

1 HB606
2 118758-1
3 By Representatives Thigpen and Harper (Constitutional
4 Amendment)
5 RFD: Local Legislation
6 First Read: 23-FEB-10

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

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

A BILL
TO BE ENTITLED
AN ACT

1 Proposing an amendment to the Constitution of
2 Alabama of 1901, relating to Fayette County; to provide for a
3 drug enforcement fee to be assessed as costs in juvenile,
4 traffic, criminal, and quasi-criminal cases; to provide for
5 the disbursement of the fee; and to authorize the Legislature
6 by local law to fix, alter, and amend the costs and charges of
7 courts in the county.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

13 PROPOSED AMENDMENT

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

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

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

24 Section 4. The Legislature, by general or local law,
25 may fix, regulate, and alter the costs and charges of courts
26 in Fayette County and provide for their distribution. Any
27 local law authorizing the levy of additional court costs in

1 Fayette County enacted prior to the effective date of this
2 amendment is ratified and confirmed.

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

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

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

21 "Proposed by Act _____."

22 This description shall be followed by the following
23 language:

24 "Yes () No ()."