

Alabama Rules of Criminal Procedure

Rule 7. Release.

Rule 7.5. Review of conditions; revocation of release.

(a) ISSUANCE OF WARRANT. Upon motion of the prosecutor stating with particularity the facts or circumstances constituting a material breach of the conditions of release or stating with particularity that material misrepresentations or omissions of fact were made in securing the defendant's release, the court having jurisdiction over the defendant released shall issue an arrest warrant under Rule 3.1 to secure the defendant's presence in court. A copy of the motion shall be served with the warrant, and a hearing shall be held on the motion without undue delay, except in no event later than seventy-two (72) hours after the arrest of the defendant released, as provided in Rule 4.3(a).

(b) HEARING; REVIEW OF CONDITIONS; REVOCATION OF RELEASE. If, after a hearing on the matters set forth in the motion, the court finds that the defendant released has not complied with or has violated the conditions of release, or that material misrepresentations or omissions of fact were made in securing the defendant's release, the court may modify the conditions or revoke the release. If a ground alleged for revocation of the release is that the defendant released has violated the condition under Rule 7.3(a)(2) by committing a criminal offense, or that there was a misrepresentation or omission concerning other charges pending against the defendant released, the court may modify the conditions of release or revoke the release after a hearing, if the court finds that there is probable cause (or if there has already been a finding of probable cause) to believe that the defendant released committed the other offense or offenses charged.

[Amended eff. 3-3-92; Amended eff. 9-24-2007.]

Committee Comments as Amended Effective September 24, 2007

The 72-hour provision for hearing on a motion to revoke release is in harmony with the policy behind Rule 4.3(a)(1)(iii) that there must be some type of hearing within seventy-two (72) hours of arrest in order to hold someone.

The rule is not intended to operate as an absolute denial of release where there is probable cause to believe the defendant committed an offense while on release.

Note from the reporter of decisions: The order amending Rule 7.5(b) and the Committee Comments to Rule 7.5, effective September 24, 2007, is published in that volume of *Alabama Reporter* that contains Alabama cases from 966 So. 2d.