

**RESOLUTION NO. 2020-20**

**A RESOLUTION TO PROVIDE FOR THE ISSUANCE OF SUMMONSES IN LIEU OF ARREST FOR CERTAIN CRIMINAL OFFENSES**

**WHEREAS**, there presently exists within St. Clair County, Alabama (the County), a State of Emergency from the public health threat posed by the COVID-19 Pandemic as declared by the Chairman of the St. Clair County Commission; and

**WHEREAS**, the Governor of the State of Alabama has declared a state of public health emergency based on the appearance of the COVID-19 novel coronavirus and has issued Proclamations and Supplemental Proclamations regarding the same on March 13, 18, 20, 23, 26, and April 2 and 3; and

**WHEREAS**, in her Proclamation dated March 26, 2020 the Governor authorized the issuance of summonses in lieu of arrest for certain criminal offenses to promote the protection and safety of the citizens of this State by reducing the number of persons moving into and out of municipal and county jails in a manner that does not jeopardize public safety; and

**WHEREAS**, the St. Clair County Commission has determined that it will promote the health, welfare and safety of the County to authorize all law enforcement officers operating under the authority of the St. Clair County, Alabama to comply with the same.

**NOW, THEREFORE, BE IT RESOLVED**, by the Commission of St. Clair County, Alabama, as follows:

**Section 1:** Pursuant to the Proclamation of Kay Ivey, Governor of the State of Alabama dated March 26, 2020, the St. Clair County Sheriff's Department and all other law enforcement officers operating under the authority of the St. Clair County, Alabama are hereby authorized to do the following:

A. Law enforcement may issue a summons and complaint in lieu of custodial arrest for any violation or misdemeanor except as provided herein.

B. Law enforcement may not issue a summons and complaint in lieu of custodial arrest in any of the following circumstances:

- i. The person is charged with committing a crime involving violence, threat of violence, or domestic violence, as defined under Article 7 (commencing with Section 13A-6-130) 17 of Chapter 6, Title 13A;
- ii. The person is charged with the use or possession of alcohol or a controlled substance and, in the opinion of the law enforcement officer, poses a risk to public safety;
- iii. A victim of the crime is a minor;
- iv. The person is charged with driving under the influence of alcohol as codified in 32-5A-191; or
- v. The person is charged with a crime that would require restitution to the victim.

C. A fee schedule is hereby adopted for use with any summons and complaint issued

in lieu of custodial arrest as authorized herein in the amount of the bail fee plus the court costs associated with the crime for which the summons and complaint are issued in lieu of custodial arrest.

**Section 2:** This resolution is effective immediately and shall continue in effect until the Governor declares the state of emergency under which her proclamation was entered has ended, until such time as the Chairman declares the state of emergency for the County to have ended, or until such time as the Commission takes other action hereon.

**Section 3:** All parts of any resolution or ordinance in conflict herewith are, to the extent of such conflict, hereby repealed for the effective period of this resolution only and shall return to effect at the conclusion thereof.

**Section 4:** The provisions of this resolution are hereby declared severable; if any portion of this resolution shall be held unconstitutional or otherwise invalid by a court of competent jurisdiction, such ruling shall not affect the remaining portions of this resolution.

**Section 5:** That this Resolution shall become effective after its adoption and publication as required by law.

**RESOLVED and APPROVED** this the 9 day of April, 2020.

**ST. CLAIR COUNTY COMMISSION**



Paul Manning, Chairman

ATTEST:

  
Tina Morgan, County Administrator