

ACT NO. 2012- 535

1 HB688  
2 142098-10  
3 By Representatives Hill and England  
4 RFD: Ways and Means General Fund  
5 First Read: 12-APR-12



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ENROLLED, An Act,

To increase the docket fees in certain civil and criminal cases in the circuit, district, and municipal courts in this state; to provide for distribution of the revenue; to provide for bail bond fees in certain amounts; to exempt bonds for certain traffic violations from the fees; to require the defendant to pay the fees; to provide for the clerks of the various courts to collect the fees; and to provide for distribution of the fees.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) In addition to the docket fees now authorized by law, additional docket fees shall be assessed in all circuit, district, and municipal courts as follows:

(1) In civil cases in the circuit and district courts, except child support cases and as further provided for small claims cases, an additional docket fee of forty-five dollars (\$45) and in small claims cases an additional docket fee of fifteen dollars (\$15).

(2) In criminal cases in the circuit, district, and municipal courts, except juvenile cases and as further provided for traffic cases, an additional docket fee of forty dollars (\$40) and in traffic cases, but excluding parking violations, an additional docket fee of twenty-six dollars (\$26).

1           (b) (1) Two dollars (\$2) of the traffic docket fee  
2 shall be distributed to the Police Officers' Annuity Fund  
3 before any distribution pursuant to subsections (c) and (d) of  
4 this section.

5           (2) Ten dollars (\$10) of each fee in municipal court  
6 shall be retained by the presiding municipal judge or the  
7 municipal court clerk for operation of the municipal court  
8 and, before any distribution in subsections (c) and (d),  
9 distributed to the municipality for the operation of the  
10 municipal courts.

11           (c) There is established in the State Treasury the  
12 "State Judicial Administration Fund." Two-thirds of the docket  
13 fees collected pursuant to subsection (a) shall be distributed  
14 to the fund and used by the Administrative Office of Courts as  
15 determined by the Administrative Director of Courts for the  
16 operation of courts in this state.

17           (d) There is established in each judicial circuit of  
18 this state the "Presiding Circuit Judge's Judicial  
19 Administration Fund" and in each county in this state the  
20 "Circuit Clerk's Judicial Administration Fund." One-sixth of  
21 the docket fees collected in each circuit pursuant to  
22 subsection (a) shall be distributed to the Presiding Circuit  
23 Judge's Judicial Administration Fund in the circuit. One-sixth  
24 of the docket fees collected in each county pursuant to

1 subsection (a) shall be distributed to the Circuit Clerk's  
2 Judicial Administration Fund in the county.

3 (e) The funds distributed pursuant to subsection (d)  
4 shall be expended for the support of local court operations,  
5 including, but not limited to, salaries and benefits of court  
6 employees where necessary for the efficient operations of the  
7 courts in the circuit and for other expenses as individually  
8 determined necessary by the presiding circuit judge or any  
9 circuit clerk to promote efficient administration of justice.  
10 Funds distributed pursuant to subsection (d) shall not reduce  
11 the amount payable to the presiding circuit judge or any  
12 circuit clerk under any local act or general act or reduce or  
13 affect the amounts of funding allocated by the Administrative  
14 Office of Courts to the budget of the presiding circuit judge  
15 or any circuit clerk.

16 (f) All expenditures of funds pursuant to this  
17 section shall be audited as all other state funds are audited.

18 (g) The docket fees assessed pursuant to this  
19 section shall not be waived or remitted by the court unless  
20 all docket fees associated with the case are waived or  
21 remitted.

22 (h) The court clerk shall distribute the fees  
23 provided for in this section on a monthly basis as other costs  
24 and fees are distributed.

1           Section 2. (a)(1) In addition to all other charges,  
2 costs, taxes, or fees levied by law on bail bonds, additional  
3 fees as detailed in paragraph a. and paragraph b. shall be  
4 imposed on every bail bond in all courts of this state.

5           The fee shall not be assessed in traffic cases,  
6 except for those serious traffic offenses enumerated in Title  
7 32, Chapter 5A, Article 9, Code of Alabama 1975. Where  
8 multiple charges arise out of the same incident, the bond fee  
9 pursuant to this section shall only be assessed on one charge.  
10 Where the charge is negotiating a worthless negotiable  
11 instrument, the fee shall not be assessed more than three  
12 times annually per person charged. The fees shall be assessed  
13 as follows:

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

16           b. For a misdemeanor offense, a bail bond fee in the  
17 amount of 3.5 percent of the total face value of the bail bond  
18 or one hundred dollars (\$100), whichever is greater, but not  
19 to exceed four hundred fifty dollars (\$450). For a felony  
20 offense, a bail bond fee of 3.5 percent of the total face  
21 value of the bail bond or one hundred fifty dollars (\$150),  
22 whichever is greater, but not to exceed seven hundred fifty  
23 dollars (\$750). Except that if a person is released on a  
24 judicial public bail, recognizance, or signature bond,  
25 including a bond on electronic traffic and nontraffic

1 citations, the fee shall be affixed at twenty-five dollars  
2 (\$25). For purposes of this act, face value of bond shall mean  
3 the bond amount set by court or other authority at release,  
4 not the amount posted at release on bail.

5 (2) The fees assessed pursuant to paragraph a. of  
6 subdivision (1) of subsection (a) are required whether the  
7 release from confinement or admittance to bail is based on  
8 cash, judicial public bail, personal recognizance, a signature  
9 bond, including a bond on electronic traffic and nontraffic  
10 citations for those serious traffic offenses enumerated in  
11 Title 32, Chapter 5A, Article 9, Code of Alabama 1975, an  
12 appearance bond, a secured appearance bond utilizing security,  
13 a bond executed by a professional surety company, or a  
14 professional bail company using professional bondsmen;  
15 provided, however that no fee shall be assessed pursuant to  
16 paragraph a. of subdivision (1) of subsection (a) if a person  
17 is released on judicial public bail or on personal  
18 recognizance for a documented medical reason. The fee shall be  
19 assessed at the issuance, reissuance, or reinstatement of the  
20 bond.

21 (b) The fee in paragraph a. of subdivision (1) of  
22 subsection (a) shall be collected by the official executing  
23 the bond at the execution of the bond or within two business  
24 days. If the fee is collected by an official other than the  
25 clerk of the court, the official shall remit the fee to the

1 clerk of the court, attached to the executed bond, within two  
2 ~~business days~~, thirty (30) days or upon adjudication or  
3 conviction of the underlying offense, whichever occurs first  
4 if the fee is not collected by the official, the official  
5 shall provide documentation of the nonpayment, attached to the  
6 executed bond, to the clerk of the court within two business  
7 days. The clerk of the court may accept the payment of the fee  
8 if the clerk has the executed bond, together with proof of  
9 nonpayment and charging instrument, in hand. This fee shall be  
10 paid by the bondsman, surety, guaranty, or person signing as  
11 surety for the undertaking of bail. If the person is released  
12 on own recognizance, judicial public bail, or non-custodial  
13 offense pursuant to Rule 20 of the Alabama Rules of Judicial  
14 Administration, the fee shall be assessed at the time of  
15 adjudication or at the time that any other fees and costs are  
16 assessed.

17 (c) Upon the failure to pay the fee in paragraph a.  
18 of subdivision (1) of subsection (a) and upon a finding of  
19 contempt in subsection (d), the bondsman, surety, guaranty, or  
20 individuals required to pay the fee shall be punished by a  
21 fine of not less than five hundred dollars (\$500) in addition  
22 to the fee imposed in paragraph a. of subdivision (1) of  
23 subsection (a). The fine shall not be remitted, waived, or  
24 reduced unless the person(s) fined can show cause to the court

1 that he or she cannot pay the fine in the reasonably  
2 foreseeable future.

3 (d) If the fee in paragraph a. of subdivision (1) of  
4 subsection (a) is not paid in full, the clerk of the court  
5 shall provide notification of the delinquency to the district  
6 attorney or prosecuting attorney within two days of the  
7 clerk's entry of the case or if the case is pending then  
8 within two days of the receipt of the executed bond. Upon  
9 receipt of the certification of delinquency or failure to pay  
10 from the court, the district attorney or prosecuting attorney  
11 may take appropriate action which may include, but shall not  
12 be limited to, contempt proceedings. If contempt proceedings  
13 are initiated the district attorney or prosecuting attorney  
14 shall send notice by U.S. Mail to the last known address of  
15 the person charged with the crime, bondsman, surety, guaranty,  
16 or person signing as surety for the undertaking of bail of the  
17 failure to pay and provide them ten (10) days to remit payment  
18 in full pursuant to this act. If the surety is the person  
19 charged with the crime where the fee applies, the district  
20 attorney or prosecuting attorney may file a petition for  
21 contempt and the court shall set the contempt hearing on the  
22 person's next regularly scheduled court appearance. If the  
23 surety is not the person charged with the crime the district  
24 attorney or prosecuting attorney may file a petition for  
25 contempt with the court, which may, after hearing, find the



1 bondsman, surety, guaranty or person signing as surety the  
2 undertaking of bail in contempt. The municipal court clerk  
3 shall provide a list to the prosecuting attorney and district  
4 attorney every sixty days that shall include, but not be  
5 limited to, the name of every person who has failed to pay the  
6 fee, the municipal case number, and the name of the person  
7 signing as surety for the undertaking bail. If the prosecuting  
8 authority of the municipality does not initiate contempt  
9 proceedings pursuant to this section within thirty days of  
10 receiving notice from the clerk of the court, the district  
11 attorney with jurisdiction may file the contempt petition in  
12 the municipal court. If the district attorney initiates  
13 contempt proceedings in a municipal case and the person is  
14 found in contempt, the fine shall be distributed as follows:  
15 fifty percent (50%) to the general fund of the municipality  
16 and fifty percent (50%) to the district attorney Solicitor's  
17 Fund.

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

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

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

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

15 (4) The fees shall be collected pursuant to  
16 paragraph b. of subdivision (1) of subsection (a) by the clerk  
17 of the court. The fees pursuant to this act shall not be  
18 remitted, waived, or reduced unless the defendant proves to  
19 the reasonable satisfaction of the sentencing judge that the  
20 defendant is not capable of paying the same within the  
21 reasonably foreseeable future. The fees pursuant to this act  
22 shall not be remitted, waived, or reduced unless all other  
23 costs, fees, and charges of court are remitted or waived.

24 (5) The fees shall not reduce or affect the funds  
25 allocated to the office of the court clerk, the sheriff, the

1 municipality, the district attorney, or the Alabama Department  
2 of Forensic Sciences under any local act or other funding  
3 mechanism under the law. These funds shall be in addition to  
4 and not in lieu of any funds currently available to the office  
5 of the court clerk, sheriff, municipality, the district  
6 attorney, and the Alabama Department of Forensic Sciences.

7 (f) The court clerks shall distribute on a monthly  
8 basis as other fees are distributed, the fees collected  
9 pursuant to paragraph a. of subdivision (1) of subsection (a)  
10 as follows: Ten percent from each fee shall be distributed  
11 either to the county general fund to be earmarked and  
12 distributed to the Sheriff's Fund, administered by the  
13 sheriff, in the county where the bond was executed or, where  
14 the bond is executed by the municipality, to the municipality;  
15 45 percent of the fee to the court clerk's fund where the bond  
16 was executed or where the bond is executed by the municipal  
17 court, to the municipality; 45 percent of the fee to the  
18 Solicitor's Fund in the county where the bond was executed.  
19 The bail bond fee records shall be audited by the Department  
20 of Examiners of Public Accounts.

21 (g) The court clerks shall distribute on a monthly  
22 basis as other fees are distributed, the fees collected  
23 pursuant to paragraph b. of subdivision (1) of subsection (a)  
24 as follows: Twenty-one dollars and fifty cents (\$21.50) from  
25 each fee shall be distributed to the county general fund which

1 shall be earmarked and distributed to the Sheriff's Fund,  
2 administered by the sheriff, in the county where the bond was  
3 executed or, where the bond was executed by a municipality, to  
4 the municipality; 40 percent of the remainder of the fee to  
5 the court clerk's fund where the bond was executed or where  
6 the bond is executed by the municipal court, to the  
7 municipality; 45 percent of the remainder of the fee to the  
8 Solicitor's Fund in the county where the bond was executed;  
9 five percent to the State General Fund and ten percent to the  
10 Alabama Forensic Services Trust Fund. The bail bond fee  
11 records shall be audited by the Department of Examiners of  
12 Public Accounts.

13 Section 3. (a) The fee allocated to the Solicitor's  
14 Fund shall be expended for the payment of any and all expenses  
15 incurred by the district attorney in the discharge of the  
16 duties of the office or for any legitimate law enforcement  
17 purpose.

18 (b) The fee allocated for the court clerk's fund  
19 shall be expended at the discretion of the clerk, to support  
20 the functions of the office of the clerk.

21 (c) The fees allocated to the Sheriff's Fund,  
22 administered by the sheriff, shall be expended at the  
23 direction of the sheriff for the operation of the jail.

24 (d) The fees allocated to the Alabama Forensic  
25 Services Trust Fund shall be expended for the objective

1 analysis of scientific evidence in pending criminal  
2 investigations.

3 Section 4. If the charge against a defendant in a  
4 case is disposed of by a finding of not guilty, no bill,  
5 dismissal or nolle prosequi without conditions, the fees  
6 imposed in the case pursuant to paragraph b. of subdivision  
7 (1) of subsection (a) of Section 2 shall not be assessed. In  
8 all other cases wherein the charge against a defendant is  
9 disposed of by conviction, a finding of guilty, or dismissal  
10 or nolle prosequi upon conditions to pay costs and fees, the  
11 fees pursuant to paragraph b. of subdivision (1) of subsection  
12 (a) of Section 2 shall be assessed. If the defendant is  
13 admitted to a pretrial diversion program or to a specialty  
14 court program, the fee shall be assessed as with other court  
15 costs and fees.

16 Section 5. All fees or fines imposed pursuant to  
17 this act shall be collected as provided for by the statute for  
18 other court ordered monies in this state.

19 Section 6. The court shall maintain jurisdiction to  
20 collect restitution, fees, fines, costs and other court  
21 ordered monies beyond the termination of a defendant's  
22 sentence or probation.

23 Section 7. The provisions of this act are repealed  
24 on September 30, 2015, unless the Legislature enacts another  
25 source of funding and repeals this act prior to that date.

1           Section 8. The provisions of this act are severable.  
2 If any part of this act is declared invalid or  
3 unconstitutional, that declaration shall not affect the part  
4 which remains.

5           Section 9. All laws or parts of laws which conflict  
6 with this act are repealed only to the extent they are in  
7 direct conflict with the provisions of this act.

8           Section 10. This act shall become effective 30 days  
9 following its passage and approval by the Governor, or its  
10 otherwise becoming law, except Section 2 (a) (1) b., Section 2  
11 (e), Section 2 (g), and Section 4 shall become effective on  
12 the first day of the third month following its passage and  
13 approval by the Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

*Kay Ivey*

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in  
and was passed by the House 03-MAY-12.

Greg Pappas  
Clerk

Senate	<u>16-MAY-12</u>	Amended and Passed
House	<u>16-MAY-12</u>	Concurred in Sen- ate Amendment

APPROVED May 22, 2012  
 TIME 3:35 P.M.  
Robert Bentley  
 GOVERNOR

Alabama Secretary Of State

Act Num....: 2012-535  
Bill Num...: H-688

Recv'd 05/23/12 11:14amSLF

Bill  
SPONSORS  
ngland

HOUSE ACTION

I HEREBY CERTIFY THAT THE RESOLUTION AS REQUIRED IN SECTION C OF ACT NO. 81-889 WAS ADOPTED AND IS ATTACHED TO THE BILL, H.B. 688

YEAS 74 NAYS 12

GREG PAPPAS, Clerk

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. \_\_\_\_\_ AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS, Clerk

CONFERENCE COMMITTEE

House Conferees \_\_\_\_\_

SENATE ACTION

DATE: 5-8

205

RD 1 RFD

This Bill was referred to the Standing Committee of the Senate on 5-8-75

and was acted upon by such Committee in session and is by order of the Committee returned therefrom with a favorable report w/amend(s) 1 w/sub 1 by a vote of

yeas 12 nays 12 abstain 1

this 12 day of May 2075

Chairperson

DATE: 5-8

205

RF

FAU

RD 2 CAL

DATE: \_\_\_\_\_

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RE-REFERRED

RE-COMMITTED

Committee \_\_\_\_\_

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, HB 688

YEAS 74 NAYS    

PATRICK HARRIS,  
Secretary



DATE: 5/10/12 RD 3 at 1  
PASSED AS AMENDED

YEAS 26 NAYS 7

And was ordered returned forthwith to the H  
PATRICK HA  
Sec

DATE:  
INDEFINITELY POSTPONED YEAS NA

DATE:  
RECONSIDERED YEAS NA

CONFERENCE COMMITTEE

Senate Conferees

This bill having been referred to the Comm  
Rules pursuant to Senate Rule 23 is reporte  
Senate for assignment to the Committee on:

This \_\_\_\_\_ day of \_\_\_\_\_, 20

\_\_\_\_\_, Chair

Date: \_\_\_\_\_ Rereferred

Committee: \_\_\_\_\_