

1 SB488  
2 117991-4  
3 By Senator Means (N & P)  
4 RFD: Local Legislation No. 1  
5 First Read: 02-MAR-10

1 SB488

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4 With Notice and Proof

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6 ENROLLED, An Act,

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

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. (a) In all juvenile, traffic, criminal,  
18 and quasi-criminal cases in the juvenile, district, circuit,  
19 and municipal courts in this state, a docket fee, hereinafter  
20 referred to as a solicitor's fee, shall be assessed in each  
21 case. The fees, when collected, shall be distributed monthly  
22 as follows: Three dollars (\$3) of the fees assessed in each  
23 case shall be distributed to the Etowah County Law Library  
24 Fund, as prescribed by law, and the remainder to the  
25 Solicitor's Fund or District Attorney's Fund in the county or

1 to the fund that may be hereafter prescribed by law for the  
2 solicitor's fee. The solicitor's fee shall be in an amount  
3 equal to all docket fees or court costs which are assessed  
4 upon an adjudication of guilt in a criminal case and  
5 distributed to the Fair Trial Tax Fund.

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

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

24 Section 3. (a) The solicitor's fee provided in  
25 subsection (a) of Section 1 may be expended by the district

1 attorney for the payment of any and all expenses incurred by  
2 the office or for any other legitimate law enforcement  
3 purpose. That portion of the solicitor's fee earmarked for the  
4 Etowah County Law Library Fund may be expended, as prescribed  
5 by law, as directed by the presiding circuit judge.

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

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

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

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

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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB488  
Senate 06-APR-10  
I hereby certify that the within Act originated in and passed  
the Senate.

McDowell Lee  
Secretary

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House of Representatives  
Passed: 13-APR-10

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By: Senator Means