

1 HB18
2 170735-2
3 By Representatives Clouse and Boothe (N & P)
4 RFD: Local Legislation
5 First Read: 02-FEB-16
6 PFD: 01/14/2016

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to Dale County; to establish a service of
14 process fee for the service or attempted service of documents
15 by the Dale County Sheriff's Office in the civil and criminal
16 divisions of the circuit and district court with certain
17 exceptions; to provide for the distribution of the fees; and
18 to establish the Dale County Sheriff's Service of Process Fee
19 Fund for the disposition of service of process fees.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. This act shall only apply to Dale County.

22 Section 2. (a) (1) In addition to all other charges,
23 fees, judgments, and costs of court, in the civil division and
24 in the criminal division of the district court and the circuit
25 court of Dale County, a service of process fee of twenty-five
26 dollars (\$25) shall be collected for service or attempted
27 service of process on each document requiring personal service

1 of process by the sheriff for matters pending or to be
2 commenced in a court in Dale County, Alabama.

3 (2) A service of process fee of fifty dollars (\$50)
4 shall be collected for service or attempted service of process
5 on each document requiring personal service of process by the
6 sheriff for matters pending or to be commenced in a court
7 outside of Dale County, Alabama.

8 (b) The Dale County Sheriff's Service of Process Fee
9 Fund is hereby created to supplement the budget of the Dale
10 County Sheriff's Office. The fund shall be used for law
11 enforcement vehicles, communication equipment, and other
12 technology for the office.

13 (c) (1) The clerk of the court or his or her designee
14 in Dale County by law for the respective divisions of courts
15 and courts shall collect the service of process fee provided
16 in subsection (a) and distribute the fee to the Dale County
17 Sheriff's Service of Process Fee Fund to be held and
18 administered by the Dale County Commission.

19 (2) Notwithstanding the foregoing, the fee may not
20 be imposed and collected if the court finds payment of the fee
21 will create a substantial hardship. A verified statement
22 signed by the person requesting service and approved by the
23 court attesting the substantial hardship shall be filed with
24 the clerk of the court.

25 (d) The Dale County Sheriff's Service of Process Fee
26 Fund shall be an additional fund separate from the budget of
27 the sheriff as provided for in the county general fund. The

1 fees deposited into the Sheriff's Service of Process Fee Fund
2 shall not diminish, offset, or take the place of budgeted
3 funds or any other source of income established for the
4 sheriff or for the operation of the office of the sheriff,
5 except that the county general fund shall be relieved from
6 vehicle and equipment purchases as funds become available
7 pursuant to this act.

8 (e) Dale County and its district attorney, law
9 enforcement officials, and its grand juries shall be exempt
10 from payment of the fees provided for in this act.

11 Section 3. This act shall become effective on the
12 first day of the month following its passage and approval by
13 the Governor, or its otherwise becoming law.