custody  
335 of the county jail, the parolee develops a serious health



## SB119 Engrossed

336 condition, if the presence of the parolee creates a security  
337 risk to the county jail, or if the county jail reaches near,  
338 at, or over capacity, the sheriff may release the parolee upon  
339 notification to the parole officer. A sheriff and employees in  
340 the county jail shall be immune from liability for exercising  
341 discretion pursuant to Section 36-1-12 in refusing to admit a  
342 parolee into the jail or releasing a parolee from jail  
343 pursuant to this subdivision.

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

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

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

356 (1) Mandatory behavior treatment.

357 (2) Mandatory substance abuse treatment.

358 (3) GPS monitoring.

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

361 (5)a. A short period of confinement in the county jail  
362 of the county in which the violation occurred. Periods of  
363 confinement under this subdivision may not exceed six days per



## SB119 Engrossed

364 month during any three separate months during the period of  
365 parole. The six days per month confinement periods may only be  
366 imposed as two-day or three-day consecutive periods at any  
367 single time. The total periods of confinement may not exceed  
368 nine total days.

369 b. Confinement pursuant to this subdivision does not  
370 limit the board's ability to directly impose sanctions,  
371 periods of confinement, or revoke parole.

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

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

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

391 b. The right to present relevant witnesses and



## SB119 Engrossed

392 documentary evidence.

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

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

397           (2) Upon the signing of a waiver of these rights by the  
398 parolee and the supervising parole officer, with approval of a  
399 supervisor, the parolee may be treated, monitored, or confined  
400 for the period recommended in the violation report and  
401 designated on the waiver. The parolee may not request a review  
402 if he or she has signed a written waiver of rights as provided  
403 in this subsection.

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

409           "§15-22-54

410           (a) The period of probation or suspension of execution  
411 of sentence shall be determined by the court and may not be  
412 waived by the defendant. The period of probation or suspension  
413 may be continued, extended, or terminated as determined by the  
414 court. Except as provided in Section 32-5A-191, relating to  
415 ignition interlock requirements, the maximum probation period  
416 of a defendant guilty of a misdemeanor may not exceed two  
417 years, nor shall the maximum probation period of a defendant  
418 guilty of a felony exceed five years, except as provided in  
419 Section 13A-8-2.1. When the conditions of probation or





## SB119 Engrossed

420 suspension of sentence are fulfilled, the court, by an order  
421 duly entered on its minutes, shall discharge the defendant.

422 (b) The court granting probation, upon the  
423 recommendation of the officer supervising the probationer, may  
424 terminate all authority and supervision over the probationer  
425 prior to the declared date of completion of probation upon  
426 showing a continued satisfactory compliance with the  
427 conditions of probation over a sufficient portion of the  
428 period of the probation. At least every two years, and after  
429 providing notice to the district attorney, the court shall  
430 review the probationer's suitability for discharge from  
431 probation supervision if the probationer has satisfied all  
432 financial obligations owed to the court, including  
433 restitution, and has not had his or her supervision revoked.

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

445 (d) Except as provided in Chapter 15 of Title 12, any  
446 probation officer or law enforcement officer with power of  
447 arrest, when requested by the probation officer, may arrest a



## SB119 Engrossed

448 probationer without a warrant if the probationer violates the  
449 conditions of probation in the presence of the arresting  
450 officer. The arresting officer, or his or her agency, as soon  
451 as practicable, but no later than 24 hours following the  
452 arrest, shall notify the Board of Pardons and Paroles of the  
453 probationer's arrest. The probationer may be detained in the  
454 county jail or other appropriate place of detention until the  
455 probationer is brought before the court. The probation officer  
456 shall report the arrest and detention to the court and submit  
457 in writing a report showing in what manner the probationer has  
458 violated probation.

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

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

472 b. If the probation violation was for absconding,  
473 possessing a firearm, being arrested or convicted of a new  
474 offense, ~~absconding,~~ or failing to successfully complete a  
475 court supervised, evidence-based treatment program, as defined



## SB119 Engrossed

476 in Section 12-25-32, a court ordered faith-based program, or  
477 any other court ordered rehabilitative program, the court may  
478 revoke probation and require the probationer to serve the  
479 balance of the term for which he or she was originally  
480 sentenced, or any portion thereof, in a state prison facility,  
481 calculated from the date of his or her rearrest as a  
482 delinquent probationer.

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

496 (2) Upon completion of the confinement period, the  
497 remaining probation period or suspension of sentence shall  
498 automatically continue upon the defendant's release from  
499 confinement. The court may not revoke probation unless the  
500 defendant has previously received a total of three periods of  
501 confinement pursuant to this subsection. For purposes of  
502 revocation, the court may take judicial notice of the three  
503 total periods of confinement under this subsection. A



## SB119 Engrossed

504 defendant shall only receive three total periods of  
505 confinement pursuant to this subsection. The maximum 45-day  
506 term of confinement ordered pursuant to this subsection for a  
507 felony shall be reduced by any time served in custody prior to  
508 the imposition of the period of confinement and shall be  
509 credited to the suspended sentence. If the time remaining on  
510 the imposed sentence is 45 days or less, the term of  
511 confinement may not exceed the remainder of the defendant's  
512 sentence.

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

516 (4) Confinement shall be immediate. The court shall  
517 ensure that the circuit clerk receives the order revoking  
518 probation within five business days. The circuit clerk shall  
519 ensure that the Department of Corrections, a county jail, a  
520 residential transition center, or a consenting county jail  
521 receives necessary transcripts for imposing a period of  
522 confinement within five business days of its receipt of the  
523 court's order.

524 (5) If a probation violator with a serious health  
525 condition is presented to a county jail, excluding a  
526 consenting county jail designated for this purpose as provided  
527 in Section 14-1-23, for any period of confinement, if the  
528 confinement of the probation violator would create a security  
529 risk to the county jail, or if the county jail is near, at, or  
530 over capacity, the sheriff may refuse to admit the probation  
531 violator. If, while in custody of the county jail, a probation



## SB119 Engrossed

532 violator develops a serious health condition, if a confinement  
533 of the probation violator creates a security risk to the  
534 county jail, or if the county jail reaches near, at, or over  
535 capacity, the sheriff may release the probation violator upon  
536 notification to the probation officer and to the court who has  
537 jurisdiction over the probation violator. A sheriff and his or  
538 her employees shall be immune from liability for exercising  
539 discretion pursuant to Section 36-1-12 in refusing to admit a  
540 probation violator into the jail or releasing a probation  
541 violator from jail pursuant to this subdivision.

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

547 (1) Mandatory behavioral treatment.

548 (2) Mandatory substance abuse treatment.

549 (3) GPS monitoring.

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

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



## SB119 Engrossed

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

566 a. Have a hearing before the court on the alleged  
567 violation or violations in person or by electronic means. If a  
568 hearing is requested, no probationer shall be held beyond 20  
569 business days of the request. Only requesting probationers  
570 posing a threat to public safety or a flight risk shall be  
571 arrested while awaiting a hearing.

572 b. Present relevant witnesses and documentary evidence.

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

575 d. Confront and cross examine any adverse witnesses.

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

585 (h) The board shall adopt guidelines and procedures to  
586 implement the requirements of this section, which shall  
587 include the requirement of a supervisor's approval prior to a



## SB119 Engrossed

588 supervising probation officer's exercise of the delegation of  
589 authority authorized by subsection (f)."

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

592 "§15-13-3

593 (a) A defendant is not eligible for bail when he or she  
594 is charged with capital murder pursuant to Section 13A-5-40,  
595 if the court is of the opinion, on the evidence adduced, that  
596 he or she is guilty of the offense.

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

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

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

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

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

614 c. Rape in the first degree, as provided in Section  
615 13A-6-61.



## SB119 Engrossed

616 d. Sodomy in the first degree, as provided in Section  
617 13A-6-63.

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

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

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

623 h. Burglary in the first degree, as provided in Section  
624 13A-7-5.

625 i. Arson in the first degree, as provided in Section  
626 13A-7-41.

627 j. Robbery in the first degree, as provided in Section  
628 13A-8-41.

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

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

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

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

640 ~~(3)~~ (d) (1) ~~The~~ Except as otherwise provided in  
641 subdivision (2), the court shall hold a pretrial detention  
642 hearing immediately upon the defendant's first appearance  
643 before the court, unless the prosecuting attorney or the





## SB119 Engrossed

644 defendant requests a continuance. Except for good cause, a  
645 continuance on a motion of the defendant may not exceed five  
646 days, excluding Saturdays, Sundays, and state holidays, and a  
647 continuance on motion by the prosecuting attorney may not  
648 exceed three days, excluding Saturdays, Sundays, and state  
649 holidays. The defendant shall be detained during any  
650 continuance.

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

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

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

660 ~~2.~~b. To testify.

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

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

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

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

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



## SB119 Engrossed

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

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

675           ~~c.~~(3) The history and characteristics of the defendant,  
676 including, but not limited to the defendant's character,  
677 physical and mental condition, family ties, employment,  
678 financial resources, length of residence in the community,  
679 community ties, past conduct, history relating to drug or  
680 alcohol abuse, criminal history, and record concerning  
681 appearance at court proceedings, and whether, at the time of  
682 the current offense, the defendant was on probation, parole,  
683 or on other release pending trial, sentencing, appeal, or  
684 completion of sentence for an offense.

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

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

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

699           ~~(7)~~a.(i) (1) A prosecuting attorney may file a motion



## SB119 Engrossed

700 for a pretrial detention hearing at any time.

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

706 ~~(8)~~(j) In an order denying bail, the judge shall make  
707 written findings or state for the record findings of fact and  
708 a statement of the reasons for denying bail. The judge shall  
709 enter an order denying bail within 48 hours of the pretrial  
710 detention hearing."

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

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

SB119 Engrossed



722  
723  
724 Senate

725 Read for the first time and referred .....05-Feb-25  
726 to the Senate committee on Judiciary  
727  
728 Read for the second time and placed .....12-Feb-25  
729 on the calendar:  
730 1 amendment  
731  
732 Read for the third time and passed .....09-Apr-25  
733 as amended  
734 Yeas 26  
735 Nays 1  
736 Abstains 0  
737  
738

739 Patrick Harris,  
740 Secretary.  
741