

HB147 INTRODUCED



1 11F5L3-1
2 By Representative Hill (N & P)
3 RFD: Local Legislation
4 First Read: 21-Mar-23
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A BILL
TO BE ENTITLED
AN ACT

Relating to St. Clair County; providing that the offices of judge of probate, revenue commissioner, and sheriff shall be reimbursed from the county general fund for monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing for the voiding of licenses issued and other transactions based on worthless or forged checks.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The St. Clair County Commission shall reimburse the offices of judge of probate, revenue commissioner, and sheriff from the general fund in the amount of any monetary loss not to exceed two thousand five hundred dollars (\$2,500) per fiscal year, or a greater amount as may be set from time to time by the county commission, for each officer arising or caused without the personal knowledge of the officer, including loss arising from acceptance of worthless or forged checks, drafts, money orders, or other written orders for money or its equivalent.

Section 2. It shall be the duty of the judge of



HB147 INTRODUCED

29 probate, revenue commissioner, and the sheriff to ensure that
30 the employees of the respective offices exercise due care in
31 performing their required duties and make a diligent effort to
32 correct the error, mistake, or omission. The respective
33 officers shall make a good faith effort to collect the amount
34 subject to potential loss immediately upon becoming aware of
35 the potential loss.

36 Section 3. This act shall not apply to any deliberate
37 misuse or misappropriation of funds by the respective official
38 or by any clerk or employee of his or her office.

39 Section 4. In cases where worthless or forged checks,
40 drafts, money orders, or other written orders for money or its
41 equivalent given for a license or in payment for any
42 transaction to the judge of probate, revenue commissioner, or
43 sheriff is found to be noncollectible for any reason, the
44 judge of probate, revenue commissioner, or sheriff shall make
45 a reasonable attempt to retrieve the license in question. In
46 the event that the license cannot be retrieved or a
47 transaction has been recorded in the records, the judge of
48 probate, revenue commissioner, or sheriff shall so state and
49 that statement shall constitute authorization to void any
50 license in question or to reverse or cancel any other
51 transaction. Once the license has been voided or a transaction
52 has been reversed or canceled, the judge of probate, revenue
53 commissioner, or sheriff, if applicable, shall receive credit
54 for the cost of the license, taxes, and all other fees from
55 the appropriate agencies. If applicable, the appropriate state
56 office shall mark the records pertaining to the license void



HB147 INTRODUCED

57 or shall mark the transaction reversed or canceled. In the
58 event of any inquiry by any law enforcement agency concerning
59 any license, the official shall notify the agency that the
60 party in question is operating under a void license. All
61 violations shall be prosecuted in accordance with current law.

62 Section 5. This act shall become effective immediately
63 following its passage and approval by the Governor, or its
64 otherwise becoming law.