

1 HB254
2 127479-1
3 By Representative Johnson (R)
4 RFD: Ways and Means General Fund
5 First Read: 22-MAR-11

1 127479-1:n:03/17/2011:FC/11 LRS2011-1496

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8 SYNOPSIS: Under existing general law, in circuit and
9 district court civil cases, a service fee of \$10 is
10 collected for each defendant in excess of one when
11 personal service is required.

12 This bill would increase the service fee to
13 \$22 and would further provide for distribution of
14 the fees.

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16 A BILL

17 TO BE ENTITLED

18 AN ACT

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20 To amend Section 12-19-73 of the Code of Alabama
21 1975, relating to circuit and district court defendant service
22 fees; to increase the service fee in circuit and district
23 court civil cases that is collected for each defendant in
24 excess of one when personal service is required; and to
25 further provide for distribution of the fees.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 12-19-73 of the Code of Alabama 1975, is amended to read as follows:

"§12-19-73.

"(a) The following defendant service fees shall be collected in civil cases in circuit court and district court: For each defendant in excess of one, ~~where~~ when personal service is required, there shall be collected a service fee of \$10.00 twenty-two dollars (\$22); provided, however, ~~where~~ when service on any defendant is by publication or by registered mail, the actual cost of ~~such~~ the service shall be collected as the service fee. All service fees shall be paid at the time of filing; except, ~~that~~ prepayments prepayment shall not be required if the court finds that payment of ~~such~~ the fee will constitute a substantial hardship. A verified statement, signed by the plaintiff and approved by the court, shall be filed with the clerk of court attesting to such substantial hardship.

"(b) Fees for personal service collected in civil cases shall be distributed as follows: The first ~~\$3.00~~ six dollars (\$6) of each ~~such~~ service fee shall be paid to the county general fund, three dollars (\$3) shall be paid to the Alabama Peace Officers' Annuity and Benefit Fund, three dollars (\$3) shall be paid to the District Attorney Solicitor's Fund in the county where the fee was collected, and the balance thereof shall be paid to the State General Fund with three (\$3) earmarked for the Department of Forensic Sciences."

1 Section 2. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.