

OFFICE OF THE
ATTORNEY GENERAL

DON SIEGELMAN
ATTORNEY GENERAL
MONTGOMERY, ALABAMA 36130
(205) 261-7400



STATE OF ALABAMA

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Honorable Robert W. Ennis, IV
City Attorney
City of Tuscaloosa
Post Office Box 2089
Tuscaloosa, Alabama 35403-2089

Arrest - Warrants - Law
Enforcement Officers

The provisions of Section
15-10-3(a)(6) of the Code of
Alabama 1975 apply to arrest
warrants issued before and
after the return of an
indictment.

Dear Mr. Ennis:

This opinion is issued in response to your request for an
opinion from the Attorney General.

QUESTION

Can an officer make an arrest pursuant to
Alabama Code Section 15-10-3(a)(6) when he
has actual knowledge that a warrant for the
person has been issued, and the warrant was
issued pursuant to Alabama Code Section
15-7-1, et seq., as an alias warrant for
failure of the Defendant to appear in
Court, or otherwise is not based on an
indictment nor issued pursuant to Chapter
10 of Title 15?

FACTS AND ANALYSIS

The Code of Alabama 1975, Section 15-10-3(a)(6) provides in part as follows:

"(a) An officer may arrest any person without a warrant on any day and at any time for:

(6) When he has actual knowledge that a warrant for the person's arrest for the commission of a felony or misdemeanor has been issued, provided such warrant was issued in accordance with the provisions of this chapter."

The preamble to Act 89-857, which amended Section 15-10-3 to provide for arrests based upon knowledge of an outstanding warrant, provides in part as follows:

"To amend Code of Alabama 1975, Section 15-10-3, which provides the circumstances under which a law enforcement officer may arrest without a warrant, so that a law enforcement officer may arrest without a warrant in certain specified cases; . . ."

This language indicates that the legislature intended Section 15-10-3 to apply to all warrants and not just warrants issued after the return of an indictment. The certain specified cases clearly refer to the specific instances set out in Section 15-10-3.

Chapter 10 of Title 15 deals explicitly with the issuance of arrest warrants before and after the return of an indictment and the Chapter deals with arrests both before and after the return of an indictment. Therefore, issuance and execution of an arrest warrant before the return of an indictment is implicitly covered by the language of Chapter 10.

CONCLUSION

The provisions of Section 15-10-3(a)(6) of the Code of Alabama 1975, apply to arrest warrants issued before and after the return of an indictment.

I hope this sufficiently answers your question. If our office can be of further assistance, please do not hesitate to contact me.

Sincerely,

DON SIEGELMAN
ATTORNEY GENERAL

BY

Jack M. Curtis
JACK M. CURTIS
ASSISTANT ATTORNEY GENERAL

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