

Alabama Rules of Criminal Procedure

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

Rule 1.5. Applicability of rules.

These rules shall govern all criminal proceedings, without regard to when the proceeding was commenced.

[Amended eff. 4-21-92.]

Committee Comments

Throughout the rules, the term “criminal proceeding” is used consistently rather than the term “action.” A “criminal proceeding” may be commenced only by complaint or indictment, thus the determination of whether these rules are to be applied in a specific case can be determined by reference to the date of the accusatory instrument by which the case was initiated or “commenced.”

These rules do not automatically apply to criminal proceedings pending at the deadline. This rule will leave it to the parties in pending cases to agree to operate under these rules with consent of court, if they so desire.

Rule 1.5, as it originally read effective January 1, 1991, made these rules applicable to proceedings “commenced” on or after January 1, 1991. The amendment of April 21, 1992, makes these criminal rules applicable to all criminal proceedings without regard to when they were “commenced.”