

1 SB132
2 214867-2
3 By Senator Jones (N & P)
4 RFD: Local Legislation
5 First Read: 01-FEB-22

9 A BILL
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11 TO BE ENTITLED
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13 AN ACT
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Relating to Cherokee County; to create a service of process fee to be charged for service of process by a sheriff of documents in the District Court, Circuit Court, Family Court, and Juvenile Court of the county; to create a service of process fee to be charged for service of process in actions instituted outside the state; and to provide for distribution of the proceeds of the fee.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) This section shall only apply to Cherokee County.

(b) In addition to all other charges, fees, judgments, and costs of court, in the District Court, Circuit Court, Family Court, and Juvenile Court of Cherokee County, the following fees shall be collected:

(1) A service of process fee of twenty-five dollars (\$25) shall be collected for service or attempted service of process on each document requiring personal service of process by the sheriff or any deputy sheriff.

(2) A service of process fee of twenty-five dollars (\$25) shall be collected for service or attempted service of any papers or documents by the sheriff or any deputy sheriff arising out of any civil or criminal action pending or instituted outside the State of Alabama, whether at law or equity.

(c) The clerk of the court or designee in Cherokee County by law for the respective courts shall collect the service of process fee designated in subsection (b) and distribute the fee to the Sheriff's Law Enforcement Fund established in Section 45-10-232, Code of Alabama 1975.

(d) Notwithstanding the foregoing, the fees designated in subsection (b) may not be imposed or collected if the court finds that payment of the fee will create a substantial hardship. A verified statement signed by the person requesting service and approved by the court attesting the substantial hardship shall be filed with the clerk of the court.

(e) The district attorney, law enforcement, and grand juries shall be exempt from payment of the fees provided for in this section.

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.