

# HB386 INTRODUCED



1 HB386  
2 SUU9587-1  
3 By Representative Treadaway (N & P)  
4 RFD: Jefferson County Legislation  
5 First Read: 02-Apr-24



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A BILL  
TO BE ENTITLED  
AN ACT

Relating to Jefferson County; to confirm the power of the Sheriff of Jefferson County to appoint reserve deputies to assist in performing and executing Writs of Possession or Writs of Restitution or similar actions involving the seizure or securing of real property under emergency conditions in the county; to provide for the payment of a fee to the reserve deputy by private parties for services provided pursuant to this bill; and to provide for training of reserve deputies prior to executing the writs.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. A new Part 7 is added to Title 45, Chapter 37, Article 23 of the Code of Alabama 1975, consisting of Sections 45-37-236 to 45-37-236.3 to read as follows:

PART 7. RESERVE DEPUTIES

§45-37-236. Definitions.

For the purposes of this part, the following words have the following meanings:

(1) EMERGENCY WRIT CONDITION. Any time as determined by the sheriff, when there are more than two hundred fifty Writs of Possession or Writs of Execution issued and unexecuted in



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29 the county.

30 (2) RESERVE DEPUTY. A reserve deputy appointed by the  
31 sheriff who meets the following qualifications:

32 a. Is currently certified by the Alabama Peace  
33 Officers' Standards and Training Commission.

34 b. Is not employed by the Jefferson County Sheriff's  
35 Department at the time of appointment and service.

36 c. Is trained by the Jefferson County Sheriff for  
37 special assignment to perform duties consistent with this  
38 part.

39 (3) WRIT OF EXECUTION or WRIT OF POSSESSION. A lawful  
40 writ issued by the Circuit or District Court Clerk of  
41 Jefferson County relating to the seizure or securing of real  
42 property located in the county.

43 §45-37-236.1. Power of Jefferson County Sheriff to  
44 appoint Reserve Deputies to Execute Writs of Possession or  
45 Writs of Execution.

46 (a) In an emergency writ condition, the Jefferson  
47 County Sheriff may appoint and deputize reserve deputies to  
48 assist in the execution of Writs of Possession or Writs of  
49 Execution or similar actions involving the seizure or securing  
50 of real property.

51 (b) Any duly appointed and deputized reserve deputy  
52 shall perform duties under this part upon request by the  
53 Jefferson County Sheriff when requested to serve a writ duly  
54 issued by the Jefferson County Circuit or District Clerk.

55 (c) Upon execution of the writ, the reserve deputy  
56 shall make return on the writ as normally completed by the



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57 sheriff and return the writ to the court clerk.

58 (d) In exercising powers and duties pursuant to this  
59 part, the reserve deputy shall be entitled to the same  
60 immunities and legal protections provided to reserve deputies  
61 under Section 36-22-3, Code of Alabama 1975, as long as the  
62 reserve deputy is acting within the line and scope of his or  
63 her duties and is acting in compliance with law.

64 §45-37-236.2. Payment of fees by Private Parties to  
65 Reserve Deputies for Executing Writs.

66 (a) For execution and return of writs under this part,  
67 notwithstanding any other provision of law, a reserve deputy  
68 in Jefferson County may be paid a fee by the property owner  
69 for execution of the writ. The fee shall not exceed two  
70 hundred fifty dollars (\$250) for each writ executed.

71 (b) The fee provided for in this section shall be paid  
72 directly to the reserve deputy by the property owner without  
73 the submission of a certified statement to the court clerk and  
74 the reserve deputy shall receive no funds from the county  
75 treasury for the services.

76 (c) The fee provided for in this section shall not be  
77 payable by the property owner unless proper return is made  
78 upon the writ and the writ is returned to the court clerk.

79 (d) The Jefferson County Sheriff shall not receive any  
80 fee related to the service, except as otherwise authorized by  
81 law.

82 §45-37-236.3 Training Required for Reserve Deputies.

83 (a) Prior to the Jefferson County Sheriff delivering a  
84 writ to a reserve deputy for execution as provided for in this



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85 part, the sheriff shall require the reserve deputy to  
86 successfully do the following:

87 (1) Submit proof that the reserve deputy is certified  
88 by the Alabama Peace Officers' Standards and Training  
89 Commission.

90 (2) Complete training by the Jefferson County Sheriff's  
91 Department on the legal and proper procedures for the  
92 execution of writs of execution or possession.

93 (b) The sheriff shall establish a training program and  
94 provide any necessary documentation or certification to prove  
95 the completion of the training required in this section. The  
96 sheriff shall require the training to be renewed by the  
97 reserve deputy at least every three years, or sooner if  
98 required by the sheriff.

99 (c) The sheriff may charge each reserve deputy a fee,  
100 set by the sheriff, for the training and certification of  
101 completion of the training.

102 Section 2. This act shall supersede Act 592 of the 1967  
103 Regular Session (Acts 1967, p. 1378), providing for the  
104 appointment of reserve deputy sheriffs in Jefferson County, to  
105 the extent of any conflict.

106 Section 3. This act shall become effective on June 1,  
107 2024.