

1 HB568  
2 149539-2  
3 By Representatives Davis, McMillan, Baker and Shiver (N & P)  
4 RFD: Baldwin County Legislation  
5 First Read: 04-APR-13

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9 A BILL  
10 TO BE ENTITLED  
11 AN ACT  
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13 Relating to Baldwin County; providing that the  
14 offices of the revenue commissioner, judge of probate, and  
15 sheriff shall not be assessed for monetary loss resulting from  
16 the performance of official duties for errors or mistakes made  
17 in good faith.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. The Baldwin County Revenue Commissioner,  
20 Judge of Probate of Baldwin County, and Sheriff of Baldwin  
21 County shall not be assessed any monetary loss arising or  
22 caused by error if the mistake or omission was made in good  
23 faith or was caused without the personal knowledge of the  
24 officer, including loss arising from acceptance of worthless  
25 or forged checks, drafts, money orders, or other written  
26 orders for money or its equivalent.

1           Section 2. It shall be the duty of the revenue  
2 commissioner, judge of probate, and sheriff to insure that the  
3 employees of the respective offices exercise due care in  
4 performing their required duties and make a diligent effort to  
5 correct the error, mistake, or omission. The respective  
6 officers shall make a good faith effort to collect the amount  
7 subject to potential loss immediately upon becoming aware of  
8 the potential loss.

9           Section 3. This act shall not apply to any  
10 deliberate misuse or misappropriation of funds by the revenue  
11 commissioner, judge of probate, or the sheriff, or by any  
12 clerk, or any employee of the respective officials.

13           Section 4. The revenue commissioner, judge of  
14 probate, or sheriff, or any official, any clerk, or any  
15 employee of the respective officials, shall not be liable for  
16 worthless checks if the respective officers make a good faith  
17 effort to collect on the worthless checks.

18           Section 5. The provisions of this act are severable.  
19 If any part of this act is declared invalid or  
20 unconstitutional, that declaration shall not affect the part  
21 which remains.

22           Section 6. This act shall become effective  
23 immediately following its passage and approval by the  
24 Governor, or its otherwise becoming law.