



ACADV Summary: Domestic Violence Holding Period (Act 00-597)

Effective August 1, 2000, this law (§15-13-190) established a holding period for arrested abusers and an appearance before a judge or magistrate, to set conditions on bail that can protect victims. The holding period is intended in part to provide time for a victim to find safety in a shelter or with friends before the abuser is released.

Holding Period

Persons arrested for violating a protection order (PFA) or for domestic violence as defined in subdivisions 1-4 of subsection (b) of Section §15-10-3 of the Code of Alabama 1975, may not be admitted to bail until after an appearance before a judge or magistrate; if they are not taken before a judge or magistrate within 12 hours after arrest, the person shall be released on bail.

Bail Requirements / Conditions of Release

Prior to release, the judge or magistrate shall review the facts of arrest to determine threat to the alleged victim, threat to public safety, and likelihood person will appear in court. The judge or magistrate shall make those findings on record, and may impose Conditions of Release or Bail to protect the victim, and ensure the defendant's appearance in court.

The conditions may include, but need not be limited to:

- enjoining the person from threatening to commit or committing acts of domestic violence against the alleged victim.
- prohibiting the person from telephoning, contacting, or otherwise communicating with the alleged victim with the intent to harass, either directly or indirectly.
- ordering the person to stay away from the home of the alleged victim, when the person and the alleged victim are not residents of the same home, and ordering the person to stay away from any other location where the victim is likely to be.
- prohibiting the person from possessing a firearm or other weapon specified by the court, except when such weapon is necessary for employment as a peace officer or military personnel.
- issuing any other order or modification of orders required to protect the safety of the alleged victim or to ensure the appearance of the person in court.

If Conditions of Release are imposed, the judge or magistrate shall:

- issue a written order and distribute it to the agency with custody.
- place the information in the protection order registry.
- provide law enforcement with information on the location of the victim in a manner that protects the victim.

Arrest for Violation of Conditions of Release

By bringing the conditions of release under the Protection Order Enforcement Act (Code of Alabama, §30-5A-1 through §30-5A-7), the Act permits warrantless arrest for violations of conditions of release, even if no other offense occurs.