

1 HB349
2 164664-2
3 By Representative Lee (N & P)
4 RFD: Local Legislation
5 First Read: 31-MAR-15

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to Houston County; to establish a service
14 of process fee for the service or attempted service of
15 documents by the Houston County Sheriff's Office in the civil
16 division of the circuit and district court with certain
17 exceptions; to provide for the distribution of the fees; and
18 to establish the Houston County Sheriff's Law Enforcement Fund
19 for the disposition of service of process fees.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. This act shall only apply to Houston
22 County.

23 Section 2. (a) (1) In addition to all other charges,
24 fees, judgments, and costs of court, in the civil division of
25 the district and circuit courts of Houston County, a service
26 of process fee of twenty-five dollars (\$25) shall be collected

1 for service or attempted service of process on each document
2 requiring personal service of process.

3 (2) A service of process fee of fifty dollars (\$50)
4 shall be collected for service or attempted service of process
5 on each document requiring personal service of process for
6 matters pending or to be commenced in a court outside of the
7 State of Alabama.

8 (b) A Sheriff's Law Enforcement Fund shall be
9 created to supplement the budget of the Houston County
10 Sheriff's Office. The fund shall be used for law enforcement
11 purposes and to discharge the duties of the office of the
12 sheriff as determined by the sheriff in the public interest,
13 to include, but not be limited to, training expenses,
14 ammunition, clothing and uniforms, vehicles, travel expenses,
15 and equipment costs.

16 (c) (1) The clerk of the court or designee in Houston
17 County by law for the respective courts shall collect the
18 service of process fee designated in subsection (a) and
19 deposit the fee into the Sheriff's Law Enforcement Fund.

20 (2) Notwithstanding the foregoing, the fee may not
21 be imposed and collected if the court finds payment of the fee
22 will create a substantial hardship. A verified statement
23 signed by the person requesting service and approved by the
24 court attesting the substantial hardship shall be filed with
25 the clerk of the court.

26 (d) The Sheriff's Law Enforcement Fund shall be an
27 additional fund separate from the budget of the sheriff as

1 provided for in the county general fund. The fees deposited
2 into the Sheriff's Law Enforcement Fund shall not diminish,
3 offset, or take the place of budgeted funds or any other
4 source of income established for the sheriff or for the
5 operation of the office of the sheriff.

6 (e) The district attorney, law enforcement, grand
7 juries, and Houston County shall be exempt from payment of the
8 fees provided for in this act.

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