

1 HB488  
2 158173-7  
3 By Representative Lindsey (N & P)  
4 RFD: Local Legislation  
5 First Read: 14-APR-15

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ENROLLED, An Act,

Relating to Cherokee County; to provide for a booking fee to be imposed on each person booked into the Cherokee County Detention Center and subsequently convicted of a crime; to provide for the collection of the booking fee; and to provide for the distribution of the revenues derived from the booking fee.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. In Cherokee County, a booking fee in the amount of twenty dollars (\$20) shall be assessed against and collected from each person booked or incarcerated into the Cherokee County Detention Center and subsequently convicted. The fee assessed pursuant to this act shall be in addition to any fines, court costs, or other charges imposed.

Section 2. The booking fee imposed by this act shall be assessed against a defendant upon conviction by a court of law where the defendant is convicted. The clerk of the court shall enter the amount of the fee as provided in this act on the docket sheet and shall collect the fee in the same manner and the same time as court costs.

Section 3. The revenues derived from the booking fee shall be submitted to the Cherokee County Sheriff's Department Law Enforcement Fund to be used by the Sheriff of Cherokee County for jail operations including, but not limited to,

1 training fees, salaries, equipment, jail operational expenses,  
2 or other law enforcement uses as determined by the sheriff to  
3 best meet the needs of his or her agency. Notwithstanding the  
4 foregoing, the fee shall not be deemed a court cost based on  
5 collection by the clerk.

6 Section 4. In any case where the booking fee  
7 provided by this act is not paid, the district attorney of the  
8 county may assist in the collection of the fees in the same  
9 manner as court-ordered monies. In addition, the sheriff may  
10 contract for the collection of the fees and pay a portion of  
11 the fees as a cost for collection.

12 Section 5. The sheriff may withhold funds equal to  
13 the amount of the booking fee from any funds held while a  
14 person is incarcerated in the Cherokee County Detention Center  
15 and those funds may be applied toward any assessment of a  
16 booking fee pursuant to this act. Any funds withheld shall be  
17 repaid to the defendant if no conviction results after  
18 dismissal of all charges or acquittal.

19 Section 6. Any revenues derived from this act shall  
20 be in addition to other funding sources for the Cherokee  
21 County Detention Center and the Cherokee County Sheriff's  
22 Department and shall not reduce or replace any funding from  
23 any other sources.

24 Section 7. The provisions of this act are severable.  
25 If any part of this act is declared invalid or

1 unconstitutional, that declaration shall not affect the part  
2 which remains.

3 Section 8. This act shall become effective  
4 immediately following its passage and approval by the  
5 Governor, or its otherwise becoming law.

