

1 HB752  
2 118856-4  
3 By Representatives Ward and Hill  
4 RFD: Government Appropriations  
5 First Read: 23-MAR-10

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8 SYNOPSIS: Under existing law, Act 2009-768 provided  
9 for additional court costs in certain criminal  
10 cases and for the distribution of the court costs.

11 This bill would repeal that part of Act  
12 2009-768 that provided for court costs in certain  
13 criminal cases and would create a new code section  
14 to provide for court costs in the same cases and in  
15 the same amount as provided in Act 2009-768. The  
16 bill would provide for the distribution of the fees  
17 when collected in the same manner as provided in  
18 Act 2009-768.

19  
20 A BILL

21 TO BE ENTITLED

22 AN ACT

23  
24 To create Section 12-19-182 to the Code of Alabama  
25 1975, to further provide for court costs in criminal cases in  
26 the municipal, district, and circuit courts; to distribute the  
27 fees for certain purposes; to appropriate the fees for the

1 fiscal year ending September 30, 2010; and to amend Section  
2 36-18-32 of the Code of Alabama 1975, as last amended by Act  
3 2009-768, 2009 Regular Session (Acts 2009, p. 2355), to delete  
4 the amendments to the section by Act 2009-768, in order to  
5 conform to this act.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. Section 12-19-182 is added to the Code of  
8 Alabama 1975, to read as follows:

9 §12-19-182.

10 In all municipal, district, and circuit court  
11 criminal cases, in bond forfeiture proceedings, and upon the  
12 issuance of any alias or capias warrant of arrest, an  
13 additional fee in the amount of ten dollars (\$10) shall be  
14 assessed and collected. The fee shall be collected by the  
15 court clerk and remitted by the 10th day of the next month as  
16 follows:

17 (1) Alabama DNA Database Fund.

18 a. For fiscal year 2010, \$5.

19 b. For fiscal year 2011, \$6.

20 c. For fiscal year 2012 and thereafter, \$9.

21 (2) Citizenship Trust pursuant to Section 16-44A-30,  
22 Code of Alabama 1975, for the purposes described in Section 3.

23 a. For fiscal year 2010, \$5.

24 b. For fiscal year 2011, \$4.

25 c. For fiscal year 2012 and thereafter, \$1.

26 Provided, however, that there shall be no additional fees  
27 imposed for violations relating to parking tickets.

1           Section 2. In addition to all other appropriations,  
2 there is hereby appropriated to the Department of Forensic  
3 Sciences from the Alabama DNA Database Fund such additional  
4 amounts as generated by this act for the fiscal year ending  
5 September 30, 2010. All costs other than the personnel  
6 necessary for the collection of the sample shall be paid by  
7 the department from the appropriation provided by this section  
8 and future appropriations to the department.

9           Section 3. The amounts specified by this act to be  
10 remitted to the Citizenship Trust ("Trust") to promote good  
11 citizenship education shall be appropriated, expended, and  
12 audited in the manner provided by Act 2008-551 and Section  
13 16-44A-30 et seq., Code of Alabama 1975, of which one half  
14 shall be provided by the Citizenship Trust in support of the  
15 Mathews Center for Civic Life located on the campus of the  
16 American Village. In addition to all other appropriations,  
17 there is hereby appropriated such additional amounts generated  
18 by this act for the Trust for the fiscal year ending September  
19 30, 2010.

20           Section 4. Section 36-18-32 of the Code of Alabama  
21 1975, as amended by Act 2009-768, 2009 Regular Session (Acts  
22 2009, p. 2355), is amended to read as follows:

23           "§36-18-32.

24           "(a) There is hereby established a special fund to  
25 be known as the Alabama DNA Database Fund.

26           "(b) The fund shall be placed under the management  
27 or administration of the Director of the Alabama Department of

1 Forensic Sciences for the exclusive purposes of implementing  
2 the provisions of this article.

3 "(c) The fund shall consist of all moneys received  
4 by the director pursuant to the provisions of this section.

5 "(d) The director shall have control of those funds  
6 as shall not be inconsistent with the provisions of this  
7 article and with the laws of the State of Alabama.

8 "(e) Monies deposited in the Alabama DNA Database  
9 Fund may be expended by the Director of the Alabama Department  
10 of Forensic Sciences in accordance with the provisions of this  
11 article. The investment of monies in the fund by the State  
12 Treasurer shall remain in the Alabama DNA Database Fund. At  
13 the end of each fiscal year any unexpended or unencumbered  
14 monies shall remain in the fund. However, no funds shall be  
15 withdrawn or expended except as budgeted and allotted  
16 according to law and only in the amounts authorized by the  
17 Legislature in the general appropriation bill or other  
18 appropriation bills.

19 "(f) Neither the director nor any member of the  
20 director's staff nor any employee of the Alabama Department of  
21 Forensic Sciences shall have any financial interest in any  
22 such investments or receive any reward, thing of value, or  
23 commission in respect thereto.

24 "(g) It shall be the duty of the director to keep  
25 detailed permanent records of all expenditures and  
26 disbursements from such fund or account.

1           "(h) In all municipal, district, and circuit court  
2 civil cases, and both criminal and civil, in bond forfeiture  
3 proceedings upon initiation of attachment, garnishment, or  
4 execution proceedings, and upon the issuance of any alias or  
5 capias warrant of arrest, a fee in the amount of two dollars  
6 (\$2) shall be assessed and collected. ~~In all municipal,~~  
7 ~~district, and circuit court criminal cases, in bond forfeiture~~  
8 ~~proceedings, and upon the issuance of any alias or capias~~  
9 ~~warrant of arrest, a fee in the amount of twelve dollars (\$12)~~  
10 ~~shall be assessed and collected.~~ The fee shall be collected by  
11 the court clerk and remitted ~~as follows:~~ to the Alabama DNA  
12 Database Fund.

13           "~~(1) Alabama DNA Database Fund.~~

14           "~~a. For fiscal years 2009 and 2010, seven dollars~~  
15 ~~(\$7).~~

16           "~~b. For fiscal year 2011, eight dollars (\$8).~~

17           "~~c. For fiscal year 2012 and thereafter, eleven~~  
18 ~~dollars (\$11).~~

19           "~~(2) Citizenship Trust pursuant to Section~~  
20 ~~16-44A-30, for the purposes described in Section 36-18-32.1.~~

21           "~~a. For fiscal years 2009 and 2010, five dollars~~  
22 ~~(\$5).~~

23           "~~b. For fiscal year 2011, four dollars (\$4).~~

24           "~~c. For fiscal year 2012 and thereafter, one dollar~~  
25 ~~(\$1).~~

1 "Provided, however, that there shall be no additional fees  
2 imposed for violations relating to parking tickets or small  
3 claims cases.

4 "(i) The amount of the fees shall be remitted by the  
5 person or authority collecting the same to the director on the  
6 10th day of each month next succeeding that in which the fee  
7 is paid. It shall be the duty of the clerk or other authority  
8 collecting those court fees to keep accurate records of the  
9 amounts due the director for the benefit of the fund  
10 established under this section."

11 Section 5. This act shall become effective  
12 immediately following its passage and approval by the  
13 Governor, or its otherwise becoming law.