

1 HB614
2 137935-2
3 By Representatives Shiver, Faust, Davis, McMillan and Baker
4 (N & P)
5 RFD: Baldwin County Legislation
6 First Read: 03-APR-12

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 To amend Section 45-2-80.01, Code of Alabama 1975,
14 relating to Baldwin County; to provide for the assessment and
15 collection of a solicitor's fee payable to the Solicitor's
16 Fund in all criminal and civil cases in an amount equal to the
17 fees and court costs payable to the Fair Trial Tax Fund in
18 criminal and civil cases; and to provide for the disbursement
19 of the fund.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. Section 45-2-80.01, Code of Alabama 1975,
22 is amended to read as follows:

23 "§45-2-80.01.

24 "(a) In all juvenile cases, traffic, criminal, and
25 quasi-criminal cases in the juvenile, district, circuit, and
26 municipal courts in Baldwin County in the Twenty-eighth
27 Judicial Circuit, a docket fee, hereinafter referred to as a

1 solicitor's fee, shall be assessed in each case. The fees,
2 when collected, shall be distributed monthly to the
3 Solicitor's Fund or District Attorney's Fund in the county
4 where the fee is collected or to the fund that may be
5 hereafter prescribed by law for the solicitor's fee. The
6 solicitor's fee shall be in an amount equal to all docket fees
7 or court costs which are assessed upon an adjudication of
8 guilt in a criminal case and distributed to the Fair Trial Tax
9 Fund.

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

19 "(c) In all civil cases in the circuit and district
20 courts in Baldwin County, a docket fee, hereinafter referred
21 to as a solicitor's fee, shall be assessed in each case. The
22 fees, when collected, shall be distributed monthly as follows:
23 Three dollars (\$3) from each case to the office of the Circuit
24 Clerk in Baldwin County and the remainder of each fee to the
25 District Attorney's Solicitor's Fund in the county where
26 collected. The solicitor's fee in civil cases shall be in the
27 same amount as the docket fee or court costs which are

1 assessed in civil circuit and district court cases in Baldwin
2 County and distributed to the Fair Trial Tax Fund.

3 "~~(c)~~(d) The solicitor's fee may be expended, as the
4 district attorney sees fit, for the payment of any and all
5 expenses incurred by the district attorney for law enforcement
6 and in the discharge of the duties of the office in the county
7 in which it was collected."

8 Section 2. This act shall become effective
9 immediately following its passage and approval by the
10 Governor, or its otherwise becoming law.