

Alabama Rules of Criminal Procedure

Rule 3. Arrest warrant or summons upon commencement of criminal proceedings; search warrant.

Rule 3.3. Execution and return of arrest warrant.

(a) BY WHOM. The arrest warrant shall be directed to and may be executed by any law enforcement officer within the State of Alabama.

(b) MANNER OF EXECUTION. An arrest warrant shall be executed by arrest of the defendant.

(c) RETURN. The law enforcement officer executing an arrest warrant shall endorse thereon the manner and date of execution, shall subscribe his name, and shall return the arrest warrant to the clerk of the court specified in the arrest warrant.

Committee Comments

Rule 3.3(a) requires that an arrest warrant be directed to and executed by “any law enforcement officer within the State of Alabama.” Prior Alabama practice with regard to those persons who may arrest with a warrant was in a state of considerable confusion. The applicable statute enumerating those officers who may arrest with or without a warrant is Alabama Code 1975, § 15-10-1, which provides:

“An arrest may be made, under a warrant or without a warrant, by any sheriff or other officer acting as sheriff or his deputy, or by any constable acting within their respective counties, or by any marshal, deputy marshal or policeman of any incorporated city or town within the limits of the county.”

The rules provide a functional definition of “law enforcement officer.” Under the definition contained in Rule 1.4(p), anyone who serves as an officer, employee, or agent of the State of Alabama who has a legal duty to maintain order and to make arrests (whether in a general or limited capacity) will be considered a “law enforcement officer” and will be able to execute arrest warrants.

Rule 3.3(c) requires that the warrant be returned to the clerk of the court specified in the warrant.

A warrant may be issued by a municipal judge for a felony and is returnable to the circuit or district court.