

RESOLUTION NO. 2020-117

**A RESOLUTION AUTHORIZING SUMMONSES IN LIEU OF ARREST
IN ACCORDANCE WITH THE FOURTH SUPPLEMENTAL STATE
OF EMERGENCY PROCLAMATION ISSUED BY
GOVERNOR IVEY ON MARCH 26, 2020**

WHEREAS, on March 26, 2020, Governor Ivey issued an additional proclamation implementing extraordinary measures and relief to combat the public health emergency caused in the State of Alabama by the COVID-19 pandemic; and

WHEREAS, the Governor's emergency proclamation allows a municipality to authorize law enforcement officers to issue a summons and complaint in lieu of custodial arrest for any violation or misdemeanor, subject to certain exceptions; and

WHEREAS, the City Council of the City of Odenville finds and determines that it is in the best interest of the citizens of the City for the Odenville Police Department to issue summonses and complaints in lieu of custodial arrests as authorized by the Governor's emergency proclamation to decrease traffic at the St. Clair County Detention Center.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ODENVILLE, ALABAMA, AS FOLLOWS:

1. For so long as the Governor's State of Emergency proclamation concerning the COVID-19 pandemic remains in effect, the law enforcement officers of the Odenville Police Department are hereby authorized to issue a summons and complaint in lieu of custodial arrest for any violation or misdemeanor, provided, however, that law enforcement officers may not issue a summons and complaint in lieu of arrest in any of the following circumstances:

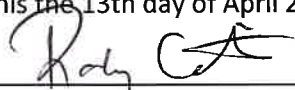
- a. The person is charged with committing a crime involving violence, threat of violence, or domestic violence, as defined under Article 7 (commencing with § 13A-6-130) 17 of Chapter 6, Title 13A, Ala. Code 1975;
- b. The person is charged with the use or possession of alcohol or a controlled substance and, in the opinion of the law enforcement officer, poses a risk to public safety;

- c. A victim of the crime is a minor;
- d. The person is charged with driving under the influence as codified in § 32-5A-191, Ala. Code 1975; or
- e. The person is charged with a crime that would require restitution to the victim.

2. In accordance with the Governor's State of Emergency proclamation concerning the COVID-19 pandemic, the Odenville Municipal Judge and Odenville Municipal Court Clerk are hereby authorized and directed to set a fee schedule for the aforementioned summons and complaint that is concurrent with the bail fee and court costs currently associated with the custodial arrest of the same crime.

3. In accordance with the Governor's State of Emergency proclamation concerning the COVID-19 pandemic, to the extent a provision of that proclamation conflicts with any provision of state law, that law is suspended by the Governor's proclamation for the duration of the State of Emergency and the Governor's proclamation shall control.

APPROVED AND ADOPTED this the 13th day of April 2020.




Rodney Christian – Mayor

ATTEST:



Katie Roberson - City Clerk

I, Katie Roberson, clerk for the City of Odenville, Alabama do certify that the above and forgoing is a true and exact copy of that Resolution adopted by the Odenville City Council, Odenville, Alabama at a regular meeting held on the 13th day of April, 2020 and the same now appears in the Resolution book of the City of Odenville and was posted as required by law in three (3) public places being Odenville City Hall, Odenville Drug, and Odenville Utility Board.



Katie Roberson, City Clerk