

1 HB537
2 125400-3
3 By Representative Hubbard (J) (N & P)
4 RFD: Montgomery County Legislation
5 First Read: 19-APR-11

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to Montgomery County; creating the
14 Montgomery County Sheriff Service of Process Serving Fund; to
15 further provide for service of process in Montgomery County;
16 to provide that the Sheriff of Montgomery County may contract
17 with or enter into a contract or agreement with a private,
18 public, or governmental entity for the purpose of service of
19 process; to increase the fee for civil or criminal documents
20 with certain exceptions; and to provide for the disposition of
21 funds.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. This act shall only apply to Montgomery
24 County.

25 Section 2. The Montgomery County Sheriff Service of
26 Process Serving Fund is created and hereinafter referred to as
27 the fund.

1 Section 3. The Sheriff of Montgomery County, except
2 for warrants for arrest, may contract with or enter into
3 contract or agreement with a private, public, or governmental
4 entity for the purpose of service of process.

5 Section 4. (a) In addition to all existing charges,
6 fees, judgments, and costs of court, in the criminal division
7 of the district and circuit courts of Montgomery County, an
8 additional service of process fee of twenty dollars (\$20) per
9 document for service or attempted service shall be imposed.

10 (b) In addition to all existing charges, fees,
11 judgments, and costs of court, in the civil division of the
12 district and circuit courts of Montgomery County, an
13 additional service of process fee of twenty dollars (\$20) for
14 service or attempted service per document shall be imposed.

15 (c) The court official designated in Montgomery
16 County by law for the respective courts shall collect the
17 service of process fee designated in subsections (a) and (b)
18 and shall remit 50 percent of the fees collected to the
19 sheriff for deposit into the fund and 50 percent to the
20 Montgomery County Commission to be deposited in the county
21 general fund. Notwithstanding the foregoing, the fee shall not
22 be imposed and collected if the court finds payment of the fee
23 will create a substantial hardship. A verified statement
24 signed by the person requesting service and approved by the
25 court attesting the substantial hardship shall be filed with
26 the clerk of the court.

1 (d) The Montgomery County Sheriff Service of Process
2 Serving Fund shall be audited by the Department of Examiners
3 of Public Accounts in the same manner as other county funds.

4 (e) The district attorney, law enforcement, and
5 grand juries shall be exempt from payment of the fees provided
6 in this act.

7 Section 5. The sheriff, as he or she determines, may
8 use the monies deposited in the fund for law enforcement
9 purposes in Montgomery County as he or she determines,
10 including contracting with or entering into a contract or
11 agreement with a private, public, or governmental entity for
12 service of process of documents from the civil or criminal
13 division of the district or circuit court. The funds deposited
14 into the fund shall not revert to the county general fund at
15 the end of each fiscal year.

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