

## HB472 INTRODUCED



1 5RGW63-1  
2 By Representative Gray  
3 RFD: Judiciary  
4 First Read: 16-May-23  
5 2023 Regular Session



## 4 SYNOPSIS:

5 Under existing law, courts are required or  
6 authorized to impose fines, fees, and court costs in  
7 criminal cases.

8 This bill would eliminate fines, fees, and court  
9 costs in juvenile court and discharge outstanding  
10 fines, fees, and court costs previously ordered by a  
11 juvenile court.

12 Also under existing law, the juvenile court is  
13 required to order a parent, legal guardian, or legal  
14 custodian with resources to pay child support when a  
15 child is placed in the legal custody of the department,  
16 agency, organization, entity, or person.

17 This bill would eliminate this child support  
18 obligation.

19 This bill would also make nonsubstantive,  
20 technical revisions to update the existing code  
21 language to current style.

22  
23  
24 A BILL

25 TO BE ENTITLED

26 AN ACT

27  
28 Relating to juvenile court; to amend Sections



## HB472 INTRODUCED

12-15-110, 12-15-117, 12-15-203, 12-15-204, 12-15-215, 12-19-171, 12-19-181, 12-19-182, 12-19-311, 12-23-7, 12-23-12, 12-23-13, 13A-5-2, 13A-5-11, 13A-5-12, and 15-23-17, Code of Alabama 1975, to eliminate fines, fees, and court costs in juvenile court and to discharge outstanding fines, fees, and court costs previously ordered by a juvenile court; to eliminate the requirement for certain parents, legal guardians, or legal custodians to pay child support when a child is placed in the legal custody of the department, agency, organization, entity, or person; to repeal Section 12-15-109, Code of Alabama 1975, relating to court orders for maintenance and care of children; and to make nonsubstantive, technical revisions to update the existing code language to current style.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 12-15-110, 12-15-117, 12-15-203, 12-15-204, 12-15-215, 12-19-171, 12-19-181, 12-19-182, 12-19-311, 12-23-7, 12-23-12, 12-23-13, 13A-5-2, 13A-5-11, 13A-5-12, and 15-23-17, Code of Alabama 1975, are amended to read as follows:

"§12-15-110

(a) Subject to ~~the~~ laws relating to the ~~procedures therefor and the limitations thereon~~ juvenile court and the rules of juvenile procedure, the juvenile court may punish a person for contempt of court for disobeying an order of the juvenile court or for obstructing or interfering with the proceedings of the juvenile court or the enforcement of its orders, except as provided in subsections (b) and (d).



## HB472 INTRODUCED

(b) ~~Notwithstanding the provisions of subsection (a),~~  
~~the~~The juvenile court shall be limited in the actions it may  
take with respect to a child violating the terms and  
conditions of the order of protective supervision as this term  
is defined in ~~subdivision (5) of~~ Section 12-15-301(11), to  
those which the juvenile court could have taken at the time of  
the original disposition of the juvenile court pursuant to  
~~subsection (a) of~~ Section 12-15-314(a).

(c) A finding of indirect contempt not based on a  
delinquency petition does not constitute an adjudication of  
delinquency.

(d) The juvenile court shall not punish a person for  
contempt of court under subsection (a) for failure to obey an  
order of restitution."

"§12-15-117

(a) Once a child has been adjudicated dependent,  
delinquent, or in need of supervision, jurisdiction of the  
juvenile court shall terminate when the child becomes 21 years  
of age unless, prior ~~theretoto~~ to the child becoming 21 years of  
age, the judge of the juvenile court terminates its  
jurisdiction by explicitly stating in a written order that it  
is terminating jurisdiction over the case involving the child.  
Nothing in this section is intended to affect the initial and  
continuing jurisdiction of juvenile courts over cases other  
than delinquency, dependency, or in need of supervision cases  
as provided in Sections 12-15-114, 12-15-115, 12-15-116, or  
any other statute by which jurisdiction was initially lawfully  
invoked.



## HB472 INTRODUCED

(b) The jurisdiction of the juvenile court shall terminate when the child is convicted or adjudicated a youthful offender as provided in Section 12-15-203(i) and Section 12-15-204(b). If a person already under the jurisdiction of the juvenile court is convicted or adjudicated a youthful offender in a criminal court of a crime committed at ~~the age of~~ 18 years of age or older, the conviction or adjudication shall terminate the jurisdiction of the juvenile court.

(c) In any case over which the juvenile court has jurisdiction, the juvenile court shall retain jurisdiction over an individual of any age to enforce or modify any prior orders of the juvenile court unless otherwise provided by law. The juvenile court ~~and also~~ shall not retain jurisdiction solely for the enforcement or modification of any prior orders of the juvenile court requiring the payment of fines, court costs, restitution, or other money ordered by the juvenile court ~~until paid in full~~.

~~(d) For purposes of enforcing any order of the juvenile court requiring the payment of fines, court costs, restitution, or other money ordered by the juvenile court, the remedies with regard to punishment for contempt, including incarceration in jail of individuals 18 years of age or older, shall be available to the juvenile court."~~

"§12-15-203

(a) A prosecutor, before a hearing on a delinquency petition on its merits and after notifying, verbally or in writing, the juvenile probation officer, may file a motion



## HB472 INTRODUCED

requesting the juvenile court judge to transfer a child for criminal prosecution to the circuit or district court, if the child was 14 ~~or more~~ years of age or older at the time of the conduct charged and is alleged to have committed an act which would constitute a criminal offense as defined by this code if committed by an adult.

(b) The juvenile court judge shall conduct a hearing on all motions for the purpose of determining whether it is in the best interests of the child or the public to grant the motion. Only if there are no reasonable grounds to believe the child ~~is committable~~ meets the criteria for commitment to an institution, department, or agency for individuals with an intellectual disability or mental illness, may the juvenile court judge order the case transferred for criminal prosecution.

(c) When there are grounds to believe that the child ~~is committable~~ meets the criteria for commitment to an institution, department, or agency for individuals with an intellectual disability or mental illness, the juvenile court judge shall order an examination pursuant to Section 12-15-130.

(d) Evidence of the following and other relevant factors shall be considered in determining whether the motion shall be granted:

(1) The nature of the present alleged offense.

(2) The extent and nature of the prior delinquency record of the child.

(3) The nature of past treatment efforts and the nature



## HB472 INTRODUCED

of the response of the child to the efforts.

(4) Demeanor.

(5) The extent and nature of the physical and mental maturity of the child.

(6) The interests of the community and of the child requiring that the child be placed under legal restraint or discipline.

(e) Prior to a hearing on the motion by the prosecutor, a written study and report to the juvenile court judge, relevant to the factors listed in subsection (d), shall be made by a juvenile probation officer.

(f) When a child is transferred for criminal prosecution, the juvenile court judge shall set forth in writing his or her reasons for granting the motion, which shall include a finding of probable cause for believing that the allegations are true and correct.

(g) The finding of probable cause by the juvenile court judge shall preclude the necessity for a preliminary hearing subsequent to the transfer of the case for criminal prosecution, and the court having jurisdiction of the offense or offenses charged may exercise any authority over the case and the child, subsequent to the transfer, which is otherwise applicable to cases involving adult offenders pursuant to provisions of laws or rules of procedure adopted by the Supreme Court of Alabama.

(h) A child who is transferred to a court for criminal prosecution shall be tried as an adult for the offense charged and all lesser included offenses of the offense charged.



## HB472 INTRODUCED

(i) (1) A conviction or adjudication as a youthful offender of a child of a criminal offense, with the exception of a nonfelony traffic offense, shall terminate the jurisdiction of the juvenile court over that child with respect to any future delinquent acts and with respect to any pending allegations of delinquency which have not been disposed of by the juvenile court at the time of the criminal conviction or adjudication as a youthful offender. Any pending or future criminal acts committed by the child shall be prosecuted as other criminal charges are prosecuted.

(2) Termination of the jurisdiction of the juvenile court over the child with respect to future criminal charges and pending allegations of delinquency, as provided ~~herein~~by this section, shall not affect the jurisdiction of the juvenile court over the child with respect to any other matter provided in this chapter, specifically including any prior allegations of delinquency which, at the time of the criminal conviction, has been disposed of by the juvenile court either through informal adjustment, consent decree, or adjudication.

(3) The juvenile court is specifically authorized, to the extent practicable, to continue exercising its jurisdiction over the child with respect to ~~such~~ any previously disposed delinquency cases after the termination of its jurisdiction with respect to other criminal charges, ~~including jurisdiction to enforce its order requiring the payment of fines, costs, restitution, or other money ordered by the juvenile court pursuant to Section 12-15-117.~~"

"§12-15-204





## HB472 INTRODUCED

(a) Notwithstanding any other provision of law, any person who has attained ~~the age of~~ 16 years of age at the time of the conduct charged and who is charged with the commission of any act or conduct, which if committed by an adult would constitute any of the following, shall not be subject to the jurisdiction of juvenile court but shall be charged, arrested, and tried as an adult:

(1) A capital offense.

(2) A Class A felony.

(3) A felony which has as an element ~~thereof~~of the use of a deadly weapon.

(4) A felony which has as an element ~~thereof~~of the causing of death or serious physical injury.

(5) A felony which has as an element ~~thereof~~of the use of a dangerous instrument against any person who is one of the following:

a. A law enforcement officer or official.

b. A correctional officer or official.

c. A parole or probation officer or official.

d. A juvenile court probation officer or official.

e. A district attorney or other prosecuting officer or official.

f. A judge or judicial official.

g. A court officer or official.

h. A person who is a grand juror, juror, or witness in any legal proceeding of whatever nature when the offense stems from, is caused by, or is related to the role of the person as a juror, grand juror, or witness.



## HB472 INTRODUCED

i. A teacher, principal, or employee of the public education system of Alabama.

(6) Trafficking in drugs in violation of Section 13A-12-231, or as the same may be amended.

(7) Any lesser included offense of the above offenses charged or any lesser felony offense charged arising from the same facts and circumstances and committed at the same time as the offenses listed above. ~~Provided, however,~~ except that the juvenile court shall maintain original jurisdiction over these lesser included offenses if the grand jury fails to indict for any of the offenses enumerated in ~~subsections~~ subdivisions ~~(a) (1) to (a) through~~ (6), ~~inclusive~~. The juvenile court shall also maintain original jurisdiction over these lesser included offenses, subject to double jeopardy limitations, if the court handling criminal offenses dismisses all charges for offenses enumerated in ~~subsections~~ subdivisions ~~(a) (1) to (a) through~~ (6), ~~inclusive~~.

(b) Notwithstanding any other provision of law, any person who has been convicted or adjudicated a youthful offender in a court handling criminal offenses pursuant to ~~the provisions of~~ this section shall not ~~thereafter~~ be subject to the jurisdiction of juvenile court for any pending or subsequent offense. ~~Provided, however, pursuant to Section 12-15-117, the juvenile court shall retain jurisdiction over an individual of any age for the enforcement of any prior orders of the juvenile court requiring the payment of fines, court costs, restitution, or other money ordered by the juvenile court until paid in full.~~



## HB472 INTRODUCED

(c) This section shall apply to all cases in which the alleged criminal conduct occurred after April 14, 1994. All conduct occurring before April 14, 1994, shall be governed by pre-existing law."

"§12-15-215

(a) If the juvenile court finds on proof beyond a reasonable doubt, based upon competent, material, and relevant evidence, that a child committed the acts by reason of which the child is alleged to be delinquent or in need of supervision, ~~it~~ the court may proceed immediately to hear evidence as to whether the child is in need of care or rehabilitation and ~~to~~ file its findings ~~thereon~~. In the absence of evidence to the contrary, a finding that the child has committed ~~an act which constitutes~~ a felony is sufficient to sustain a finding that the child is in need of care or rehabilitation. ~~If the juvenile court finds that the child is not in need of care or rehabilitation, it shall dismiss the proceedings and discharge the child from any detention or other temporary care theretofore ordered.~~

(b) If the juvenile court finds that the child is not in need of care or rehabilitation, the court shall dismiss the proceedings and discharge the child from any detention or other temporary care previously ordered.

(c) If the juvenile court finds that the child is in need of care or rehabilitation, ~~it~~ the court may ~~make order~~ any of the following ~~orders or dispositions~~, subject to the limitations and prohibitions on secure custody contained in Section 12-15-208:



## HB472 INTRODUCED

(1) ~~Permit the~~ The child ~~to~~ remain with the parent, legal guardian, or other legal custodian of the child, subject to the conditions and limitations prescribed by the juvenile court ~~may prescribe~~.

(2) ~~Place the~~ The child be placed on probation pursuant to conditions and limitations prescribed by the juvenile court ~~may prescribe~~.

(3) ~~Transfer legal~~ Legal and physical custody ~~to be~~ transferred to any of the following:

a. The Department of Youth Services, with or without an order to a specific institution.

b. In the case of a child in need of supervision, the Department of Youth Services, or the Department of Human Resources; ~~provided however 1. that prior to any transfer of custody to the Department of Human Resources, the case shall first be referred to the county children's services facilitation team, which must proceed according to Article 5; and 2. that the child's commission of one or more status offenses shall not constitute a sufficient basis for transfer of legal or physical custody to the Department of Human Resources. Upon referral to the county children's services facilitation team, the juvenile probation officer shall continue to provide case management to the status offender unless the county children's services facilitation team appoints another person to act as case manager. The juvenile probation officer shall participate in county children's services facilitation team meetings and share records information and reports on the status offender with the county~~



## HB472 INTRODUCED

~~children's services facilitation team. When the juvenile court transfers legal and physical custody to the Department of Human Resources, all requirements which shall be met for a child to be eligible for federal funding shall apply, including, but not limited to, the requirements set out in Sections 12-15-312, 12-15-315, and 12-15-317. The child's commission of one or more status offenses shall not constitute a sufficient basis for transfer of legal or physical custody to the Department of Human Resources.~~

1. Prior to any transfer of custody to the Department of Human Resources, the case shall first be referred to the county children's services facilitation team, which must proceed according to Article 5.

2. Upon referral to the county children's services facilitation team pursuant to subparagraph 1., the juvenile probation officer shall continue to provide case management to the status offender unless the county children's services facilitation team appoints another person to act as case manager.

3. The juvenile probation officer shall participate in county children's services facilitation team meetings and share records, information, and reports on the status offender with the county children's services facilitation team.

c. A local, public, or private agency, organization, or facility that is licensed or otherwise authorized by law to receive and provide care for children and willing and able to assume the education, care, and maintenance of the child ~~and which is licensed or otherwise authorized by law to receive~~



## HB472 INTRODUCED

~~and provide care for children.~~

d. ~~During the term of supervision, a~~ A relative or other individual who is found by the juvenile court to be qualified to receive and care for the child during the term of supervision.

(4) The parent, legal guardian, or legal custodian of the child perform reasonable acts as are deemed necessary to promote the best interests of the child.

~~(5) Make any~~ Any other order ~~as~~ the juvenile court ~~in its discretion shall deem~~ determines to be appropriate for the welfare and best interests of the child, including random drug ~~screens, assessment of fines not to exceed two hundred fifty dollars (\$250), and restitution against the parent, legal guardian, legal custodian, or child, as the juvenile court deems appropriate~~ screening. Costs for juvenile court-ordered drug screening may be ordered paid for by the state out of ~~moneys~~ monies appropriated as "court costs not otherwise provided for." ~~Restitution against the parent, legal guardian, legal custodian, or child shall be governed by the same principles applicable in the Restitution to Victims of Crime Act, commencing with Section 15-18-65.~~

~~(5) Direct the parent, legal guardian, or legal custodian of the child to perform reasonable acts as are deemed necessary to promote the best interests of the child.~~

~~(6)~~ (d) In any case where a child is adjudicated delinquent for possessing a pistol, short-barreled rifle, or short-barreled shotgun, any pistol, short-barreled rifle, or short-barreled shotgun possessed by that child is forfeited



## HB472 INTRODUCED

and shall be ordered to be destroyed by the juvenile court.

(e) When the juvenile court transfers legal and physical custody to the Department of Human Resources as provided by paragraph (c)(3)b., all requirements that shall be met for a child to be eligible for federal funding shall apply, including, but not limited to, the requirements set out in Sections 12-15-312, 12-15-315, and 12-15-317.

~~(b)~~ (f) No child by virtue of a disposition pursuant to this section shall be committed or transferred to a penal institution or other facility used for the execution of sentences of persons convicted of a crime.

~~(e)~~ (g) No child in need of supervision, unless also a delinquent child, shall be ordered to be placed in an institution or facility established for the care and rehabilitation of delinquent children unless the juvenile probation officer submits a written recommendation and the juvenile court finds upon a further hearing that the child is not amenable to treatment or rehabilitation pursuant to any prior disposition. In determining if a child is not amenable to treatment or rehabilitation, the juvenile court shall consider evidence of the following and other relevant factors, which shall be included in the written recommendations of the juvenile probation officer:

(1) Prior treatment efforts, ~~such as~~ including, but not limited to any mental health counseling, individualized service plans, individualized education plans, and other education records.

~~a. Mental health counseling, if any.~~



## HB472 INTRODUCED

~~b. Individualized educational plans, if any.~~

~~c. Other educational records.~~

~~d. Individualized service plans, if any.~~

(2) The age of the child.

(3) The history of the ~~child being involved~~ child's involvement with the juvenile court, including, but not limited to, informal adjustments, consent decrees, adjudications, and prior placements.

(4) Other factors contributing to the behavioral difficulties of the child.

~~The written recommendations of the juvenile probation officer shall include evidence of the foregoing and other relevant factors.~~

~~(d)~~ (h) When a delinquent child ~~may be~~ meets the criteria for commitment ~~committable~~ to the Department of Mental Health, the juvenile court shall proceed as provided in Article 4, ~~commencing with Section 12-15-401.~~

~~(e) Whenever~~ (i) When the juvenile court vests legal custody in an agency or department, ~~it~~ the court shall transmit with the order copies of the clinical reports, predisposition study, and other information ~~it~~ the court has in its possession pertinent to the care and treatment of the child.

~~(f) When a child is placed in the legal custody of a department, agency, organization, entity, or person as provided in this section, when the parent, legal guardian, or legal custodian of the child has resources for child support, the juvenile court shall order child support in conformity~~





## HB472 INTRODUCED

~~with the child support guidelines as set out in Rule 32, Alabama Rules of Judicial Administration. The child support shall be paid to the department, agency, organization, entity, or person in whose legal custody the child is placed and may be expended for those matters that are necessary for the welfare and well-being of those children placed in the departments, agencies, organizations, entities, or persons. In these cases, the juvenile court shall issue income withholding orders subject to state law.~~

~~(g) Whenever~~ (j) When the juvenile court commits a child to a state or local department or agency or orders a state or local department or agency to provide services or treatment for a child, that department or agency shall accept the child for commitment, ordered services, or treatment within seven days of the order of the juvenile court. ~~Notwithstanding the foregoing, if~~ If compliance with the order of the juvenile court within seven days would place a department or agency in violation of either a state statute or standard, then compliance is not required.

(k) Nothing in this section shall authorize the imposition of fees, fines, or court costs in any case filed in juvenile court."

"§12-19-171

(a) The following docket fees shall be collected for ~~juvenile and~~ criminal cases in the district court and the circuit court:

(1) District Court:

a. Traffic infraction	\$92.00
-----------------------	---------



## HB472 INTRODUCED

b. Issuance of alias writ	<u>\$</u> 20.00
c. Misdemeanor-violation	<u>\$</u> 117.00
d. Felony guilty plea	<u>\$</u> 185.00
e. Preliminary hearing	<u>\$</u> 30.00
f. Bond forfeiture	<u>\$</u> 65.00

(2) Circuit Court:

a. Issuance of alias writ	<u>\$</u> 30.00
b. Misdemeanor	<u>\$</u> 117.00
c. Felony	<u>\$</u> 185.00
d. Bond forfeiture	<u>\$</u> 65.00

~~(3) Docket fees for cases in the juvenile division of the district court or circuit court shall be assessed at eighty-five dollars (\$85) and shall be distributed as follows:~~

~~a. Sixteen dollars (\$16) to the Fair Trial Tax Fund.~~

~~b. Forty-nine dollars (\$49) to the State General Fund.~~

~~c. Ten dollars (\$10) to the county general fund.~~

~~d. Five dollars (\$5) to the Peace Officers' Standards and Training Fund.~~

~~e. Five dollars (\$5) to the Advanced Technology and Data Exchange Fund.~~

~~(4) Uncollected court costs in juvenile cases may not be assessed as charges against the county.~~

(b) A fee of eight dollars (\$8) shall be collected for



## HB472 INTRODUCED

the issuance of each witness subpoena in a criminal case in the district court and the circuit court. Witness subpoena fees shall be in addition to docket fees. The subpoena fee shall be distributed as follows:

(1) Five dollars (\$5) to the county general fund.

(2) Three dollars (\$3) to the State General Fund.

(c) Effective October 1, 2000, the docket fees in criminal and juvenile cases shall be increased by five dollars (\$5) and the additional fee shall be deposited into the Fair Trial Tax Fund."

"§12-19-181

(a) In addition to any other docket fees provided by law, including, but not limited to, the docket fees provided in Sections 12-19-171 and 12-19-176, the following fees shall be automatically assessed in cases in municipal, ~~juvenile,~~ district, and circuit courts upon conviction ~~or adjudication~~ of the defendant of any of the following offenses:

(1) Unlawful possession of ~~marihuana~~ marijuana in the second degree in violation of Section 13A-12-214 .....\$40.

(2) Possession of drug paraphernalia, misdemeanor conviction or adjudication, in violation of ~~subsection (c) of~~ Section 13A-12-260 (c) .....\$40.

(3) Delivery, sale, manufacture, etc. of drug paraphernalia in violation of ~~subsection (d) of~~ Section 13A-12-260 (d):

a. Misdemeanor .....\$40.

b. Felony .....\$60.

(4) Felony unlawful possession of a controlled



## HB472 INTRODUCED

504 substance in violation of Sections 13A-12-212 and 13A-12-213  
505 .....\$60.

506 (5) Obtaining a controlled substance by fraud in  
507 violation of ~~subdivision (3) of subsection (a) of~~ Section  
508 20-2-72 (a) (3) .....\$60.

509 (6) Unlawful distribution, manufacture, or sale of a  
510 controlled substance in violation of Section 13A-12-211  
511 .....\$260.

512 (7) Trafficking in a controlled substance in violation  
513 of Section 13A-12-231 .....\$600.

514 (b) The fees collected pursuant to this section shall  
515 be collected by the court clerk and remitted monthly to the  
516 State Treasury in accordance with Rule 4 of the Alabama Rules  
517 of Judicial Administration and distributed as follows:

518 (1) Three-eighths of the fee collected shall be  
519 deposited in the Fair Trial Tax Fund in the State Treasury and  
520 shall be used solely to pay the fees and expenses for the  
521 representation of indigent criminal defendants and other  
522 persons pursuant to Sections 15-12-21 ~~to~~ through 15-12-23,  
523 ~~inclusive~~.

524 (2) One-eighth of the fee collected shall be deposited  
525 in the Advanced Technology and Data Exchange Fund.

526 (3) One-fourth of the fee collected shall be deposited  
527 in the State General Fund and shall be used to provide for the  
528 statewide coordination of pro bono legal services in civil  
529 matters and for the furtherance of professionalism among  
530 members of the bench and bar.

531 (4) One-fourth of the fee collected shall be deposited



## HB472 INTRODUCED

in the State General Fund to implement the uniform judicial pay plan.

(c) Notwithstanding any other provision of law, nothing in this section shall authorize the assessment of fees in any case filed in juvenile court."

"§12-19-182

(a) In all ~~juvenile~~, traffic, criminal, and quasi-criminal cases in the ~~juvenile~~, district, circuit, and municipal courts in this state, a ~~docket fee, hereinafter referred to as a~~ solicitor's fee, shall be assessed in each case. ~~The fees, when collected, shall be distributed monthly as follows:~~ When collected, Threethree dollars (\$3) from each case shall be distributed monthly to the circuit clerk of the county where collected to be used as provided by law for the operation of the office of the circuit clerk, and the remainder of each fee shall be distributed monthly to the solicitor's fund or district attorney's fund in the county where collected or to the fund in the county ~~that may be hereafter as~~ prescribed by law for the solicitor's fee. The solicitor's fee shall be in an amount equal to all docket fees or court costs which are assessed upon ~~an adjudication of guilt in a~~ conviction in a criminal case and distributed to the Fair Trial Tax Fund.

(b) The solicitor's fee shall be collected in all criminal cases where the defendant is adjudged guilty, a bond forfeited, a penalty imposed, or where there is issued any alias or capias warrant of arrest. The solicitor's fee shall



## HB472 INTRODUCED

be in addition to and not in lieu of any other fees or costs. The solicitor's fee shall not be waived or remitted unless the defendant proves to the reasonable satisfaction of the sentencing judge that the defendant is not capable of paying the fee within the reasonable foreseeable future.

(c) The solicitor's fee may be expended by the district attorney in the county where it is collected for the payment of any and all expenses incurred and for any legitimate law enforcement purpose.

(d) The Legislature may continue to adopt future local laws or repeal existing local laws establishing a solicitor's fee in criminal cases. ~~This section shall not supersede existing local legislation on July 1, 2010, or enacted after July 1, 2010, in any county providing for a solicitor's fee in criminal cases, and any county having local legislation establishing a solicitor's fee shall collect the fee according to the local act until the local act is expressly repealed. Upon repeal of a local act establishing a solicitor's fee, the county shall collect the fee pursuant to this section or pursuant to a local act enacted after July 1, 2010.~~

(e) Notwithstanding any other provision of law, nothing in this section shall authorize the assessment of a solicitor's fee in any case filed in juvenile court."

"§12-19-311

(a) (1) In addition to all other charges, costs, taxes, or fees levied by law on bail bonds, additional fees as detailed in paragraph (5)a. and paragraph (5)b. shall be imposed on every bail bond in all courts of this state.



## HB472 INTRODUCED

(2) The fee shall not be assessed in juvenile or traffic cases, except for those serious traffic offenses enumerated in Title 32, Chapter 5A, Article 9.

(3) Where multiple charges arise out of the same incident, the bond fee pursuant to this section shall only be assessed on one charge. For the purposes of this section, the term "same incident" shall be defined as the same date, location, and proximate time.

(4) Where the charge is negotiating a worthless negotiable instrument, the fee shall not be assessed more than three times annually per person charged.

(5) The fees shall be assessed as follows:

a. A filing fee in the amount of thirty-five dollars (\$35) on each bond executed.

b. For a misdemeanor offense, a bail bond fee in the amount of 3.5 percent of the total face value of the bail bond or one hundred dollars (\$100), whichever is greater, but not to exceed four hundred fifty dollars (\$450). For a felony offense, a bail bond fee of 3.5 percent of the total face value of the bail bond or one hundred fifty dollars (\$150), whichever is greater, but not to exceed seven hundred fifty dollars (\$750). Except that if a person is released on a judicial public bail, recognizance, or signature bond, including a bond on electronic traffic and nontraffic citations, the fee shall be affixed at twenty-five dollars (\$25). For purposes of this section, face value of bond shall mean the bond amount set by court or other authority at release, not the amount posted at release on bail.



## HB472 INTRODUCED

~~(2)~~ (6) The fees assessed pursuant to paragraph ~~a. of subdivision (1) of subsection (a)~~ (5) a. are required whether the release from confinement or admittance to bail is based on cash, judicial public bail, personal recognizance, a signature bond, including a bond on electronic traffic and nontraffic citations for those serious traffic offenses enumerated in Title 32, Chapter 5A, Article 9, an appearance bond, a secured appearance bond utilizing security, a bond executed by a professional surety company, or a professional bail company using professional bondsmen; provided, however that no fee shall be assessed pursuant to paragraph ~~a. of subdivision (1) of subsection (a)~~ (5) a. if a person is released on judicial public bail or on personal recognizance for a documented medical reason. The fee shall be assessed at the issuance, reissuance, or reinstatement of the bond.

(b) (1) The fee in paragraph ~~a. of subdivision (1) of subsection (a)~~ (5) a. shall be collected by either the official executing the bond or by the clerk of the court. If the fee is collected by the official executing the bond, it shall be collected at the execution of the bond or at the time of release. If the fee is collected by the clerk of the court, it shall be collected at the execution of the bond, at the time of release, or within two business days of release.

(2) The fee may be remitted via money order, electronic means, U.S. mail to the court clerk postmarked within 48 hours of release, or by any other method approved by the sheriff.

(3) If the fee is collected by an official other than the clerk of the court, the official shall remit the fee to





## HB472 INTRODUCED

the clerk of the court, attached to the executed bond, within 30 days or upon adjudication or conviction of the underlying offense, whichever occurs first; ~~if.~~

(4) If the fee is not collected by the official, the official shall provide documentation of the nonpayment, attached to the executed bond, to the clerk of the court within two business days. The clerk of the court may accept the payment of the fee if the clerk has the executed bond, together with proof of nonpayment and charging instrument, in hand. This fee shall be paid by the bondsman, surety, guaranty, or person signing as surety for the undertaking of bail.

(5) If the person is released on own recognizance, judicial public bail, or non-custodial offense pursuant to Rule 20 of the Alabama Rules of Judicial Administration, the fee shall be assessed at the time of adjudication or at the time that any other fees and costs are assessed.

(c) (1) Upon the failure to pay the fee in paragraph ~~a. of subdivision (1) of subsection~~ (a) (5) a. and upon a finding of contempt in subsection (d), the bondsman, surety, guaranty, or individuals required to pay the fee shall be punished by a fine of not less than five hundred dollars (\$500) in addition to the fee imposed in paragraph ~~a. of subdivision (1) of subsection~~ (a) (5) a. The fine shall not be remitted, waived, or reduced unless the ~~person(s)~~ individual fined can show cause to the court that he or she cannot pay the fine in the reasonably foreseeable future. ~~In addition, upon~~

(2) Upon a finding of contempt, if the responsible



## HB472 INTRODUCED

party is a professional surety company or a professional bail company or otherwise operating as a bondsman under Alabama law, the presiding judge may revoke the entity or individual's authority to write or issue bonds pursuant to Section 15-13-159 or 15-13-160 until ~~such time as~~ the payment is rendered in full.

(d) (1) If the fee in paragraph ~~a. of subdivision (1) of subsection~~ (a) (5) a. is not paid in full within 30 days, the clerk of the court shall provide notification of the delinquency to the district attorney or prosecuting attorney on a monthly basis.

(2) Upon receipt of the certification of delinquency or failure to pay from the court, the district attorney or prosecuting attorney may take appropriate action which may include, but shall not be limited to, contempt proceedings.

(3) If contempt proceedings are initiated, the district attorney or prosecuting attorney shall send notice by U.S. ~~Mail~~ mail to the last known address of the person charged with the crime, bondsman, surety, guaranty, or person signing as surety for the undertaking of bail of the failure to pay and provide ~~them~~ the person 10 days to remit payment in full pursuant to this section.

(4) If the surety is the person charged with the crime where the fee applies, the district attorney or prosecuting attorney may file a petition for contempt and the court shall set the contempt hearing on the person's next regularly scheduled court appearance. If the surety is not the person charged with the crime, the district attorney or prosecuting



## HB472 INTRODUCED

attorney may file a petition for contempt with the court, which may, after hearing, find the bondsman, surety, guaranty, or person signing as surety for the undertaking of bail in contempt.

(5) The municipal court clerk shall provide a list to the prosecuting attorney and district attorney every 60 days that shall include, but not be limited to, the name of every person who has failed to pay the fee, the municipal case number, and the name of the person signing as surety for the undertaking bail. If the prosecuting authority of the municipality does not initiate contempt proceedings pursuant to this section within 30 days of receiving notice from the clerk of the court, the district attorney with jurisdiction may file the contempt petition in the municipal court.

(6) If the district attorney initiates contempt proceedings in a municipal case and the person is found in contempt, ~~the fine shall be distributed as follows: 50%~~ percent of the fine shall be distributed to the general fund of the municipality and the remaining 50% percent to the district attorney Solicitor's Fund.

(e) (1) The fee imposed on bail bonds under paragraph ~~b.~~ ~~of subdivision (1) of subsection~~ (a) (5)b. shall be assessed to the defendant and be imposed by the court when the defendant appears in court for adjudication or sentencing.

(2) Notwithstanding ~~(e) subdivision~~ (1), if the bail bond has been secured by cash, the conditions of release have been performed, and the defendant has been discharged from all obligations of the bond, or if the cash bail bond is forfeited



## HB472 INTRODUCED

the clerk of the court shall, unless otherwise ordered by the court, retain as the bail bond fee the amount pursuant to paragraph ~~b. of subdivision (1) of subsection~~ (a) (5)b. and disburse the remainder as provided by law.

(3) Notwithstanding ~~(e) subdivision~~ (1), if the property bail bond has been secured, the conditions of release have been performed and the defendant has been discharged or released from all obligations of the bond, or if the property bail bond is forfeited, then the bond shall be reduced to the bail bond fee amount pursuant to paragraph ~~b. of subdivision (1) of subsection~~ (a) (5)b. and the property shall not be discharged or released by the court until the bail bond fee pursuant to paragraph ~~b. of subdivision (1) of subsection~~ (a) (5)b. has been paid in full.

(4) The fees shall be collected pursuant to paragraph ~~b. of subdivision (1) of subsection~~ (a) (5)b. by the clerk of the court. The fees pursuant to this section shall not be remitted, waived, or reduced unless the defendant proves to the reasonable satisfaction of the sentencing judge that the defendant is not capable of paying the same within the reasonably foreseeable future. The fees pursuant to this section shall not be remitted, waived, or reduced unless all other costs, fees, and charges of court are remitted or waived.

(5) The fees shall not reduce or affect the funds allocated to the office of the court clerk, the sheriff, the municipality, the district attorney, or the Alabama Department of Forensic Sciences under any local act or other funding



## HB472 INTRODUCED

mechanism under the law. These funds shall be in addition to and not in lieu of any funds currently available to the office of the court clerk, sheriff, municipality, the district attorney, and the Alabama Department of Forensic Sciences.

(f) The court clerks shall distribute, on a monthly basis as other fees are distributed, the fees collected pursuant to paragraph ~~a. of subdivision (1) of subsection~~ (a) (5)a. as follows:

(1) Ten percent from each fee shall be distributed either to the county general fund to be earmarked and distributed to the Sheriff's Fund, administered by the sheriff, in the county where the bond was executed or, where the bond is executed by the municipality, to the municipality. ~~;~~

(2) ~~45~~ Forty-five percent of the fee to the court clerk's fund where the bond was executed or where the bond is executed by the municipal court, to the municipality. ~~;~~ .

(3) ~~45~~ Forty-five percent of the fee to the Solicitor's Fund in the county where the bond was executed. ~~The bail bond fee records shall be audited by the Department of Examiners of Public Accounts.~~

(g) The court clerks shall distribute, on a monthly basis as other fees are distributed, the fees collected pursuant to paragraph ~~b. of subdivision (1) of subsection~~ (a) (5)b. as follows:

(1) Twenty-one dollars and fifty cents (\$21.50) from each fee shall be distributed to the county general fund which shall be earmarked and distributed to the Sheriff's Fund,



## HB472 INTRODUCED

administered by the sheriff, in the county where the bond was executed or, where the bond was executed by a municipality, to the municipality. ~~40~~

(2) Forty percent of the remainder of the fee to the court clerk's fund where the bond was executed or where the bond is executed by the municipal court, to the municipality. ~~40~~

(3) 45Forty-five percent of the remainder of the fee to the Solicitor's Fund in the county where the bond was executed. ~~40~~

(4) fiveFive percent to the State General Fund ~~and ten~~.

(5) Ten percent to the Alabama Forensic Services Trust Fund. ~~40~~

(h) The bail bond fee records shall be audited by the Department of Examiners of Public Accounts."

"§12-23-7

(a) Any person who is convicted of an alcohol or drug-related offense and who is placed on probation or parole shall be required to participate in an alcohol or drug testing program at his or her own expense, unless he or she is determined to be indigent. Any ~~such~~ person who fails ~~the~~ an alcohol or drug test shall be required to do all of the following:

(1) Provide information needed to conduct a treatment assessment. ~~40~~

(2) Complete the recommended treatment. ~~and~~.

(3) Pay for the assessment, treatment, and alcohol or drug testing unless the court finds he or she is indigent.



## HB472 INTRODUCED

(b) Any person who fails to complete treatment and pay for it shall be charged with violation of probation or parole; provided, however, that indigents shall not be required to pay for treatment or monitoring provided by court referral officers.

(c) Notwithstanding subsection (b), nothing in this section shall authorize the juvenile court to charge a juvenile with violation of probation for failure to pay for any treatment, testing, or assessment pursuant to this section."

"§12-23-12

(a) In addition to the imposition of any other costs, penalties, or fines imposed pursuant to law, any person convicted as an adult or adjudicated a youthful offender ~~or juvenile delinquent~~ based on the offense of driving under the influence or other alcohol or drug related offenses as defined in this chapter shall be ordered by the court to pay an alcohol and drug abuse court referral officer assessment fee in an amount recommended by the Administrative Office of Courts and approved by the Supreme Court. ~~Such~~ The additional assessment fee shall be collected by the court referral officer by the 10th day of each month.

(b) The State Treasurer shall credit ~~such sums~~ fees collected pursuant to this section to the Alcohol and Drug Abuse Court Referral Officer Trust Fund.

(c) Notwithstanding subsection (a), nothing in this section shall authorize the imposition of a court referral officer assessment fee in any case filed in juvenile court."



## HB472 INTRODUCED

839 "§12-23-13

840 (a) Any alcohol or drug-related offender referred for  
841 assessment and placed on probation by the judge shall pay a  
842 monitoring fee to the court referral officer which shall also  
843 be remitted to the State Treasurer by the court referral  
844 officer by the tenth day of each month as set out in Section  
845 12-23-10. The assessment fee and monitoring fees shall be  
846 established and regulated by the Administrative Office of  
847 Courts and can be adjusted to ensure that adequate financial  
848 resources are available to support the court referral program  
849 and administration of the programs.

850 (b) Notwithstanding subsection (a), nothing in this  
851 section shall authorize the imposition of a monitoring fee in  
852 any case filed in juvenile court."

853 "§13A-5-2

854 (a) Every person convicted of a felony shall be  
855 sentenced by the court to imprisonment for a term authorized  
856 by Sections 13A-5-6, 13A-5-9, and 13A-5-10.

857 (b) In addition to imprisonment, every person convicted  
858 of a felony may be sentenced by the court to pay a fine  
859 authorized by Section 13A-5-11.

860 (c) Every person convicted of a misdemeanor or  
861 violation shall be sentenced by the court to÷

862 ~~(1) Imprisonment~~ imprisonment for a term authorized by  
863 Section 13A-5-7; ~~or,~~

864 ~~(2) Pay~~ to pay a fine authorized by Section 13A-5-12; ~~or,~~

865 or

866 ~~(3) Both such imprisonment and fine~~ both.





## HB472 INTRODUCED

(d) Every person convicted of a felony, misdemeanor, or violation, except for the commission of a sex offense involving a child as defined in Section 15-20A-4(26), may be placed on probation as authorized by law.

(e) This article does not deprive a court of authority conferred by law to forfeit property, dissolve a corporation, suspend or cancel a license or permit, remove a person from office, cite for contempt, or impose any other lawful civil penalty. Such a judgment, order, or decree may be included as part of the sentence.

(f) Every person convicted of murder shall be sentenced by the court to imprisonment for a term, or to death, life imprisonment without parole, or life imprisonment in the case of a defendant who establishes that he or she was under ~~the~~ ~~age of~~ 18 years of age at the time of the offense, as authorized by ~~subsection (c) of~~ Section 13A-6-2 (c).

(g) Notwithstanding any other provision of law, nothing in this section shall authorize the imposition of a fine in any case filed in juvenile court."

"§13A-5-11

(a) A sentence to pay a fine for a felony shall be for a definite amount, fixed by the court, within the following limitations:

(1) For a Class A felony, not more than ~~\$60,000;~~ sixty thousand dollars (\$60,000).

(2) For a Class B felony, not more than ~~\$30,000;~~ thirty thousand dollars (\$30,000).

(3) For a Class C felony, not more than ~~\$15,000;~~



## HB472 INTRODUCED

895 fifteen thousand dollars (\$15,000).

896 (4) For a Class D felony, not more than ~~\$7,500; or~~  
897 seven thousand five hundred dollars (\$7,500).

898 (5) Any amount not exceeding double the pecuniary gain  
899 to the defendant or loss to the victim caused by the  
900 commission of the offense.

901 (b) As used in this section, "gain" means the amount of  
902 money or the value of property derived from the commission of  
903 the crime, less the amount of money or the value of property  
904 returned to the victim of the crime or seized or surrendered  
905 to lawful authority prior to the time sentence is imposed.  
906 "Value" shall be determined by the standards established in  
907 ~~subdivision (14) of~~ Section 13A-8-1 (14).

908 (c) The court may conduct a hearing upon the issue of  
909 defendant's gain or the victim's loss from the crime according  
910 to procedures established by rule of court.

911 (d) This section shall not apply if a higher fine is  
912 otherwise authorized by law for a specific crime.

913 (e) Notwithstanding any other provision of law, nothing  
914 in this section shall authorize the imposition of a fine in  
915 any case filed in juvenile court."

916 "§13A-5-12

917 (a) A sentence to pay a fine for a misdemeanor shall be  
918 for a definite amount, fixed by the court, within the  
919 following limitations:

920 (1) For a Class A misdemeanor, not more than ~~\$6,000;~~  
921 six thousand dollars (\$6,000).

922 (2) For a Class B misdemeanor, not more than ~~\$3,000;~~



## HB472 INTRODUCED

three thousand dollars (\$3,000).

(3) For a Class C misdemeanor, not more than ~~\$500; or~~  
five hundred dollars (\$500).

(4) Any amount not exceeding double the pecuniary gain to the defendant or loss to the victim caused by the commission of the offense.

(b) A sentence to pay a fine for a violation shall be for a definite amount, fixed by the court, not to exceed \$200, or any amount not exceeding double the pecuniary gain to the defendant or loss to the victim caused by the commission of the offense.

(c) As used in this section, "gain" means the amount of money or the value of property derived from the commission of the crime, less the amount of money or the value of property returned to the victim of the crime or seized or surrendered to lawful authority prior to the time sentence is imposed. "Value" shall be determined by the standards established in ~~subdivision (14) of~~ Section 13A-8-1 (14).

(d) The court may conduct a hearing upon the issue of defendant's gain or the victim's loss from the crime according to procedures established by rule of court.

(e) Notwithstanding any other provision of law, nothing in this section shall authorize the imposition of a fine in any case filed in juvenile court."

"§15-23-17

(a) In all criminal and quasi-criminal proceedings for the violation of laws of the state or municipal ordinances which are tried in any court or tribunal in this state,



## HB472 INTRODUCED

~~wherein~~ in which the defendant is adjudged guilty or pleads guilty, or is adjudicated a ~~juvenile delinquent or~~ youthful offender, or wherein a bond is forfeited and the result of the forfeiture is a final disposition of the case, or ~~wherein~~ where any penalty is imposed, there is imposed an additional cost of court in the amount of two dollars (\$2) for each traffic infraction, ten dollars (\$10) in each proceeding where the offense constitutes a misdemeanor ~~and/or~~ or a violation of a municipal ordinance other than traffic infractions, and fifteen dollars (\$15) in each proceeding where the offense constitutes a felony, but there shall be no additional costs imposed for violations relating to parking of vehicles.

(b) The amount of all costs shall be remitted by the person or authority collecting the costs to the chair of the commission on the tenth day of each month next succeeding ~~that~~ the month in which the cost is paid. It shall be the duty of the clerk or other authority collecting the court costs to keep accurate records of the amounts due the commission for the benefit of the fund under this section.

~~(b)~~ (c) (1) In addition to the imposition of any other costs, penalties, or fines imposed pursuant to law, any person convicted or pleading guilty to a felony or a misdemeanor or a violation for which the person is adjudicated ~~a juvenile delinquent, or~~ a youthful offender, shall be ordered to pay a victim compensation assessment of not less than fifty dollars (\$50), nor more than ten thousand dollars (\$10,000), for each felony for which the person was convicted or adjudicated and not less than twenty-five dollars (\$25), nor more than one



## HB472 INTRODUCED

thousand dollars (\$1,000), for each misdemeanor or violation for which the person was convicted, adjudicated, or otherwise disposed of when the court orders that costs be paid. ~~In~~

(2) When imposing this penalty, the court shall consider factors such as the severity of the crime, the prior criminal record, and the ability of the defendant to pay, as well as the economic impact of the victim compensation assessment on the dependents of the defendant. ~~Any person adjudicated a juvenile delinquent shall be ordered to pay a victim compensation assessment of not less than twenty-five dollars (\$25), nor more than one thousand dollars (\$1,000), for each adjudication, regardless of the underlying charge, but the assessment or penalty authorized by this subsection shall not be assessed or collected for any conservation, forestry, or water safety offense, nor any traffic offense, except those that are punishable as a felony offense or involve the operation or actual physical control of any vehicle while intoxicated or under the influence of drugs, or reckless driving.~~

(3) If a court fails to specifically impose an assessment required by this section, the clerk of court shall automatically assess a victim compensation assessment in the minimum amount provided ~~herein~~ by this section. The additional assessment or penalty shall be collected by the clerk of court ~~insuring that~~ and promptly paid as follows:

a. the ~~The~~ first twenty-five dollars (\$25) of each felony assessment and twelve dollars and fifty cents (\$12.50) of each misdemeanor assessment ~~shall be promptly paid over to~~



## HB472 INTRODUCED

1007 the commission.

1008 b. The second twenty-five dollars (\$25) of each felony  
1009 assessment and twelve dollars and fifty cents (\$12.50) of each  
1010 misdemeanor assessment ~~shall be promptly paid~~ to the Office of  
1011 Prosecution Services.

1012 (4) Any victim assessment fees ordered above the  
1013 minimum shall be paid to the commission fund.

1014 ~~(e)~~ (d) The Office of Prosecution Services shall create  
1015 a Victim Services Fund and the assessments received by the  
1016 Office of Prosecution Services shall be deposited into the  
1017 Victim Services Fund. The funds received by the Office of  
1018 Prosecution Services shall be distributed by the Executive  
1019 Committee of the Alabama District Attorneys Association to the  
1020 various district attorneys' offices to employ a minimum of one  
1021 full-time victim service officer in each circuit and to  
1022 provide other direct services to victims as needed."

1023 Section 2. Any fines, fees, or court costs previously  
1024 ordered by a juvenile court shall be uncollectable and the  
1025 portion of any order imposing fines, fees, or court costs is  
1026 vacated.

1027 Section 3. Section 12-15-109, Code of Alabama 1975,  
1028 relating to the issuance of court orders for the payment of  
1029 court costs, attorneys fees, and expenses under the  
1030 jurisdiction of the juvenile court, is repealed.

1031 Section 4. This act shall become effective on the first  
1032 day of the third month following its passage and approval by  
1033 the Governor, or its otherwise becoming law.