

1 HB589
2 118504-1
3 By Representatives Thigpen, Beasley, Harper and Bentley
4 (Constitutional Amendment)
5 RFD: Local Legislation
6 First Read: 17-FEB-10

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8 SYNOPSIS: This bill would propose an amendment to the
9 Constitution of Alabama 1901, providing for a drug
10 enforcement fee to be assessed as court costs in
11 juvenile, traffic, criminal, and quasi-criminal
12 cases in Lamar County. This bill would provide for
13 the disbursement of the fee to the circuit clerk
14 and to the drug task force representing the county.

15 This bill would also authorize the
16 Legislature by local law to fix, alter, and amend
17 court costs and would ratify certain local laws
18 authorizing the levy of court costs that were
19 enacted prior to the effective date of this
20 amendment.

21
22 A BILL
23 TO BE ENTITLED
24 AN ACT
25

26 Proposing an amendment to the Constitution of
27 Alabama of 1901, relating to Lamar County; to provide for a

1 drug enforcement fee to be assessed as costs in juvenile,
2 traffic, criminal, and quasi-criminal cases; to provide for
3 the disbursement of the fee; and to authorize the Legislature
4 by local law to fix, alter, and amend the costs and charges of
5 courts in the county.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. The following amendment to the
8 Constitution of Alabama of 1901, is proposed and shall become
9 valid as a part of the Constitution when all requirements of
10 this act are fulfilled:

11 PROPOSED AMENDMENT

12 Section 1. In all juvenile, traffic, criminal, and
13 quasi-criminal cases in the juvenile, district, circuit, and
14 municipal courts in Lamar County, a docket fee, hereinafter
15 referred to as a drug enforcement fee, shall be assessed in
16 each case. The drug enforcement fee shall be in an amount
17 equal to ten dollars (\$10) in each non-drug case; sixty
18 dollars (\$60) in each misdemeanor drug case; and eighty-five
19 dollars (\$85) in each felony drug case. The drug enforcement
20 fee, when collected, shall be distributed monthly as follows:
21 Three dollars (\$3) of the fees assessed in each case shall be
22 retained by the clerk of the court as an administrative fee
23 and the remainder to the Drug Enforcement Fund established by
24 the district attorney in the county or to the fund that may
25 hereafter be prescribed by law for the drug enforcement fee.

26 Section 2. The drug enforcement fee shall be
27 collected as prescribed hereinabove in all cases where the

1 defendant is adjudged guilty, a bond forfeited, a penalty
2 imposed, or where there is issued any alias or capias warrant
3 of arrest, or in any other case where court costs are
4 assessed, whether a defendant is adjudged guilty or not. The
5 drug enforcement fee shall be in addition to and not in lieu
6 of any other fees or costs, and shall not be waived or
7 remitted unless all other costs and charges of court are
8 waived.

9 Section 3. The district attorney for the
10 Twenty-fourth Judicial Circuit shall establish a separate fund
11 to be called the Lamar County Drug Enforcement Fund. All sums
12 deposited into the fund pursuant to this amendment may be
13 expended by the district attorney for the support of the drug
14 task force that serves the Twenty-Fourth Judicial Circuit,
15 including, but not limited to, the payment of any and all
16 expenses incurred by the drug task force, and the payment of
17 any matching monies required under the terms of any grant that
18 may be awarded by any governmental or other entity for the
19 support of the drug task force, the payment or supplementing
20 of salaries for personnel of the drug task force, or for any
21 other law enforcement purpose.

22 Section 4. The Legislature, by general or local law,
23 may fix, regulate, and alter the costs and charges of courts
24 in Lamar County and provide for their distribution. Any local
25 law authorizing the levy of additional court costs in Lamar
26 County enacted prior to the effective date of this amendment
27 is ratified and confirmed.

1 Section 2. An election upon the proposed amendment
2 shall be held in accordance with Amendment 555 to the
3 Constitution of Alabama of 1901, now appearing as Section
4 284.01 of the Official ReCompilation of the Constitution of
5 Alabama of 1901, as amended, and the election laws of this
6 state.

7 Section 3. The appropriate election official shall
8 assign a ballot number for the proposed constitutional
9 amendment on the election ballot and shall set forth the
10 following description of the substance or subject matter of
11 the proposed constitutional amendment:

12 "Relating to Lamar County, proposing an amendment to
13 the Constitution of Alabama of 1901, providing for a drug
14 enforcement fee to be assessed as costs in juvenile, traffic,
15 criminal, and quasi-criminal cases; providing for the
16 disbursement of the fee; and authorizing the Legislature by
17 local law to fix, alter, and regulate the costs and charges of
18 courts in the county.

19 "Proposed by Act _____"

20 This description shall be followed by the following
21 language:

22 "Yes () No ()."