

1 HB157  
2 216333-1  
3 By Representative England (Constitutional Amendment)  
4 RFD: Judiciary  
5 First Read: 18-JAN-22

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8 SYNOPSIS: This bill would propose an amendment to the  
9 Constitution of Alabama of 1901, to establish the  
10 Alabama Court Cost Commission and provide for its  
11 membership.

12 This proposed amendment would require the  
13 commission to review all existing laws providing  
14 for the imposition of a court cost to determine if  
15 the court cost is reasonably related to the court  
16 system and if the amount imposed is reasonably  
17 related to the amount expended in adjudicating the  
18 matter in question.

19 This proposed amendment would require the  
20 commission to provide a recommendation to the  
21 Legislature as to whether existing laws providing  
22 for a court cost or the distribution of a court  
23 cost should be amended, repealed, or left  
24 unchanged.

25 This proposed amendment would also prohibit  
26 the introduction of legislation to propose a new or

1           modify an existing court cost unless first  
2           submitted to the commission for review.

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4                           A BILL  
5                           TO BE ENTITLED  
6                           AN ACT

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8           Relating to courts; to propose an amendment to the  
9   Constitution of Alabama of 1901, to establish the Alabama  
10   Court Cost Commission and provide for its membership; to  
11   require the commission to review all existing laws providing  
12   for the imposition of a court cost to determine if the court  
13   cost is reasonably related to the court system and if the  
14   amount imposed is reasonably related to the amount expended in  
15   adjudicating the matter in question; to require the commission  
16   to provide a recommendation to the Legislature as to whether  
17   existing laws providing for a court cost or the distribution  
18   of a court cost should be amended, repealed, or left  
19   unchanged; and prohibit the introduction of legislation to  
20   propose a new or modify an existing court cost unless first  
21   submitted to the commission for review.

22   BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23           Section 1. The following amendment to the  
24   Constitution of Alabama of 1901, as amended, is proposed and  
25   shall become valid as a part thereof when approved by a  
26   majority of the qualified electors voting thereon and in

1 accordance with Sections 284, 285, and 287 of the Constitution  
2 of Alabama of 1901, as amended:

3 PROPOSED AMENDMENT

4 Section 1. As used in this amendment, the term  
5 "court cost" means money charged by a court to parties in a  
6 case, including, but not limited to, civil, criminal,  
7 juvenile, or traffic cases, as required by law in connection  
8 with the filing, processing, or other action of the court in  
9 the administration of that case. The term does not include  
10 costs in probate court cases, court-imposed restitution, or  
11 punitive fines established by law for the violation of a  
12 criminal law.

13 Section 2. (a) The Alabama Court Cost Commission is  
14 established. The membership of the commission shall consist of  
15 all of the following:

16 (1) One member of the House Judiciary Committee,  
17 appointed by the Speaker of the House of Representatives.

18 (2) One member of the Senate Judiciary Committee,  
19 appointed by the President Pro Tempore of the Senate.

20 (3) The Chief Justice of the Supreme Court, or  
21 another justice of that court appointed by the Chief Justice.

22 (4) The Administrative Director of Courts, or a  
23 representative from the Administrative Office of Courts  
24 appointed by the director.

25 (5) One circuit judge of the state, appointed by the  
26 Circuit Judges Association.

1           (6) One district judge of the state, appointed by  
2 the District Judges Association.

3           (7) One municipal judge of the state, appointed by  
4 the Municipal Judges Association section of the Alabama League  
5 of Municipalities.

6           (8) One circuit clerk of the state, appointed by the  
7 Circuit Clerks Association.

8           (9) One district attorney, appointed by the Alabama  
9 District Attorneys Association.

10          (10) One member in good standing of the Alabama  
11 State Bar, appointed by that body.

12          (b) The appointing authorities shall make every  
13 effort to coordinate their appointments to assure commission  
14 membership is inclusive and reflects the racial, gender,  
15 geographic, urban, rural, and economic diversity of the state  
16 without regard to political affiliation.

17          (c) The chair of the commission shall be the Chief  
18 Justice of the Supreme Court of Alabama, or his or her  
19 appointee from that court. The commission shall elect a  
20 vice-chair and a secretary from among its members.

21          (d) (1) Each legislative member of the commission  
22 shall be entitled to his or her legislative compensation, per  
23 diem, and travel expenses for each day the member attends a  
24 meeting in accordance with Amendment 871 of the Constitution  
25 of Alabama of 1901, now appearing as Section 49.01 of the  
26 Official Recompilation of the Constitution of Alabama of 1901,  
27 as amended.

1           (2) Members of the commission shall be entitled to  
2 reimbursement for their actual and necessary expenses,  
3 including travel, lodging, and meals, while traveling on  
4 official business of the commission or attending its meetings.

5           (e) The Legislative Services Agency shall provide  
6 assistance to the commission as the commission requests.

7           (f) The chair of the commission may apply for grants  
8 and other assistance from any public or private entity and may  
9 take any necessary steps to secure grants or other assistance.

10           Section 3. (a) The Alabama Court Cost Commission  
11 shall review each existing law providing for the imposition of  
12 a court cost or the manner in which those costs are  
13 distributed or earmarked to determine if the court cost is  
14 reasonably related to the court system and if the amount  
15 imposed is reasonably related to the amount expended in  
16 adjudicating the matter in question, including costs  
17 associated with operating the courthouse and providing  
18 security, law enforcement, or incarceration. The review of  
19 each law shall include a recommendation to the Legislature as  
20 to whether the law providing for the imposition of the court  
21 cost or the manner in which it is distributed or earmarked  
22 should be amended, repealed, or left unchanged.

23           (b) Proposed legislation providing for a new court  
24 cost or amending an existing court cost may not be introduced  
25 unless the proposed legislation is submitted in writing to the  
26 Alabama Court Cost Commission, the Clerk of the House of  
27 Representatives, and the Secretary of the Senate no later than

1 30 calendar days prior to the first day of the legislative  
2 session at which the proposed legislation is to be introduced.

3 (c) The Alabama Court Cost Commission shall review  
4 proposed legislation submitted under subsection (b) to make a  
5 recommendation to the Legislature as to whether the court cost  
6 is reasonably related to the operation of the courts or the  
7 court system and whether the amount of the proposed court cost  
8 is proportionate to the amount expended in adjudicating the  
9 matter in question, including costs associated with operating  
10 the courthouse and providing security, law enforcement, or  
11 incarceration. The commission shall submit a report on the  
12 findings of the commission to the Clerk of the House and the  
13 Secretary of the Senate not later than the third legislative  
14 day of the legislative session.

15 Upon ratification of this constitutional amendment  
16 and contingent upon the ratification of the Constitution of  
17 Alabama of 2022, the Code Commissioner shall number and place  
18 this amendment as appropriate in the constitution based upon a  
19 logical sequence and the particular subject or topic of the  
20 amendment. In this amendment, the Code Commissioner may change  
21 capitalization, spelling, and punctuation for the purpose of  
22 style and uniformity; correct manifest grammatical, clerical,  
23 and typographical errors; and correct incorrect  
24 cross-references. When publishing the Constitution of Alabama  
25 of 2022, as amended, the Code Commissioner may omit this  
26 instructional paragraph.

27 END OF PROPOSED AMENDMENT.

1           Section 2. An election upon the proposed amendment  
2 shall be held in accordance with Sections 284 and 285 of the  
3 Constitution of Alabama of 1901, now appearing as Sections 284  
4 and 285 of the Official Recompilation of the Constitution of  
5 Alabama of 1901, as amended, and the election laws of this  
6 state.

7           Section 3. The appropriate election official shall  
8 assign a ballot number for the proposed constitutional  
9 amendment on the election ballot and shall set forth the  
10 following description of the substance or subject matter of  
11 the proposed constitutional amendment:

12                 "Proposing an amendment to the Constitution of  
13 Alabama of 1901, establishing the Alabama Court Cost  
14 Commission and providing for its membership; requiring the  
15 commission to review all existing laws providing for the  
16 imposition of a court cost to determine if the court cost is  
17 reasonably related to the court system and if the amount  
18 imposed is reasonably related to the amount expended in  
19 adjudicating the matter in question; requiring the commission  
20 to provide a recommendation to the Legislature as to whether  
21 existing laws providing for a court cost should be amended,  
22 repealed, or left unchanged; and prohibiting the introduction  
23 of legislation to propose a new or modify an existing court  
24 cost unless first submitted to the commission for review.

25                 "Proposed by Act \_\_\_\_\_."

26           This description shall be followed by the following  
27 language:

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"Yes ( ) No ( )."