

1 HB349  
2 164664-3  
3 By Representative Lee (N & P)  
4 RFD: Local Legislation  
5 First Read: 31-MAR-15

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2 ENROLLED, An Act,

3           Relating to Houston County; to establish a service  
4 of process fee for the service or attempted service of  
5 documents by the Houston County Sheriff's Office in the civil  
6 division of the circuit and district court with certain  
7 exceptions; to provide for the distribution of the fees; and  
8 to establish the Houston County Sheriff's Law Enforcement Fund  
9 for the disposition of service of process fees.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11           Section 1. This act shall only apply to Houston  
12 County.

13           Section 2. (a) (1) In addition to all other charges,  
14 fees, judgments, and costs of court, in the civil division of  
15 the district and circuit courts of Houston County, a service  
16 of process fee of twenty-five dollars (\$25) shall be collected  
17 for service or attempted service of process on each document  
18 requiring personal service of process by the sheriff.

19           (2) A service of process fee of fifty dollars (\$50)  
20 shall be collected for service or attempted service of process  
21 on each document requiring personal service of process by the  
22 sheriff for matters pending or to be commenced in a court  
23 outside of the State of Alabama.

24           (b) A Sheriff's Law Enforcement Fund shall be  
25 created to supplement the budget of the Houston County

1 Sheriff's Office. The fund shall be used for law enforcement  
2 purposes and to discharge the duties of the office of the  
3 sheriff as determined by the sheriff in the public interest,  
4 to include, but not be limited to, training expenses,  
5 ammunition, clothing and uniforms, vehicles, travel expenses,  
6 and equipment costs.

7 (c) (1) The clerk of the court or designee in Houston  
8 County by law for the respective courts shall collect the  
9 service of process fee designated in subsection (a) and  
10 ~~deposit~~ distribute the fee ~~into~~ to the Sheriff's Law  
11 Enforcement Fund.

12 (2) Notwithstanding the foregoing, the fee may not  
13 be imposed and collected if the court finds payment of the fee  
14 will create a substantial hardship. A verified statement  
15 signed by the person requesting service and approved by the  
16 court attesting the substantial hardship shall be filed with  
17 the clerk of the court.

18 (d) The Sheriff's Law Enforcement Fund shall be an  
19 additional fund separate from the budget of the sheriff as  
20 provided for in the county general fund. The fees deposited  
21 into the Sheriff's Law Enforcement Fund shall not diminish,  
22 offset, or take the place of budgeted funds or any other  
23 source of income established for the sheriff or for the  
24 operation of the office of the sheriff.

1                   (e) The district attorney, law enforcement, grand  
2                   juries, and Houston County shall be exempt from payment of the  
3                   fees provided for in this act.

4                   Section 3. This act shall become effective on the  
5                   first day of the third month following its passage and  
6                   approval by the Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in  
and was passed by the House 07-APR-15.

Jeff Woodard  
Clerk

Senate

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19-MAY-15

Amended and Passed

House

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19-MAY-15

Concurred in Sen-  
ate Amendment