

1 HB650
2 117991-3
3 By Representative Page (N & P)
4 RFD: Local Legislation
5 First Read: 02-MAR-10

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ENROLLED, An Act,

Relating to Etowah County; to provide for the assessment and collection of a solicitor's fee payable to the Solicitor's Fund in all criminal cases in an amount equal to the fees and court costs payable by the criminal defendant to the Fair Trial Tax Fund in criminal cases and to provide for the distribution of the solicitor's fee; to provide for the assessment fee and collection of an additional fee as court costs in criminal cases, and to provide for the disbursement of the additional court cost.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) In all juvenile, traffic, criminal, and quasi-criminal cases in the juvenile, district, circuit, and municipal courts in this state, a docket fee, hereinafter referred to as a solicitor's fee, shall be assessed in each case. The fees, when collected, shall be distributed monthly as follows: Three dollars (\$3) of the fees assessed in each case shall be distributed to the Etowah County Law Library Fund, as prescribed by law, and the remainder to the Solicitor's Fund or District Attorney's Fund in the county or to the fund that may be hereafter prescribed by law for the solicitor's fee. The solicitor's fee shall be in an amount equal to all docket fees or court costs which are assessed

1 upon an adjudication of guilt in a criminal case and
 2 distributed to the Fair Trial Tax Fund.

3 (b) In addition to the solicitor's fee, an
 4 additional fee of seven dollars (\$7) shall be assessed as
 5 court costs in each case to be distributed as follows: Two
 6 dollars (\$2) to the Office of Sheriff of Etowah County and
 7 five dollars (\$5) to either the Circuit Clerk of Etowah County
 8 for cases originating in the District or Circuit Court of
 9 Etowah County or to the clerk of each municipality located
 10 within Etowah County for cases arising in their respective
 11 jurisdictions.

12 Section 2. The fees prescribed in Section 1 shall be
 13 collected in all criminal cases where the defendant is
 14 adjudged guilty, a bond forfeited, a penalty imposed, or where
 15 there is issued any alias or capias warrant of arrest. The
 16 fees shall be in addition to and not in lieu of any other fees
 17 or costs. The fees shall not be waived or remitted unless the
 18 defendant proves to the reasonable satisfaction of the
 19 sentencing judge that the defendant is not capable of paying
 20 the fee within the reasonable foreseeable future.

21 Section 3. (a) The solicitor's fee provided in
 22 subsection (a) of Section 1 may be expended by the district
 23 attorney for the payment of any and all expenses incurred by
 24 the office or for any other legitimate law enforcement
 25 purpose. That portion of the solicitor's fee earmarked for the

1 Etowah County Law Library Fund may be expended, as prescribed
2 by law, as directed by the presiding circuit judge.

3 (b) The additional fee provided in subsection (b) of
4 Section 1 shall be expended as follows:

5 (1) That portion of the fee allocated to the Office
6 of the Sheriff of Etowah County may be expended by the sheriff
7 for the provision of courthouse security and for any other
8 legitimate law enforcement purpose.

9 (2) That portion of the fee allocated to the circuit
10 clerk or to the clerk of the municipal court, as the case may
11 be, may be spent as prescribed by law for the operation of the
12 office.

13 Section 4. This act shall become effective
14 immediately following its passage and approval by the
15 Governor, or its otherwise becoming law and upon ratification
16 of a constitutional amendment authorizing the Legislature by
17 local law to fix the costs of court in Etowah County.

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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 09-MAR-10.

Greg Pappas
Clerk

Senate

06-APR-10

Passed