

FILED IN OPEN COURT

This 13 day of April 2020
ELISABETH A. FRENCH BW
PRESIDING CIRCUIT JUDGE

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

TENTH JUDICIAL CIRCUIT OF ALABAMA
ADMINISTRATIVE ORDER NO. AO-2020-29

WHEREAS, on June 14, 2019, under Administrative Order No. AO 2017-72.01, the Presiding Judge of the Tenth Judicial Circuit addressed the subject matter of setting bail bonds by the Sheriff of Jefferson County;

WHEREAS, the COVID-19 pandemic has raised health and safety concerns at the jail;

WHEREAS, under the provisions of ARCrP 4.3(a)(1)(ii), a person charged with an offense and arrested without a warrant may be released by a law enforcement officer upon execution of an appearance bond or a secured appearance bond in an amount set according to the schedule contained in Rule 7.2, and directed to appear either at a specified time and place or at such time and place as he or she shall be subsequently notified of;

WHEREAS, under the provisions of ARCrP 4.3(b)(1), a person charged with an offense and arrested with a warrant shall be released on an appearance bond in the amount set in accordance with the schedule contained in Rule 7.2, if provision therefor has been made by the Judge or magistrate issuing the arrest warrant; and,

BY THE AUTHORITY vested in the undersigned under the provisions of Ala.

Code §12-17-24 (1975) to exercise a general supervision of the judges, clerks, registers, court reporters, bailiffs, sheriffs and other court employees of the circuit and district courts within the circuit and see that they attend strictly to the prompt, diligent discharge of their duties

NOW THEREFORE, Administrative Order AO 2017.72.01 is hereby **AMENDED** as follows:

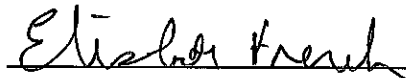
By this writing, the Courts of the Tenth Judicial Circuit recognize and hereby expressly approve the authority of the Sheriff of Jefferson County, Alabama to administer pretrial release programs for the purposes of classification, referral, and release of pretrial detainees. Such programs shall be administered by the Sheriff in accordance with the policy and procedure found in Rule 7 of the Alabama Rules of Criminal Procedure.

In an effort to address COVID-19 health and safety concerns at the jail, it is further Ordered that the Court approved bond limits established and approved for the release of non-violent pretrial detainees be increased. With regard to pretrial detainees charged with **any non-violent felony offense or any misdemeanor**, in an effort to assist with jail over-crowding during the COVID-19 pandemic, and to minimize or eliminate the risk of harm to others and the general public, it is further Ordered that the Court approved bond limits established and approved under Rule 7.2(h) ARCrP may be applied as follows:

- a. Persons charged with Non-Violent Felony Offenses may be released on their own recognizance bond up to \$15,000. This includes Class C felonies arising under Ala. Code § 15-20A-9 (1975) for failure to comply with the registration requirements only of the Sex Offender Registration and Community Notification Act;
- b. Persons charged with Traffic and Misdemeanor Offenses may be released on their own recognizance bond up to \$10,000;
- c. Real estate, cash or professional bondsman is required to secure any bond over \$15,000;
- d. As a condition of all bonds under this Order, the Defendant is required to self-quarantine upon their release from custody for a period of fourteen (14) days.

Excluded from this order is the attached Jail General Order 1-16 entitled "Domestic Violence and Sex Offense Bonds". Real Estate, cash or professional bondsman is required to secure the release of these types of offenses unless otherwise Ordered by a Circuit or District Judge.

DONE AND ORDERED on this the 1st day of April, 2020.



Elisabeth A. French
PRESIDING JUDGE
10TH JUDICIAL CIRCUIT

cc: Via Email Distribution:

Tom Parker, Chief Justice
Rich Hobson, Administrative Director of Courts
Circuit Judges
District Judges
Jacqueline Anderson Smith, Circuit Clerk
Karen Dunn Burks, Deputy Circuit Clerk, Bessemer Division
Bonita G. Conley, Court Administrator
Adam Danneman, Public Defender
Danny Carr, District Attorney
Lynneice Washington, Deputy District Attorney, Bessemer Division
Sheriff Mark Pettway

GENERAL ORDER 1-16

Domestic Violence and Sex Offense Bonds

January 1, 2000

Policy:

Due to the nature of Domestic Violence and Sexual Offense charges, the Corrections Division has imposed mandatory requirements for the posting of bonds for these cases. In considering the risks to the general public safety and to insure a defendant's appearance in Court, the following guidelines will be followed in posting these bonds. These measures are not to be used to deny an individual's right to bond.

Procedure:

Domestic Violence

Domestic violence is defined by State law as any incident resulting in the abuse, assault, harassment, or the attempt or threats thereof, between family or household members, or dating or engagement relationship members (Alabama Code 15-10-03).

The members identified in this definition may include but not limited to:

1. Spouses (Current or Past)
2. Parents
3. Children
4. Any person related by blood, marriage or common law marriage
5. A person with whom the victim has a child in common
6. A present or former household member
7. A person who has or had a dating engagement relationship

The Domestic Violence charges may include, but not be limited to, the following:

1. All Assaults (13a-6-20 to 25)
2. Sexual Offenses (13a-6-60 to 70)
3. Menacing (13a-6-23)
4. Reckless Endangerment (13a-6-24)
5. Criminal Coercion (13a-6-25)
6. Harassment (13a-11-8)
7. Disorderly Conduct (13a-11-7)

Any individual incarcerated on a Domestic Violence Charge does not qualify for a Pre-Trial Release Recognized or signature bond. Cash, Real Estate, Judicial or Bonding Company bonds will be required in these cases.

When a person is committed to Jail on charges listed above, or any additional charge that may qualify for Domestic Violence, the Booking Deputy will ask the committing agency if this offense involved a member as defined in this General Order. If the charge qualifies for Domestic Violence, a notation will be made on the inmates Booking Card and the Docket Entry identifying the charge as

Domestic Violence.

Sexual Offense

Any person incarcerated on a sexual offense (as defined in Alabama Code 13a-6-60 to 70) will not qualify for Pretrial Release Recognized or signature bonds. Cash, Real Estate, Judicial or Bonding Company bonds will be required in these cases.

A notation will be made on an inmate's booking card and docket entry identifying these charges as sexual offenses.