

1 HB650
2 117991-2
3 By Representative Page (N & P)
4 RFD: Local Legislation
5 First Read: 02-MAR-10

9 A BILL
10 TO BE ENTITLED
11 AN ACT
12

13 Relating to Etowah County; to provide for the
14 assessment and collection of a solicitor's fee payable to the
15 Solicitor's Fund in all criminal cases in an amount equal to
16 the fees and court costs payable by the criminal defendant to
17 the Fair Trial Tax Fund in criminal cases and to provide for
18 the distribution of the solicitor's fee; to provide for the
19 assessment fee and collection of an additional fee as court
20 costs in criminal cases, and to provide for the disbursement
21 of the additional court cost.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. (a) In all juvenile, traffic, criminal,
24 and quasi-criminal cases in the juvenile, district, circuit,
25 and municipal courts in this state, a docket fee, hereinafter
26 referred to as a solicitor's fee, shall be assessed in each
27 case. The fees, when collected, shall be distributed monthly

1 as follows: Three dollars (\$3) of the fees assessed in each
2 case shall be distributed to the Etowah County Law Library
3 Fund, as prescribed by law, and the remainder to the
4 Solicitor's Fund or District Attorney's Fund in the county or
5 to the fund that may be hereafter prescribed by law for the
6 solicitor's fee. The solicitor's fee shall be in an amount
7 equal to all docket fees or court costs which are assessed
8 upon an adjudication of guilt in a criminal case and
9 distributed to the Fair Trial Tax Fund.

10 (b) In addition to the solicitor's fee, an
11 additional fee of seven dollars (\$7) shall be assessed as
12 court costs in each case to be distributed as follows: Two
13 dollars (\$2) to the Office of Sheriff of Etowah County and
14 five dollars (\$5) to either the Circuit Clerk of Etowah County
15 for cases originating in the District or Circuit Court of
16 Etowah County or to the clerk of each municipality located
17 within Etowah County for cases arising in their respective
18 jurisdictions.

19 Section 2. The fees prescribed in Section 1 shall be
20 collected in all criminal cases where the defendant is
21 adjudged guilty, a bond forfeited, a penalty imposed, or where
22 there is issued any alias or capias warrant of arrest. The
23 fees shall be in addition to and not in lieu of any other fees
24 or costs. The fees shall not be waived or remitted unless the
25 defendant proves to the reasonable satisfaction of the
26 sentencing judge that the defendant is not capable of paying
27 the fee within the reasonable foreseeable future.

1 Section 3. (a) The solicitor's fee provided in
2 subsection (a) of Section 1 may be expended by the district
3 attorney for the payment of any and all expenses incurred by
4 the office or for any other legitimate law enforcement
5 purpose. That portion of the solicitor's fee earmarked for the
6 Etowah County Law Library Fund may be expended, as prescribed
7 by law, as directed by the presiding circuit judge.

8 (b) The additional fee provided in subsection (b) of
9 Section 1 shall be expended as follows:

10 (1) That portion of the fee allocated to the Office
11 of the Sheriff of Etowah County may be expended by the sheriff
12 for the provision of courthouse security and for any other
13 legitimate law enforcement purpose.

14 (2) That portion of the fee allocated to the circuit
15 clerk or to the clerk of the municipal court, as the case may
16 be, may be spent as prescribed by law for the operation of the
17 office.

18 Section 4. This act shall become effective
19 immediately following its passage and approval by the
20 Governor, or its otherwise becoming law and upon ratification
21 of a constitutional amendment authorizing the Legislature by
22 local law to fix the costs of court in Etowah County.