

1 HB395
2 181105-1
3 By Representatives Polizos, Ingram and Sells (N & P)
4 RFD: Montgomery County Legislation
5 First Read: 14-MAR-17

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to Montgomery County; to amend Section 2 of
14 Act 2015-264, 2015 Regular Session, imposing an additional
15 service of process fee for the service of documents in the
16 civil and criminal divisions of the circuit and district
17 courts; to clarify that the fee shall be collected on each
18 document requiring personal service of process by the Sheriff
19 of Montgomery County for matters pending or to be commenced in
20 a court in Montgomery County or in a court outside of
21 Montgomery County.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. Section 2 of Act 2015-264, 2015 Regular
24 Session, is amended to read as follows:

25 "Section 2. (a) In addition to all existing charges,
26 fees, judgments, and costs of court, in the civil division and
27 in the criminal division of the district and circuit courts of

1 Montgomery County, an additional one-time service of process
2 fee of thirty dollars (\$30) per document shall be imposed and
3 collected for service or attempted service of process on each
4 document requiring personal service of process by the Sheriff
5 of Montgomery County for matters pending or to be commenced in
6 a court in Montgomery County.

7 " ~~(b) In addition to all existing charges, fees,~~
8 ~~judgments, and costs of court, in the civil division of the~~
9 ~~district and circuit courts of Montgomery County, an An~~
10 additional one-time service of process fee of thirty dollars
11 (\$30) per document shall be imposed and collected for service
12 or attempted service of process on each document requiring
13 personal service of process by the Sheriff of Montgomery
14 County for matters pending or to be commenced in a court
15 outside of Montgomery County.

16 "(c) The court official designated in Montgomery
17 County by law for the respective courts shall collect the
18 service of process fee designated in subsections (a) and (b)
19 and shall remit the fees collected as follows: Ten percent of
20 each fee shall be retained by the circuit clerk and deposited
21 in the circuit clerk's fund or similar fund to be used for the
22 operation of the circuit clerk's office and the remainder of
23 the fee shall be distributed to the Montgomery County
24 Commission to be deposited in the county general fund.
25 Notwithstanding the foregoing, the fee shall not be imposed
26 and collected if the court finds payment of the fee will
27 create a substantial hardship. A verified statement signed by

1 the person requesting service and approved by the court
2 attesting the substantial hardship shall be filed with the
3 clerk of the court.

4 "(d) The district attorney, law enforcement, and
5 grand juries shall be exempt from payment of the fees provided
6 in this act."

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