

Alabama Rules of Criminal Procedure

Rule 2. Commencement and prosecution of criminal proceedings.

Rule 2.3. Contents of a complaint.

A complaint is a statement made upon oath before a judge, magistrate, or official authorized by law to issue warrants of arrest, setting forth essential facts constituting an offense and alleging that the defendant committed the offense. The complaint may be written, typed, electronic, or computer-generated.

[Amended 10-27-2020, eff. 2-1-2021.]

Committee Comments

Ala.Code 1975, § 15-7-1, defines a “complaint” as “an allegation made before a proper judge or magistrate that a person has been guilty of a designated public offense.” It serves the dual purpose of being the accusatory instrument in most misdemeanor cases and commencing preliminary proceedings in felony cases. This rule makes no change in Alabama law or practice, but it pulls together the parts of the instrument variously termed complaint, affidavit or warrant. See Ala.Code 1975, § 15-7-2. A traffic ticket issued pursuant to Rule 19, A.R.J.A., will be sufficient to constitute a complaint.

Note from the reporter of decisions: The order amending Rule 2.3, Rule 4.3, Rule 4.4, and Rule 7.4, effective February 1, 2021, is published in that volume of *Alabama Reporter* that contains Alabama cases from ___ So. 3d.