

1 HB269
2 126258-2
3 By Representatives Hill and McCutcheon
4 RFD: Judiciary
5 First Read: 22-MAR-11

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8 SYNOPSIS: Existing law provides for the collection of
9 a solicitor's fee in criminal cases in the circuit,
10 district, juvenile, and municipal courts. Existing
11 law also provides that a portion of the solicitor's
12 fee is allocated to the circuit clerk to fund the
13 operation of the office of the clerk.

14 This bill would provide that when a criminal
15 case originates in the municipal court, the clerk
16 of the municipal court would receive that portion
17 of the solicitor's fee allocated for the circuit
18 clerk.

19 This bill would also provide for the
20 collection of a solicitor's fee in civil cases in
21 the circuit and district courts and provide for
22 distribution of the fee to the circuit clerk and
23 the district attorney.

24
25 A BILL
26 TO BE ENTITLED
27 AN ACT

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To amend Act 2010-438, 2010 Regular Session (Acts 2010, p. 704), now appearing as Section 12-19-182, Code of Alabama 1975; to provide for distribution of a portion of the solicitor's fee to the clerk of the municipal court in certain cases; to provide for a solicitor's fee in civil cases; and to provide for the distribution of the fee.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Act 2010-438, 2010 Regular Session (Acts 2010, p. 704), now appearing as Section 12-19-182, Code of Alabama 1975, is amended to read as follows:

"§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: Three dollars (\$3) from each case to the circuit clerk of the county where collected to be deposited into the circuit clerk's fund or, if the case originates in the municipal court, three dollars (\$3) to the office of the municipal clerk to be deposited into the municipal clerk's fund or other fund established for the operation of the office of the municipal clerk used as provided by law for the operation of the office of the circuit clerk or municipal clerk and the remainder of each fee to the solicitor's fund or district attorney's fund in the county where collected or to

1 the fund in the county that may be hereafter prescribed by law
2 for the solicitor's fee. The solicitor's fee shall be in an
3 amount equal to all docket fees or court costs which are
4 assessed upon an adjudication of guilt in a criminal case and
5 distributed to the Fair Trial Tax Fund.

6 "(b) The solicitor's fee shall be collected in all
7 criminal cases where the defendant is adjudged guilty, a bond
8 forfeited, a penalty imposed, or where there is issued any
9 alias or capias warrant of arrest. The solicitor's fee shall
10 be in addition to and not in lieu of any other fees or costs.
11 The solicitor's fee shall not be waived or remitted unless the
12 defendant proves to the reasonable satisfaction of the
13 sentencing judge that the defendant is not capable of paying
14 the fee within the reasonable foreseeable future.

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

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

1 solicitor's fee, the county shall collect the fee pursuant to
2 this section or pursuant to a local act enacted after July 1,
3 2010."

4 Section 2. (a) In all civil cases in the district
5 and circuit courts in this state, a docket fee, hereinafter
6 referred to as a solicitor's fee, shall be assessed in each
7 case. The fees, when collected, shall be distributed monthly
8 as follows: Three dollars (\$3) from each case to the circuit
9 clerk of the county where collected to be deposited into the
10 circuit clerk's fund and used as provided by law for the
11 operation of the office of the circuit clerk and the remainder
12 of each fee to the solicitor's fund or district attorney's
13 fund in the county where collected or to the fund in the
14 county that may be hereafter prescribed by law for the
15 solicitor's fee. The solicitor's fee in civil cases shall be
16 in the same amount as the docket fee or court cost which is
17 assessed in civil cases and distributed to the Fair Trial Tax
18 Fund.

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

23 (c) Collection of the solicitor's fee pursuant to
24 this section shall not affect the collection of the
25 solicitor's fee pursuant to local law in criminal cases.

1 Section 3. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.