

1 HB606
2 118758-4
3 By Representatives Thigpen and Harper (Constitutional
4 Amendment)
5 RFD: Local Legislation
6 First Read: 23-FEB-10

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ENROLLED, An Act,

Proposing an amendment to the Constitution of Alabama of 1901, relating to Fayette County; to provide for a drug enforcement fee to be assessed as costs in juvenile, traffic, criminal, and quasi-criminal cases; to provide for the disbursement of the fee; and to authorize the Legislature by local law to fix, alter, and amend the costs and charges of courts in the county.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 1901, is proposed and shall become valid as a part of the Constitution when all requirements of this act are fulfilled:

PROPOSED AMENDMENT

Section 1. In all juvenile, traffic, criminal, and quasi-criminal cases in the juvenile, district, circuit, and municipal courts in Fayette County, a docket fee, hereinafter referred to as a drug enforcement fee, shall be assessed in each case. The drug enforcement fee shall be in an amount equal to ten dollars (\$10) in each non-drug case; sixty dollars (\$60) in each misdemeanor drug case; and eighty-five dollars (\$85) in each felony drug case. The drug enforcement fee, when collected, shall be distributed monthly as follows: Three dollars (\$3) of the fees assessed in each case shall be

1 retained by the clerk of the court as an administrative fee
2 and the remainder to the Drug Enforcement Fund established by
3 the district attorney in the county or to the fund that may
4 hereafter be prescribed by law for the drug enforcement fee.

5 Section 2. The drug enforcement fee shall be
6 collected as prescribed hereinabove in all cases where the
7 defendant is adjudged guilty, a bond forfeited, a penalty
8 imposed, or where there is issued any alias or capias warrant
9 of arrest, or in any other case where court costs are
10 assessed, whether a defendant is adjudged guilty or not. The
11 drug enforcement fee shall be in addition to and not in lieu
12 of any other fees or costs, and shall not be waived or
13 remitted unless all other costs and charges of court are
14 waived.

15 Section 3. The district attorney for the
16 Twenty-fourth Judicial Circuit shall establish a separate fund
17 to be called the Fayette County Drug Enforcement Fund. All
18 sums deposited into the fund pursuant to this amendment may be
19 expended by the district attorney for the support of the drug
20 task force that serves the Twenty-Fourth Judicial Circuit,
21 including, but not limited to, the payment of any and all
22 expenses incurred by the drug task force, and the payment of
23 any matching monies required under the terms of any grant that
24 may be awarded by any governmental or other entity for the
25 support of the drug task force, the payment or supplementing

1 of salaries for personnel of the drug task force, or for any
 2 other law enforcement purpose.

3 Section 4. The Legislature, by general or local law,
 4 may fix, regulate, and alter the costs and charges of courts
 5 in Fayette County and provide for their distribution. Any
 6 local law authorizing the levy of additional court costs in
 7 Fayette County enacted prior to the effective date of this
 8 amendment is ratified and confirmed.

9 Section 2. An election upon the proposed amendment
 10 shall be held on the date of the primary election in June
 11 following the effective date of the act proposing this
 12 amendment in accordance with Amendment 555 to the Constitution
 13 of Alabama of 1901, now appearing as Section 284.01 of the
 14 Official Recompilation of the Constitution of Alabama of 1901,
 15 as amended, and the election laws of this state.

16 Section 3. The appropriate election official shall
 17 assign a ballot number for the proposed constitutional
 18 amendment on the election ballot and shall set forth the
 19 following description of the substance or subject matter of
 20 the proposed constitutional amendment:

21 "Relating to Fayette County, proposing an amendment
 22 to the Constitution of Alabama of 1901, providing for a drug
 23 enforcement fee to be assessed as costs in juvenile, traffic,
 24 criminal, and quasi-criminal cases; providing for the
 25 disbursement of the fee; and authorizing the Legislature by

1 local law to fix, alter, and regulate the costs and charges of
2 courts in the county.

3 "Proposed by Act _____."

4 This description shall be followed by the following
5 language:

6 "Yes () No ()."

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

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 03-MAR-10, as amended.

Greg Pappas
Clerk

Senate

06-APR-10

Passed