

ALABAMA RULES OF JUDICIAL ADMINISTRATION

Rule 17.

Prosecution assistance by municipality.

When a municipality elects to abolish its court and transfer its cases to the district court system, the district attorney may, in his discretion, request the assistance of a municipality for prosecution of violations of the ordinances of the municipality. The municipality shall, when requested, furnish prosecutorial services in the district, circuit and appellate courts; provided, however, that prior to the furnishing of prosecutorial services by a municipality, the district attorney and the municipality should agree to an equitable reimbursement for said services.

[Amended 9-28-87; eff. 10-1-87; Amended eff. 11-9-2006.].]

Comment

Ala.Code 1975, Section 12-12-8, provides that the district attorney shall have administrative responsibility for district court prosecutions. This rule allows the district attorney to call upon the municipality to provide prosecutorial assistance in the trial of municipal ordinance cases in the district court. Since a portion of the district court docket fees is distributed to the district attorney fund and would normally help to defray costs of prosecution of municipal ordinance cases, this section further provides that if the district attorney requires the municipality to prosecute its cases, agreement should be reached regarding reimbursement for such services.

This Rule replaces former Rule 16.