

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

ENGROSSED

A BILL
TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

PROPOSED AMENDMENT

Section 1. In all juvenile, traffic, criminal, and quasi-criminal cases in the juvenile, district, circuit, and municipal courts in Fayette County, a docket fee, hereinafter referred to as a drug enforcement fee, shall be assessed in each case. The drug enforcement fee shall be in an amount equal to ten dollars (\$10) in each non-drug case; sixty

1 dollars (\$60) in each misdemeanor drug case; and eighty-five
2 dollars (\$85) in each felony drug case. The drug enforcement
3 fee, when collected, shall be distributed monthly as follows:
4 Three dollars (\$3) of the fees assessed in each case shall be
5 retained by the clerk of the court as an administrative fee
6 and the remainder to the Drug Enforcement Fund established by
7 the district attorney in the county or to the fund that may
8 hereafter be prescribed by law for the drug enforcement fee.

9 Section 2. The drug enforcement fee shall be
10 collected as prescribed hereinabove in all cases where the
11 defendant is adjudged guilty, a bond forfeited, a penalty
12 imposed, or where there is issued any alias or capias warrant
13 of arrest, or in any other case where court costs are
14 assessed, whether a defendant is adjudged guilty or not. The
15 drug enforcement fee shall be in addition to and not in lieu
16 of any other fees or costs, and shall not be waived or
17 remitted unless all other costs and charges of court are
18 waived.

19 Section 3. The district attorney for the
20 Twenty-fourth Judicial Circuit shall establish a separate fund
21 to be called the Fayette County Drug Enforcement Fund. All
22 sums deposited into the fund pursuant to this amendment may be
23 expended by the district attorney for the support of the drug
24 task force that serves the Twenty-Fourth Judicial Circuit,
25 including, but not limited to, the payment of any and all
26 expenses incurred by the drug task force, and the payment of

1 any matching monies required under the terms of any grant that
2 may be awarded by any governmental or other entity for the
3 support of the drug task force, the payment or supplementing
4 of salaries for personnel of the drug task force, or for any
5 other law enforcement purpose.

6 Section 4. The Legislature, by general or local law,
7 may fix, regulate, and alter the costs and charges of courts
8 in Fayette County and provide for their distribution. Any
9 local law authorizing the levy of additional court costs in
10 Fayette County enacted prior to the effective date of this
11 amendment is ratified and confirmed.

12 Section 2. An election upon the proposed amendment
13 shall be held on the date of the primary election in June
14 following the effective date of the act proposing this
15 amendment in accordance with Amendment 555 to the Constitution
16 of Alabama of 1901, now appearing as Section 284.01 of the
17 Official Recompilation of the Constitution of Alabama of 1901,
18 as amended, and the election laws of this state.

19 Section 3. The appropriate election official shall
20 assign a ballot number for the proposed constitutional
21 amendment on the election ballot and shall set forth the
22 following description of the substance or subject matter of
23 the proposed constitutional amendment:

24 "Relating to Fayette County, proposing an amendment
25 to the Constitution of Alabama of 1901, providing for a drug
26 enforcement fee to be assessed as costs in juvenile, traffic,

1 criminal, and quasi-criminal cases; providing for the
2 disbursement of the fee; and authorizing the Legislature by
3 local law to fix, alter, and regulate the costs and charges of
4 courts in the county.

5 "Proposed by Act _____."

6 This description shall be followed by the following
7 language:

8 "Yes () No ()."

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Local Legisla-
tion 23-FEB-10

Read for the second time and placed
on the calendar with 1 substitute
and 02-MAR-10

Read for the third time and passed
as amended 03-MAR-10

Yeas 67, Nays 0, Abstains 19

Greg Pappas
Clerk