

1 SB177
2 205161-2
3 By Senator Smitherman (Constitutional Amendment)
4 RFD: Judiciary
5 First Read: 03-FEB-21

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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23 cost should be amended, repealed, or left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18 of a court cost should be amended, repealed, or left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 member in good standing of the Alabama State
9 Bar, appointed by that body.

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

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

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

26 (2) Members of the commission shall be entitled to
27 reimbursement for their actual and necessary expenses,

1 including travel, lodging, and meals, while traveling on
2 official business of the commission or attending its meetings.

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

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

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

21 (b) Proposed legislation providing for a new court
22 cost or amending an existing court cost may not be introduced
23 unless the proposed legislation is submitted in writing to the
24 Alabama Court Cost Commission, the Clerk of the House of
25 Representatives, and the Secretary of the Senate no later than
26 30 calendar days prior to the first day of the legislative
27 session at which the proposed legislation is to be introduced.

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

13 Section 2. An election upon the proposed amendment
14 shall be held in accordance with Sections 284 and 285 of the
15 Constitution of Alabama of 1901, now appearing as Sections 284
16 and 285 of the Official Recompilation of the Constitution of
17 Alabama of 1901, as amended, and the election laws of this
18 state.

19 Section 3. The appropriate election official shall
20 assign a ballot number for the proposed constitutional
21 amendment on the election ballot and shall set forth the
22 following description of the substance or subject matter of
23 the proposed constitutional amendment:

24 "Proposing an amendment to the Constitution of
25 Alabama of 1901, establishing the Alabama Court Cost
26 Commission and providing for its membership; requiring the
27 commission to review all existing laws providing for the

1 imposition of a court cost to determine if the court cost is
2 reasonably related to the court system and if the amount
3 imposed is reasonably related to the amount expended in
4 adjudicating the matter in question; requiring the commission
5 to provide a recommendation to the Legislature as to whether
6 existing laws providing for a court cost should be amended,
7 repealed, or left unchanged; and prohibiting the introduction
8 of legislation to propose a new or modify an existing court
9 cost unless first submitted to the commission for review.

10 "Proposed by Act _____."

11 This description shall be followed by the following
12 language:

13 "Yes () No ()."