

1 SB132
2 214867-3
3 By Senator Jones (N & P)
4 RFD: Local Legislation
5 First Read: 01-FEB-22

1 SB132

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4 With Notice and Proof

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6 ENROLLED, An Act,

7 Relating to Cherokee County; to create a service of
8 process fee to be charged for service of process by a sheriff
9 of documents in the District Court, Circuit Court, Family
10 Court, and Juvenile Court of the county; to create a service
11 of process fee to be charged for service of process in actions
12 instituted outside the state; and to provide for distribution
13 of the proceeds of the fee.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. (a) This section shall only apply to
16 Cherokee County.

17 (b) In addition to all other charges, fees,
18 judgments, and costs of court, in the District Court, Circuit
19 Court, Family Court, and Juvenile Court of Cherokee County,
20 the following fees shall be collected:

21 (1) A service of process fee of twenty-five dollars
22 (\$25) shall be collected for service or attempted service of
23 process on each document requiring personal service of process
24 by the sheriff or any deputy sheriff.

1 (2) A service of process fee of twenty-five dollars
2 (\$25) shall be collected for service or attempted service of
3 any papers or documents by the sheriff or any deputy sheriff
4 arising out of any civil or criminal action pending or
5 instituted outside the State of Alabama, whether at law or
6 equity.

7 (c) The clerk of the court or designee in Cherokee
8 County by law for the respective courts shall collect the
9 service of process fee designated in subsection (b) and
10 distribute the fee to the Sheriff's Law Enforcement Fund
11 established in Section 45-10-232, Code of Alabama 1975.

12 (d) Notwithstanding the foregoing, the fees
13 designated in subsection (b) may not be imposed or collected
14 if the court finds that payment of the fee will create a
15 substantial hardship. A verified statement signed by the
16 person requesting service and approved by the court attesting
17 the substantial hardship shall be filed with the clerk of the
18 court.

19 (e) The district attorney, law enforcement, and
20 grand juries shall be exempt from payment of the fees provided
21 for in this section.

22 Section 2. This act shall become effective on the
23 first day of the third month following its passage and
24 approval by the Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB132

Senate 16-FEB-22

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris,
Secretary.

House of Representatives
Passed: 03-MAR-22

By: Senator Jones