HB362

ILLLWZ6-1

By Representatives Faulkner, Pettus, Kirkland, Colvin, Woods, Treadaway

RFD: Public Safety and Homeland Security

First Read: 21-Mar-24

SYNOPSIS:

Under existing law, a municipal court is required to forward to the Secretary of the Alabama State Law Enforcement Agency a record of a driving under the influence conviction within five days of the conviction.

This bill would provide that a municipal court that fails to report driving under the influence convictions to the Secretary of the Alabama State Law Enforcement Agency within five days shall forfeit any fees and costs collected by the municipal court that would otherwise remain with the municipal court.

A BILL

TO BE ENTITLED

AN ACT

Relating to municipal courts; to amend Section 12-14-113, Code of Alabama 1975, and to add Section 12-14-115 to the Code of Alabama 1975, to provide that municipal courts that fail to timely report driving under the influence convictions to the Secretary of the Alabama State Law Enforcement Agency shall forfeit any fees and costs collected by the municipal court in certain circumstances.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 12-14-113, Code of Alabama 1975, is amended to read as follows:

"§12-14-113

(a) Any municipal court that fails to submit the data required in this article within 60 days of the due date, or for driving under the influence convictions as required in Section 12-14-115, shall forfeit any fees and costs collected by the court that would otherwise remain with the municipal court or municipality until the data is submitted. Any forfeited fees and costs shall be transferred to the state Comptroller for distribution to the Administrative Office of Courts.

(b) Any municipal court that fails to submit the data required by this article within 60 days of the due date, at the request of the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Attorney General, or the Governor, shall be subject to a financial audit under generally accepted government auditing standards of municipal records related to revenue collected through fines and fees. The audit shall be performed by the Department of Examiners of Public Accounts or by an independent certified public accountant selected by the municipality.

(c) The chief examiner or the independent certified public accountant may recover any costs incurred for the audit by charging a reasonable fee to the municipality.

(d) The municipality may use revenue from fines and fees to pay the costs of compiling and reporting data under

this section."

Section 2. Section 12-14-115 is added to the Code of Alabama 1975, to read as follows:

By January 1, 2025, all municipal courts shall report, within five days, a record of the conviction of any person convicted of driving under the influence, pursuant to Section 32-5A-191 or any municipal ordinance adopted by a local authority relating to driving under the influence, to the Secretary of the Alabama State Law Enforcement Agency.

Section 3. This act shall become effective on October 1, 2024.