

1 SB228
2 115348-1
3 By Senator Means
4 RFD: Governmental Affairs
5 First Read: 14-JAN-10

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8 SYNOPSIS: Under existing law, municipal governing
9 bodies individually or jointly may levy and assess
10 additional court costs and fees not to exceed the
11 court costs and fees in the district court of the
12 county for jail and other related purposes.

13 This bill would further provide for the
14 distribution of the funds for municipal jail
15 purposes.

16
17 A BILL
18 TO BE ENTITLED
19 AN ACT
20

21 To amend Section 11-47-7.1 of the Code of Alabama
22 1975, authorizing the municipal governing bodies individually
23 or jointly to levy additional court costs and fees in
24 municipal cases; to further provide for the distribution of a
25 portion of the funds for jail purposes and other related
26 purposes.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 11-47-7.1 of the Code of Alabama
2 1975, is amended to read as follows:

3 "§11-47-7.1.

4 "(a) In addition to any court costs and fees now or
5 hereafter authorized, any municipal governing body, by
6 majority vote of the municipal governing body, may
7 individually or jointly with one or more municipalities in the
8 county levy and assess additional court costs and fees up to
9 an amount not to exceed the court costs and fees in the
10 district court of the county for a similar case on each case
11 hereafter filed in any municipal court of the municipality or
12 municipalities. The cost or fee shall not be waived by any
13 court unless all other costs, fees, assessments, fines, or
14 charges associated with the case are waived. The costs and
15 fees when collected by the clerks or other collection officers
16 of the courts, shall be paid into a special municipal fund
17 designated as the "Corrections Fund". The affected governing
18 body shall allocate the funds exclusively for the operation,
19 construction, debt service, and maintenance of the municipal
20 jail or jails, including contract fees for incarceration of
21 municipal inmates in county-owned facilities, other
22 correctional facilities, if any, any juvenile detention
23 center, or any municipal court complex, including salaries and
24 expenses of municipal court officials and employees. Provided,
25 however, that no more than 40 percent of the corrections fund
26 of a municipality shall be allocated for the operation,
27 construction, debt service, and maintenance of the municipal

1 jail or jails, including contract fees for incarceration of
2 municipal inmates in county-owned facilities, other
3 correctional facilities, if any, or any juvenile detention
4 center.

5 "(b) The municipal governing body may appropriate
6 other funds, space, and property sufficient to maintain and
7 equip any municipal jail or court complex. The municipal
8 governing body may also receive gifts, grants, and property
9 for the use of the jail or court complex and may contract for
10 services related to the construction, equipment, and
11 maintenance of the jail or court complex.

12 "(c) The municipal governing body or municipal
13 governing bodies may provide for the implementation of this
14 section with another governmental entity by entering into a
15 contract pursuant to a resolution or ordinance for the
16 construction and operation of joint municipal correctional
17 facilities or a court complex and may adopt joint rules and
18 regulations applicable to the jurisdiction of each entity
19 relative to the correctional or court facilities.

20 "(d) Any contract or resolution entered into or
21 adopted by the municipal governing body prior to the effective
22 date of the act adding this amendatory language, which
23 obligates correction fund monies of a municipality in
24 accordance with the provisions of this section as it existed
25 on that date shall not be affected by the provisions of the
26 act adding this amendatory language, until the expiration of
27 the contract or resolution."

1 Section 2. This act shall not be deemed to repeal
2 any local acts enacted prior to the effective date of this
3 act.

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