

1 HB252  
2 147905-1  
3 By Representatives McCutcheon, Hill, Weaver, Greer, Patterson,  
4 Ball, Sanderford, Farley, Gaston, Buttram, Williams (J)  
5 and Boyd  
6 RFD: Public Safety and Homeland Security  
7 First Read: 12-FEB-13

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8 SYNOPSIS: Under existing law, the term abuse is  
9 defined, in relation to domestic violence shelters,  
10 as any offense under Sections 13A-6-60 to 13A-6-70,  
11 inclusive, or under Sections 26-15-1 to 26-15-4,  
12 inclusive, Code of Alabama 1975, occurring among  
13 family, household, dating, or engagement  
14 relationship members, as defined in Section  
15 15-10-3, Code of Alabama 1975.

16 Under existing law, a domestic violence  
17 shelter or facility is limited to \$250,000 in  
18 annual state funding.

19 Under existing law, the Office of  
20 Prosecution Services must retain 60 percent or  
21 \$80,000, whichever is greater, of the funds  
22 administered by the office to assist in the  
23 development of domestic violence shelters and  
24 services to victims.

25 Under existing law, in addition to all other  
26 fees collected for a marriage license, the probate  
27 judge must collect a \$30 fee which is forwarded to

1 the district attorney of his or her county to be  
2 used to fund domestic violence shelters.

3 This bill would delete the term abuse and  
4 replace it with domestic violence, as defined in  
5 Section 30-5-2(a)(1), Code of Alabama 1975,  
6 occurring among family, household, dating, or  
7 engagement relationship members as that term is  
8 defined in Section 15-10-3, Code of Alabama 1975.

9 This bill would eliminate the \$250,000  
10 limit.

11 This bill would increase the maximum dollar  
12 limit that the Office of Prosecution Services must  
13 retain to \$135,000.

14 This bill would impose an additional \$50 fee  
15 for each divorce petition filed and provide that  
16 the fees collected are to be used to fund domestic  
17 violence shelters.

18  
19 A BILL  
20 TO BE ENTITLED  
21 AN ACT

22  
23 To amend Sections 30-6-1, 30-6-6, 30-6-7, and  
24 30-6-11, Code of Alabama 1975, relating to domestic violence  
25 shelters; to provide for the definition of domestic violence;  
26 to further provide for the operation and funding of domestic

1 violence shelters; and to impose a fee for each divorce  
2 petition and provide for its distribution.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Sections 30-6-1, 30-6-6, 30-6-7, and  
5 30-6-11, Code of Alabama 1975, are amended to read as follows:

6 "§30-6-1.

7 "In this chapter, the following words shall have the  
8 following meanings unless the context clearly indicates  
9 otherwise:

10 ~~(1) ABUSE. Any offense under Sections 13A-6-60 to~~  
11 ~~13A-6-70, inclusive, or under Sections 26-15-1 to 26-15-4,~~  
12 ~~inclusive, occurring among family, household, dating, or~~  
13 ~~engagement relationship members as defined in Section 15-10-3.~~

14 ~~"(2)(1)~~ ACADV. The Alabama Coalition Against  
15 Domestic Violence, Incorporated.

16 ~~"(3)(2)~~ ADVOCATE. An employee or volunteer of a  
17 program for victims of domestic violence receiving funds under  
18 this chapter who has a primary function of rendering advice,  
19 counseling, or assistance to victims of domestic violence; who  
20 supervises the employees or volunteers of the program; or who  
21 administers the program.

22 "(3) DOMESTIC VIOLENCE. Any conduct defined in  
23 Section 30-5-2(a)(1) occurring among family, household, dating  
24 or engagement relationship members, as that term is defined in  
25 Section 15-10-3.

26 "(4) DOMESTIC VIOLENCE SHELTER OR FACILITY. A  
27 facility which provides services or shelter to adult victims

1 and their accompanying children as herein defined and which  
2 has been certified by the Office of Prosecution Services to  
3 receive funds.

4 "(5) OFFICE. The Office of Prosecution Services.

5 "(6) VICTIM. Any individual suffering from assault,  
6 battery, rape, or ~~other abuse~~ domestic violence, as defined in  
7 subdivision ~~(1)~~ (3), and any dependent of the individual,  
8 including a child.

9 "Terms not otherwise defined by this chapter shall  
10 have the meaning given to them by the Alabama Criminal Code,  
11 Title 13A, or other provisions of law, as the case may be.

12 "§30-6-6.

13 "(a) In order to be funded and certified, each  
14 facility shall do all of the following:

15 "(1) Provide a shelter, whether public or private,  
16 which will serve as a center to receive and house adult  
17 persons who are domestic violence victims and their  
18 accompanying children.

19 "(2) Receive the periodic written endorsement of the  
20 participating circuit's district attorney ~~and the local law~~  
21 ~~enforcement agency~~ within the jurisdiction of the site.

22 "(3) Provide minimum services which shall include,  
23 but not be limited to, information and referral services,  
24 counseling services, temporary emergency shelter for more than  
25 24 hours for adult victims and their accompanying children,  
26 and educational services for community awareness relative to  
27 the incidence of domestic violence, the prevention of abuse,

1 and the care, treatment, and rehabilitation for persons  
2 engaged in or subject to such abuse.

3 "(b) Domestic violence facilities may be established  
4 throughout the state as private, local, state, or federal  
5 funds are available. Any local agency or organization may  
6 apply to participate in certification and state funding  
7 pursuant to this chapter. This chapter shall not be construed  
8 to prohibit any agency or organization from uniting with a  
9 like agency or organization, within or without the same county  
10 or within or without any adjacent circuit, in the joint  
11 establishment or operation of any domestic violence facility.

12 "(c) The facilities shall establish procedures  
13 pursuant to which persons subject to domestic violence may  
14 seek services from these facilities on a voluntary basis.

15 "(d) Each facility shall have a board composed of at  
16 least three citizens, one of whom shall be a member of a  
17 local, municipal, or county law enforcement agency.

18 ~~"(e) No individual facility shall receive a total  
19 amount in excess of two hundred fifty thousand dollars  
20 (\$250,000) annually.~~

21 ~~"(f) (e)~~ Each facility shall submit their proposed  
22 budget at the request of the office and prior to any  
23 application for funds.

24 "§30-6-7.

25 "Each circuit shall receive a proportionate share of  
26 the total funding appropriated, as the population of the  
27 circuit or circuits jointly bear to the total population of

1 the state, according to the most recent federal decennial  
2 census, for implementation of this chapter. Each facility  
3 shall receive the funds as determined by the policy adopted by  
4 the office. The formula for such funding shall be deemed a  
5 public record. The office may not expend in excess of ten  
6 percent of the funds administered by it to implement this  
7 chapter. Of the funds administered by the office to implement  
8 this chapter, the office shall retain 60 percent of the funds  
9 or ~~eighty thousand dollars (\$80,000)~~ one hundred thirty-five  
10 thousand dollars (\$135,000), whichever is greater, and shall  
11 disburse the remainder of the implementation funds received  
12 during the previous fiscal year to the ACADV upon satisfactory  
13 receipt of the report described in Section 30-6-5 for that  
14 year.

15 "§30-6-11.

16 "Commencing October 1, 1999, and thereafter, in  
17 addition to any and all other fees collected for any marriage  
18 license, the probate judge shall collect thirty dollars (\$30)  
19 which shall be forwarded to the district attorney of the  
20 judicial circuit of his or her county. Commencing October 1,  
21 2013, and thereafter, in addition to any and all other fees  
22 collected for the initial filing of any petition for divorce,  
23 the circuit clerk shall collect fifty dollars (\$50) which  
24 shall be forwarded to the district attorney of the judicial  
25 circuit of his or her county. The funds shall be designated  
26 only for the purposes of this chapter, and forwarded monthly  
27 to the office for distribution on a formula, pursuant to

1 Section 30-6-7 and this chapter. Provided, however, no unspent  
2 and unencumbered funds generated by this chapter shall revert  
3 to the General Fund of the State Treasury at the end of the  
4 fiscal year. Any such unspent and unencumbered funds shall be  
5 returned to the respective judicial circuits from which they  
6 were generated. The district attorney shall use the funds  
7 exclusively for the purposes of establishing, maintaining, or  
8 funding, or any combination thereof, of domestic violence  
9 shelters. The funds shall be used for the establishment or  
10 maintenance of a domestic violence shelter within 12 months of  
11 the end of the fiscal year during which they were collected.  
12 If funds collected pursuant to this chapter have not been  
13 expended for the purposes of establishing or maintaining a  
14 domestic violence shelter within the time period designated in  
15 this section, those funds shall revert to the office for  
16 distribution to certified domestic violence facilities  
17 according to the formula established by the office pursuant to  
18 Section 30-6-7 and this chapter."

19 Section 2. This act shall become effective on the  
20 first day of the third month following its passage and  
21 approval by the Governor, or its otherwise becoming law.