

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

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

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

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

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

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

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

"Proposed by Act \_\_\_\_\_."

This description shall be followed by the following language:

"Yes ( ) No ( )."

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House of Representatives

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

8

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

12

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

15

Yea 67, Nays 0, Abstains 19

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Greg Pappas  
Clerk