

1 HB236
2 214867-2
3 By Representative Ledbetter (N & P)
4 RFD: Local Legislation
5 First Read: 02-FEB-22

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to Cherokee County; to create a service of
14 process fee to be charged for service of process by a sheriff
15 of documents in the District Court, Circuit Court, Family
16 Court, and Juvenile Court of the county; to create a service
17 of process fee to be charged for service of process in actions
18 instituted outside the state; and to provide for distribution
19 of the proceeds of the fee.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. (a) This section shall only apply to
22 Cherokee County.

23 (b) In addition to all other charges, fees,
24 judgments, and costs of court, in the District Court, Circuit
25 Court, Family Court, and Juvenile Court of Cherokee County,
26 the following fees shall be collected:

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

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

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

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

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

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