HB384

IMM9WZW-1

By Representative Bolton (N & P)

RFD: Tuscaloosa County Legislation

First Read: 02-Apr-24

A BILL

TO BE ENTITLED

AN ACT

Relating to Tuscaloosa County; to amend Section 2 of Act 99-219 of the 1999 Regular Session (Acts 1999, p.278), providing fees for service of process in civil matters requiring personal service of process by the sheriff's office; to further provide for the distribution of the fees and for the use of the proceeds; and to repeal Section 3 of Act 99-219, relating to contracting for service of process by the county.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 2 of Act 99-219 of the 1999 Regular Session (Acts 1999, p.278), is amended to read as follows:

"Section 2. (a)(1) ~~In~~ Except as otherwise provided in this section, in addition to all existing charges, fees, judgments, and costs of court, the clerk, sheriff, or other appropriate court official in the civil division of the district and circuit courts of Tuscaloosa County shall ~~increase the fees by twelve dollars and fifty cents ($12.50)~~ assess a fee of sixty dollars ($60) per document personally served by the sheriff's office, or its designee. For purposes of this act, the term "document" shall include multiple papers

served on a party or entity at one time.

(2) The process fee provided in this subsection shall not apply to any civil documents issued specifically by the circuit court or any mental health documents or orders issued by the office of the judge of probate.

(b) The court official designated in Tuscaloosa County by law for the respective courts shall collect the ~~additional~~ service of process fee designated in subsection (a). ~~of this section and remit~~ In the case of documents issued through the circuit clerk's office, three dollars ($3) of each fee shall be retained in the circuit clerk's office and deposited in the Circuit Clerk's Fund for operation of the circuit clerk's office. In the case of documents issued by the office of the judge of probate, three dollars ($3) of each fee shall be retained by the office of the judge of probate and used for the operation of the office of judge of probate. The net balance of the fees collected ~~to the Tuscaloosa County Commission General Fund for deposit in the fund to be expended for law enforcement purposes~~ shall be distributed as provided herein: Fifty percent of the net balance shall be distributed to the Sheriff's Law Enforcement Fund and used for the operation of the sheriff's office; the remaining fifty percent of the net balance shall be distributed to the Solicitor's Fund of the District Attorney and used for the operation of the office of the district attorney.

(c) In the case of documents requested to be personally served by the sheriff's office in a civil case from outside of this State, a fee of eighty-five dollars ($85) shall be

collected by the sheriff for each document. Fifty percent of these funds shall be distributed to the Sheriff's Law Enforcement Fund and used for operation of the sheriff's office. The remaining fifty percent of the funds shall be distributed to the Solicitor's Fund of the District Attorney and used for the operation of the office of the district attorney."

Section 2. Section 3 of Act 99-219 is repealed.

Section 3. This act shall become effective June 1, 2024.