

HB147 ENROLLED



1 11F5L3-2

2 By Representative Hill (N & P)

3 RFD: Local Legislation

4 First Read: 21-Mar-23

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1 Enrolled, An Act,

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4 Relating to St. Clair County; providing that the
5 offices of judge of probate, revenue commissioner, and sheriff
6 shall be reimbursed from the county general fund for monetary
7 loss resulting from the performance of official duties for
8 errors or mistakes made in good faith, not to exceed a certain
9 maximum per annum; and providing for the voiding of licenses
10 issued and other transactions based on worthless or forged
11 checks.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. The St. Clair County Commission shall
14 reimburse the offices of judge of probate, revenue
15 commissioner, and sheriff from the general fund in the amount
16 of any monetary loss not to exceed two thousand five hundred
17 dollars (\$2,500) per fiscal year, or a greater amount as may
18 be set from time to time by the county commission, for each
19 officer arising or caused without the personal knowledge of
20 the officer, including loss arising from acceptance of
21 worthless or forged checks, drafts, money orders, or other
22 written orders for money or its equivalent.

23 Section 2. It shall be the duty of the judge of
24 probate, revenue commissioner, and the sheriff to ensure that
25 the employees of the respective offices exercise due care in
26 performing their required duties and make a diligent effort to
27 correct the error, mistake, or omission. The respective
28 officers shall make a good faith effort to collect the amount



29 subject to potential loss immediately upon becoming aware of
30 the potential loss.

31 Section 3. This act shall not apply to any deliberate
32 misuse or misappropriation of funds by the respective official
33 or by any clerk or employee of his or her office.

34 Section 4. In cases where worthless or forged checks,
35 drafts, money orders, or other written orders for money or its
36 equivalent given for a license or in payment for any
37 transaction to the judge of probate, revenue commissioner, or
38 sheriff is found to be noncollectible for any reason, the
39 judge of probate, revenue commissioner, or sheriff shall make
40 a reasonable attempt to retrieve the license in question. In
41 the event that the license cannot be retrieved or a
42 transaction has been recorded in the records, the judge of
43 probate, revenue commissioner, or sheriff shall so state and
44 that statement shall constitute authorization to void any
45 license in question or to reverse or cancel any other
46 transaction. Once the license has been voided or a transaction
47 has been reversed or canceled, the judge of probate, revenue
48 commissioner, or sheriff, if applicable, shall receive credit
49 for the cost of the license, taxes, and all other fees from
50 the appropriate agencies. If applicable, the appropriate state
51 office shall mark the records pertaining to the license void
52 or shall mark the transaction reversed or canceled. In the
53 event of any inquiry by any law enforcement agency concerning
54 any license, the official shall notify the agency that the
55 party in question is operating under a void license. All
56 violations shall be prosecuted in accordance with current law.



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57 Section 5. This act shall become effective immediately
58 following its passage and approval by the Governor, or its
59 otherwise becoming law.



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63 Speaker of the House of Representatives

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68 President and Presiding Officer of the Senate

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71 House of Representatives

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73 I hereby certify that the within Act originated in and
74 was passed by the House 11-Apr-23.

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76 John Treadwell

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Clerk

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Senate

20-Apr-23

Passed