

1 SB238  
2 182248-2  
3 By Senator Smitherman  
4 RFD: Finance and Taxation General Fund  
5 First Read: 23-FEB-17

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8 SYNOPSIS: Under existing law, there is a Circuit  
9 Clerk's Judicial Administration Fund in each county  
10 and the money in the funds may be used for the  
11 salaries and benefits of court employees.

12 This bill would provide that the money in  
13 the Circuit Clerk's Judicial Administration Fund  
14 may be used for the purpose of awarding merit and  
15 promotions raises to full-time employees of the  
16 clerk's office.

17  
18 A BILL  
19 TO BE ENTITLED  
20 AN ACT

21  
22 To amend Section 12-19-310, Code of Alabama 1975,  
23 relating to the Circuit Clerk's Judicial Administration Fund;  
24 to provide that the money in the Circuit Clerk's Judicial  
25 Administration Fund may be used for the purpose of awarding  
26 merit and promotions raises to full-time employees of the  
27 clerk's office.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. Section 12-19-310, Code of Alabama 1975,  
3 is amended to read as follows:

4 "§12-19-310.

5 "(a) In addition to the docket fees now authorized  
6 by law, additional docket fees shall be assessed in all  
7 circuit, district, and municipal courts as follows:

8 "(1) In civil cases in the circuit and district  
9 courts, except child support cases and as further provided for  
10 small claims cases, an additional docket fee of forty-five  
11 dollars (\$45) and in small claims cases an additional docket  
12 fee of fifteen dollars (\$15).

13 "(2) In criminal cases in the circuit, district, and  
14 municipal courts, except juvenile cases and as further  
15 provided for traffic cases, an additional docket fee of forty  
16 dollars (\$40) and in traffic cases, but excluding parking  
17 violations, an additional docket fee of twenty-six dollars  
18 (\$26).

19 "(b) (1) Two dollars (\$2) of the traffic docket fee  
20 shall be distributed to the Police Officers' Annuity Fund  
21 before any distribution pursuant to subsections (c) and (d) of  
22 this section.

23 "(2) Ten dollars (\$10) of each fee in municipal  
24 court shall be retained by the presiding municipal judge or  
25 the municipal court clerk for operation of the municipal court  
26 and, before any distribution in subsections (c) and (d),

1 distributed to the municipality for the operation of the  
2 municipal courts.

3 "(c) There is established in the State Treasury the  
4 "State Judicial Administration Fund." Two-thirds of the docket  
5 fees collected pursuant to subsection (a) shall be distributed  
6 to the fund and used by the Administrative Office of Courts as  
7 determined by the Administrative Director of Courts for the  
8 operation of courts in this state.

9 "(d) There is established in each judicial circuit  
10 of this state the "Presiding Circuit Judge's Judicial  
11 Administration Fund" and in each county in this state the  
12 "Circuit Clerk's Judicial Administration Fund." One-sixth of  
13 the docket fees collected in each circuit pursuant to  
14 subsection (a) shall be distributed to the Presiding Circuit  
15 Judge's Judicial Administration Fund in the circuit. One-sixth  
16 of the docket fees collected in each county pursuant to  
17 subsection (a) shall be distributed to the Circuit Clerk's  
18 Judicial Administration Fund in the county.

19 "(e) (1) The funds distributed pursuant to  
20 subsection (d) shall be expended for the support of local  
21 court operations, including, but not limited to, salaries and  
22 benefits of court employees where necessary for the efficient  
23 operations of the courts in the circuit and for other expenses  
24 as individually determined necessary by the presiding circuit  
25 judge or any circuit clerk to promote efficient administration  
26 of justice. Funds distributed pursuant to subsection (d) shall  
27 not reduce the amount payable to the presiding circuit judge

1 or any circuit clerk under any local act or general act or  
2 reduce or affect the amounts of funding allocated by the  
3 Administrative Office of Courts to the budget of the presiding  
4 circuit judge or any circuit clerk.

5 "(2) In addition to the provisions of subdivision  
6 (1) relating to the circuit clerk, each clerk, at his or her  
7 discretion, may use the money in the Circuit Clerk's Judicial  
8 Administration Fund for the purpose of awarding merit and  
9 promotions raises to full-time employees of the clerk's  
10 office.

11 "(f) All expenditures of funds pursuant to this  
12 section shall be audited as all other state funds are audited.

13 "(g) The docket fees assessed pursuant to this  
14 section shall not be waived or remitted by the court unless  
15 all docket fees associated with the case are waived or  
16 remitted.

17 "(h) The court clerk shall distribute the fees  
18 provided for in this section on a monthly basis as other costs  
19 and fees are distributed."

20 Section 2. This act shall become effective on  
21 October 1, 2017, upon its passage and approval by the  
22 Governor, or its otherwise becoming law.