

1 HB648
2 134457-3
3 By Representatives McMillan, Baker, Shiver, Faust and Davis
4 (N & P)
5 RFD: Baldwin County Legislation
6 First Read: 05-APR-12

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to Baldwin County; to amend Section
14 45-2-231.90 of the Code of Alabama 1975, providing for a
15 service of process fee in the district and circuit courts of
16 the county and establishing the Sheriff's Service of Process
17 Serving Fund; to provide for the circuit clerk to retain a
18 portion of each fee for the operation of the circuit clerk's
19 office.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. Section 45-2-231.90 of the Code of
22 Alabama 1975, is amended to read as follows:

23 "§45-2-231.90.

24 "(a) This section shall only apply to Baldwin
25 County.

1 "(b) The Baldwin County Sheriff Service of Process
2 Serving Fund is created and hereinafter referred to in this
3 section as the fund.

4 "(c) The Sheriff of Baldwin County, except for
5 warrants for arrest, may contract with or enter into contract
6 or agreement with a private, public, or governmental entity
7 for the purpose of service of process.

8 "(d) (1) In addition to all existing charges, fees,
9 judgments, and costs of court, the clerk, sheriff, or other
10 appropriate court official in the criminal division of the
11 district and circuit courts of Baldwin County, shall collect a
12 service of process fee of twenty dollars (\$20) per document
13 which shall be paid into the fund.

14 "(2) In addition to all existing charges, fees,
15 judgments, and costs of court, the clerk, sheriff, or other
16 appropriate court official in the civil division of the
17 district and circuit courts of Baldwin County, shall collect a
18 service of process fee of twenty dollars (\$20) per document
19 which shall be paid into the fund.

20 "(3) The court official designated in Baldwin County
21 by law for the respective courts shall collect the service of
22 process fee designated in subdivisions (1) and (2) and ~~remit~~
23 shall retain two dollars (\$2) of each fee for deposit in the
24 circuit clerk's fund for the operation of the office of
25 circuit clerk or for compensation or reimbursement of mileage
26 incurred by jurors. The remainder of the fees collected shall

1 be remitted to the sheriff for deposit in the ~~fund~~ Sheriff's
2 Service of Process Serving Fund.

3 "(e) The sheriff may use the monies generated by
4 this section for law enforcement purposes in Baldwin County,
5 as the sheriff sees fit, including contracting with or
6 entering into a contract or agreement with a private, public,
7 or governmental entity for service of process of documents
8 from the civil or criminal division of the district or circuit
9 court. The funds shall not revert to the general fund of the
10 county at the end of the fiscal year."

11 Section 2. This act shall become effective
12 immediately following its passage and approval by the
13 Governor, or its otherwise becoming law.