

1 SB56
2 196363-1
3 By Senator Livingston (N & P)
4 RFD: Local Legislation
5 First Read: 05-MAR-19

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to Jackson County; to provide for
14 additional court costs in civil and criminal cases in the
15 circuit and district courts; and to provide for the
16 distribution of the proceeds to the Jackson County Judicial
17 Employees Fund be used to provide staffing for employees of
18 the office of the circuit clerk and courts of Jackson County.
19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. This act shall be known and cited as the
21 Jackson County Preservation of Justice Act.

22 Section 2. The Legislature hereby finds and declares
23 the following:

24 (1) The financial restraints existing in the State
25 General Fund budget have resulted in a shortfall to the
26 Unified Judicial System that has caused the layoff of many
27 judicial employees. In Jackson County, three employees in the

1 circuit clerk's office who were scheduled for layoff have been
2 temporarily retained with alternate funding other than funds
3 appropriated to the Unified Judicial System; however, this
4 alternate funding cannot be relied upon in the future.
5 Revenue from this act will restore funding for some judicial
6 employees in the circuit.

7 (2) This act addresses this problem by increasing
8 court costs.

9 Section 3. In addition to any court costs and fees
10 authorized by law, additional court costs shall be assessed in
11 certain Jackson County Circuit Court and District Court cases
12 as follows:

13 (1) In the circuit court:

14 a. In civil cases, except for domestic relation
15 cases, one hundred dollars (\$100).

16 b. In domestic relations cases, seventy-five dollars
17 (\$75).

18 c. In criminal cases, including cases appealed from
19 the district and municipal courts, twenty dollars (\$20).

20 (2) In District Court:

21 a. In civil cases, excluding unlawful detainer,
22 small claims, and child support cases, twenty dollars (\$20).

23 b. In criminal cases, including DUI cases, but
24 excluding other traffic cases and negotiating worthless
25 negotiable instrument cases, twenty dollars (\$20).

26 Section 4. (a) The Circuit Clerk of the Jackson
27 County shall collect the additional court costs assessed as

1 provided in Section 3 in the same manner as other court costs
2 are collected and deposit the proceeds monthly in the Jackson
3 County Judicial Employees Fund, which shall be established in
4 the county treasury. The fund shall be administered by the
5 circuit court clerk. The presiding circuit judge and the
6 circuit clerk shall jointly direct the expenditures from the
7 fund solely to provide staffing for the office of the circuit
8 clerk and the courts of Jackson County as the presiding
9 circuit judge and circuit clerk jointly determine is necessary
10 for the offices of the judges and clerk in Jackson County for
11 the administration of the judicial system in a timely and
12 efficient manner.

13 Section 5. The circuit clerk presiding circuit
14 judge, of Jackson County may enter into a memorandum of
15 understanding with the Administrative Office of Courts for the
16 payment of all or a portion of the funds from the Jackson
17 County Judicial Employees Fund to the Administrative Office of
18 Courts for the purpose of providing the staffing needs of the
19 judicial system of Jackson County. If the Administrative
20 Office of Courts fails or refuses to enter into or withdraws
21 from a memorandum of understanding to receive funds from the
22 Judicial Employees Fund, or if the presiding circuit judge
23 determines that staffing needs should be otherwise provided,
24 then all or a portion of the proceeds of the fund may be
25 expended for the staffing needs as deemed appropriate by the
26 circuit clerk and presiding circuit judge.

1 Section 6. In the event that the Administrative
2 Office of Courts funds staffing positions in the judicial
3 system of Jackson County in a manner that the presiding
4 circuit judge and circuit clerk determine to be adequate for
5 the timely and efficient administration of the system, the
6 presiding circuit judge shall certify that determination to
7 the Jackson County Legislative Delegation. In the event the
8 presiding circuit judge makes that certification, the court
9 costs authorized by this act shall no longer be collected
10 effective on the first day of the month immediately following
11 the certification.

12 Section 7. This act shall become effective on the
13 first day of the third month following its passage and
14 approval by the Governor, or its otherwise becoming law.