

1 HB264  
2 126512-2  
3 By Representatives McCutcheon, Sanderford, Ball, Hill,  
4 McClurkin and Treadaway  
5 RFD: Judiciary  
6 First Read: 22-MAR-11

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8 SYNOPSIS: Under existing law, the district attorney of  
9 the county and the circuit clerk administer the  
10 collection of court-ordered restitution, victim  
11 compensation assessments, fines, and other costs.  
12 Under existing law, the district attorney must  
13 assess a collection fee of 30 percent in all cases,  
14 and the collection fee is distributed to the  
15 district attorney and the circuit clerk.

16 This bill would provide that the collection  
17 fee shall be distributed before all other costs,  
18 fees, fines, restitution, and other victim  
19 compensation collected. This bill would also  
20 provide that the collection fee may be remitted  
21 only by agreement between the district attorney and  
22 the circuit clerk.

23  
24 A BILL  
25 TO BE ENTITLED  
26 AN ACT  
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1           To amend Section 12-17-225.4, Code of Alabama 1975;  
2 to provide further for the distribution of the collection fee.  
3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4           Section 1. Section 12-17-225.4, Code of Alabama  
5 1975, is amended to read as follows:

6           "§12-17-225.4.

7           "(a) After a matter has been transferred to a  
8 district attorney under Section 12-17-225.2, a court shall  
9 assess a collection fee of 30 percent of the funds due which  
10 shall be added to the amount of funds due. Any amount  
11 collected pursuant to this division shall be distributed as  
12 follows:

13           "(1) Seventy-five percent of the collection fee  
14 shall be distributed to the county district attorney's fund to  
15 be expended for lawful purposes for the operation of the  
16 office of the district attorney. Funds provided to the  
17 district attorney by this division shall not reduce the amount  
18 payable to the district attorney under any local act or  
19 general act or reduce or affect the amounts of funding  
20 allocated by law to the budget of the district attorney. The  
21 funds shall be audited as all other state funds are audited.

22           "(2) Twenty-five percent of the collection fee shall  
23 be distributed to the circuit clerk's fund which shall be kept  
24 and maintained by the circuit clerk in a separate account to  
25 be used for the operation of the office of the clerk to  
26 include, but not be limited to, equipment purchases,  
27 education, and other office related expenses including

1 personnel. Funds retained by the circuit clerk shall not  
2 reduce the amount payable to the circuit clerk under any local  
3 act or general act or reduce or affect the amounts of funding  
4 allocated by the Administrative Office of Courts to the budget  
5 of the circuit clerk. The funds shall be audited as all other  
6 state funds are audited.

7 "The Legislature may, by local law, adjust the  
8 distribution in this section.

9 "The remainder of the fees, fines, penalties,  
10 charges, court costs, and bail bond forfeitures after the  
11 deduction for collection shall be disbursed as provided by law  
12 on a monthly basis.

13 "(3) This division shall not affect the right of the  
14 office of the district attorney to proceed with the  
15 prosecution of any violation as currently provided by law.

16 "(b) The 30 percent collection fee distributed  
17 pursuant to subsection (a) shall be distributed first from any  
18 funds collected regardless of whether or not the entire amount  
19 of the unpaid sum is collected.

20 "(c) The collection fee may only be remitted by  
21 agreement between the district attorney, judge, and circuit  
22 clerk."

23 Section 2. This act shall become effective on the  
24 first day of the third month following its passage and  
25 approval by the Governor, or its otherwise becoming law.