

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

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to Cherokee County; to provide for a
14 booking fee to be imposed on each person booked into the
15 Cherokee County Detention Center and subsequently convicted of
16 a crime; to provide for the collection of the booking fee; and
17 to provide for the distribution of the revenues derived from
18 the booking fee.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

26 Section 2. The booking fee imposed by this act shall
27 be assessed against a defendant upon conviction by a court of

1 law where the defendant is convicted. The clerk of the court
2 shall enter the amount of the fee as provided in this act on
3 the docket sheet and shall collect the fee in the same manner
4 and the same time as court costs.

5 Section 3. The revenues derived from the booking fee
6 shall be submitted to the Cherokee County Sheriff's Department
7 Law Enforcement Fund to be used by the Sheriff of Cherokee
8 County for jail operations including, but not limited to,
9 training fees, salaries, equipment, jail operational expenses,
10 or other law enforcement uses as determined by the sheriff to
11 best meet the needs of his or her agency. Notwithstanding the
12 foregoing, the fee shall not be deemed a court cost based on
13 collection by the clerk.

14 Section 4. In any case where the booking fee
15 provided by this act is not paid, the district attorney of the
16 county may assist in the collection of the fees in the same
17 manner as court-ordered monies. In addition, the sheriff may
18 contract for the collection of the fees and pay a portion of
19 the fees as a cost for collection.

20 Section 5. The sheriff may withhold funds equal to
21 the amount of the booking fee from any funds held while a
22 person is incarcerated in the Cherokee County Detention Center
23 and those funds may be applied toward any assessment of a
24 booking fee pursuant to this act. Any funds withheld shall be
25 repaid to the defendant if no conviction results after
26 dismissal of all charges or acquittal.

1 Section 6. Any revenues derived from this act shall
2 be in addition to other funding sources for the Cherokee
3 County Detention Center and the Cherokee County Sheriff's
4 Department and shall not reduce or replace any funding from
5 any other sources.

6 Section 7. The provisions of this act are severable.
7 If any part of this act is declared invalid or
8 unconstitutional, that declaration shall not affect the part
9 which remains.

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