

Alabama Rules of Criminal Procedure

Rule 1. Scope; Purpose, Objectives, and Construction; Computation and Enlargement of Time; Definitions; Effective Date.

Rule 1.1. Scope.

These rules shall govern the practice and procedure in all criminal proceedings in all courts of the State of Alabama, and political subdivisions thereof, except as otherwise provided by court rule.

Committee Comments

These rules are promulgated by the Supreme Court of Alabama pursuant to its rule-making power, Section 6.11 of the Judicial Article (Amendment No. 328 to the Alabama Constitution of 1901), and are intended to make uniform the practice and procedure for the conduct of criminal proceedings in all Alabama courts, including municipal courts, whether or not they elect to come within the district court system, except as otherwise provided. These rules do not apply to civil cases and impeachment proceedings.

The term “criminal proceeding” is used consistently herein to include the terms “criminal actions,” “criminal matters,” and “criminal cases” [See Rule 1.4(h)]. These rules are drawn to govern only practice and procedure, and not to affect the substantive rights of any party. Recognizing the inherently difficult task of delineating between substance and procedure, the Advisory Committee has been aided by the opinions of courts of other states. The general guidelines followed by other courts have been succinctly set out by the Georgia Court of Criminal Appeals in *Gaspin v. State*, 76 Ga.App. 375, 378, 45 S.E.2d 785, 788 (1947):

“As relates to crimes, ‘substantive law’ is that which declares what acts are crimes and prescribes punishment therefor. As relates to crimes, ‘procedural law’ is that which provides or regulates steps by which one who violates a criminal statute is punished.”