

1 HB485
2 117222-6
3 By Representatives Hill, McCutcheon, Morrow and Ward
4 RFD: County and Municipal Government
5 First Read: 02-FEB-10

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2 ENROLLED, An Act,

3 To provide for a solicitor's fee to be assessed in
4 criminal cases in each county in the state in an equal amount
5 payable to the Fair Trial Tax Fund; to provide for the
6 disbursement of the funds; and to provide that this act shall
7 not supercede certain local laws in effect on the effective
8 date of this act or enacted after the effective date of this
9 act unless they are expressly repealed.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. In all juvenile, traffic, criminal, and
12 quasi-criminal cases in the juvenile, district, circuit, and
13 municipal courts in this state, a docket fee, hereinafter
14 referred to as a solicitor's fee, shall be assessed in each
15 case. The fees, when collected, shall be distributed monthly
16 as follows: Three dollars (\$3) from each case to the circuit
17 clerk of the county where collected to be used as provided by
18 law for the operation of the office of the circuit clerk and
19 the ~~reminder~~ remainder of each fee to the Solicitor's Fund or
20 District Attorney's Fund in the county where collected or to
21 the fund in the county that may be hereafter prescribed by law
22 for the solicitor's fee. The solicitor's fee shall be in an
23 amount equal to all docket fees or court costs which are
24 assessed upon an adjudication of guilt in a criminal case and
25 distributed to the Fair Trial Tax Fund.

1 Section 2. The solicitor's fee shall be collected in
2 all criminal cases where the defendant is adjudged guilty, a
3 bond forfeited, a penalty imposed, or where there is issued
4 any alias or capias warrant of arrest. The solicitor's fee
5 shall be in addition to and not in lieu of any other fees or
6 costs. The solicitor's fee shall not be waived or remitted
7 unless the defendant proves to the reasonable satisfaction of
8 the sentencing judge that the defendant is not capable of
9 paying the fee within the reasonable foreseeable future.

10 Section 3. The solicitor's fee may be expended by
11 the district attorney in the county where it is collected for
12 the payment of any and all expenses incurred and for any
13 legitimate law enforcement purpose.

14 Section 4. The Legislature may continue to adopt
15 future local laws or repeal existing local laws establishing a
16 solicitor's fee in criminal cases. This act shall not
17 supercede existing local legislation on the effective date of
18 this act or enacted after the effective date of this act in
19 any county providing for a solicitor's fee in criminal cases,
20 and any county having local legislation establishing a
21 solicitor's fee shall collect the fee according to the local
22 act until the local act is expressly repealed. Upon repeal of
23 a local act establishing a solicitor's fee, the county shall
24 collect the fee pursuant to this act or pursuant to a local
25 act enacted after the effective date of this act.

1 Section 5. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 25-MAR-10, as amended.

Greg Pappas
Clerk

Senate

08-APR-10

Passed