

1 HB444
2 146795-1
3 By Representative Hubbard (J) (N & P)
4 RFD: Montgomery County Legislation
5 First Read: 20-MAR-13

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to Montgomery County; to provide for
14 service of process in Montgomery County; to provide that the
15 Montgomery County Commission, with the concurrence of the
16 sheriff, may contract with or enter into a contract or
17 agreement with a private, public, or governmental entity for
18 the purpose of service of process; to increase the fee for
19 civil or criminal documents with certain exceptions; and to
20 provide for the disposition of funds.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. This act shall only apply to Montgomery
23 County.

24 Section 2. Except for the service of warrants of
25 arrest, the Montgomery County Commission, with concurrence of
26 the sheriff, may contract with or enter into contract or

1 agreement with a private, public, or governmental entity for
2 the purpose of service of process.

3 Section 3. (a) In addition to all existing charges,
4 fees, judgments, and costs of court, in the criminal division
5 of the district and circuit courts of Montgomery County, an
6 additional service of process fee of thirty dollars (\$30) per
7 document for service or attempted service shall be imposed.

8 (b) In addition to all existing charges, fees,
9 judgments, and costs of court, in the civil division of the
10 district and circuit courts of Montgomery County, an
11 additional service of process fee of thirty dollars (\$30) for
12 service or attempted service per document shall be imposed.

13 (c) The court official designated in Montgomery
14 County by law for the respective courts shall collect the
15 service of process fee designated in subsections (a) and (b)
16 and shall remit the fees collected to the Montgomery County
17 Commission to be deposited in the county general fund.
18 Notwithstanding the foregoing, the fee shall not be imposed
19 and collected if the court finds payment of the fee will
20 create a substantial hardship. A verified statement signed by
21 the person requesting service and approved by the court
22 attesting the substantial hardship shall be filed with the
23 clerk of the court.

24 (d) The district attorney, law enforcement, and
25 grand juries shall be exempt from payment of the fees provided
26 in this act.

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