

MAGISTRATES

Magistrates are judicial officers created by the Alabama Constitution under Section 6.01(b) of Amendment No. 328, which provides magistrates with the express authority to issue arrest warrants.

Alabama Code 1975Section 12-17-251 (c) ... The powers of a magistrate shall be limited to:

- (1) Issuance of arrest warrants and, where such magistrate is licensed to practice law in Alabama or was serving as a full-time magistrate or warrant clerk on September 1, 1976, and who continued in such capacity as a merit employee in the district court, search warrants;
- (2) Granting of bail in minor misdemeanor prosecutions;
- (3) Receiving of pleas of guilty in minor misdemeanors where a schedule of fines has been prescribed by rule; and
- (4) Such other authority as may be granted by law.

(Acts 1975, No. 1205, p 2384, sec. 4-106; Acts 1977, No. 551, p.740; Acts 1980, No. 80-765, p 1594.)

Note that Act 2019-233, effective May 21, 2019, provides Absolute Judicial Immunity for all magistrates in the Circuit Clerk's office performing the duties above.

A magistrate has absolute judicial immunity defense from civil lawsuits arising from the performance of these highlighted duties.

Magistrates are integral in the process of issuing misdemeanor and felony warrants. As an integral part of the judicial process, it is the recommendation of the Jefferson County Emergency Response Committee that magistrates should be classified in a protected class of persons who do not interface with the public or law enforcement in the event of a crisis.

In the event of a crisis or shutdown, with the approval of the Circuit Clerk, magistrates may be allowed to conduct their duties remotely. During this time, magistrates will remain on call. Meetings that would traditionally require an in-person meeting may be conducted via Zoom or a similar app, with the approval of the Circuit Clerk.

There are five (5) State Certified Magistrates in Jefferson County's Main Courthouse, Domestic Relations Courthouse and the Criminal Justice Center that report to Circuit Clerk Jacqueline Anderson-Smiths.

Below is Jackie Anderson-Smith and Jefferson County Magistrate LaQuisha Harris.

