

1 HB485
2 117222-4
3 By Representatives Hill, McCutcheon, Morrow and Ward
4 RFD: County and Municipal Government
5 First Read: 02-FEB-10

1 ENGROSSED

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4 A BILL
5 TO BE ENTITLED
6 AN ACT
7

8 To provide for a solicitor's fee to be assessed in
9 criminal cases in each county in the state in an equal amount
10 payable to the Fair Trial Tax Fund; to provide for the
11 disbursement of the funds; and to provide that this act shall
12 not supercede certain local laws in effect on the effective
13 date of this act or enacted after the effective date of this
14 act unless they are expressly repealed.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. In all juvenile, traffic, criminal, and
17 quasi-criminal cases in the juvenile, district, circuit, and
18 municipal courts in this state, a docket fee, hereinafter
19 referred to as a solicitor's fee, shall be assessed in each
20 case. The fees, when collected, shall be distributed monthly
21 as follows: Three dollars (\$3) from each case to the circuit
22 clerk of the county where collected to be used as provided by
23 law for the operation of the office of the circuit clerk and
24 the ~~remainder~~ remainder of each fee to the Solicitor's Fund or
25 District Attorney's Fund in the county where collected or to
26 the fund in the county that may be hereafter prescribed by law

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

5 Section 2. The solicitor's fee shall be collected in
6 all criminal cases where the defendant is adjudged guilty, a
7 bond forfeited, a penalty imposed, or where there is issued
8 any alias or capias warrant of arrest. The solicitor's fee
9 shall be in addition to and not in lieu of any other fees or
10 costs. The solicitor's fee shall not be waived or remitted
11 unless the defendant proves to the reasonable satisfaction of
12 the sentencing judge that the defendant is not capable of
13 paying the fee within the reasonable foreseeable future.

14 Section 3. The solicitor's fee may be expended by
15 the district attorney in the county where it is collected for
16 the payment of any and all expenses incurred and for any
17 legitimate law enforcement purpose.

18 Section 4. The Legislature may continue to adopt
19 future local laws or repeal existing local laws establishing a
20 solicitor's fee in criminal cases. This act shall not
21 supercede existing local legislation on the effective date of
22 this act or enacted after the effective date of this act in
23 any county providing for a solicitor's fee in criminal cases,
24 and any county having local legislation establishing a
25 solicitor's fee shall collect the fee according to the local
26 act until the local act is expressly repealed. Upon repeal of

1 a local act establishing a solicitor's fee, the county shall
2 collect the fee pursuant to this act or pursuant to a local
3 act enacted after the effective date of this act.

4 Section 5. This act shall become effective on the
5 first day of the third month following its passage and
6 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on County and Mu-
nicipal Government 02-FEB-10

Read for the second time and placed
on the calendar with 1 substitute
and 11-FEB-10

Read for the third time and passed
as amended 25-MAR-10

Yeas 57, Nays 7, Abstains 1

Greg Pappas
Clerk