

1 SB66  
2 164584-1  
3 By Senator Ward  
4 RFD: Judiciary  
5 First Read: 03-MAR-15  
6 PFD: 03/02/2015

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8 SYNOPSIS: Under current law, certain court  
9 information is provided to non-judicial system  
10 entities for a fee. This bill would provide access  
11 to such court records to district attorneys and  
12 their employees at no charge.

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14 A BILL  
15 TO BE ENTITLED  
16 AN ACT

17  
18 Relating to court records; to amend Section  
19 12-19-180 relating to access to court data to provide access  
20 to court data to district attorneys and their employees at no  
21 charge.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. Section 12-19-180, Code of Alabama 1975,  
24 is hereby amended to read as follows:

25 "§12-19-180.

26 "(a) In addition to all other costs, fees, or fines  
27 prescribed by law, each person convicted of a crime in a

1 municipal, district, or circuit court, except traffic cases  
2 which do not involve driving under the influence of alcohol or  
3 controlled substances as set out in Section 32-5A-191, and  
4 conservation cases and juvenile cases, shall be assessed a  
5 criminal history processing fee of thirty dollars (\$30). The  
6 assessment shall be automatically assessed by the clerk of the  
7 court upon conviction.

8 "(b) There is created in the State Treasury a fund  
9 to be designated as the Public Safety Automated Fingerprint  
10 Identification System Fund, a fund to be designated as the  
11 Court Automation Fund, and a fund to be designated as the  
12 Criminal Justice Information System Automation Fund. Ten  
13 dollars (\$10) of each additional fee collected pursuant to  
14 this section shall be deposited into the State Treasury to the  
15 credit of the Public Safety Automated Fingerprint  
16 Identification System Fund, five dollars (\$5) to the Court  
17 Automation Fund, ten dollars (\$10) to the Criminal Justice  
18 Information System Automation Fund, and five dollars (\$5) to  
19 the Department of Forensic Sciences Forensic Services Fund.  
20 All money deposited in the State Treasury to the credit of the  
21 Public Safety Automated Fingerprint Identification System Fund  
22 shall be expended for operations and maintenance of the  
23 Automated Fingerprint Identification System. All money  
24 deposited in the State Treasury to the credit of the Court  
25 Automation Fund shall be expended for equipment, operations,  
26 supplies, maintenance, and training related to court  
27 automation, court cost collection and the timely and efficient

1 processing of court cases, and for the other purposes  
2 enumerated in this section. All money deposited in the State  
3 Treasury to the credit of the Criminal Justice Information  
4 System Automation Fund shall be expended for equipment,  
5 operations, supplies, maintenance, and training related to the  
6 Criminal Justice Information System. All money deposited in  
7 the State Treasury to the credit of the Forensic Services Fund  
8 from the criminal history processing fee shall be expended for  
9 any purposes for which the Department of Forensic Sciences is  
10 authorized to expend funds appropriated to that department. No  
11 money shall be withdrawn or expended from these funds for any  
12 purpose unless the money has been allotted and budgeted in  
13 accordance with Article 4 (commencing with Section 41-4-80) of  
14 Chapter 4 of Title 41, and only in the amounts and for the  
15 purposes provided by the Legislature in the general  
16 appropriations bill or other appropriation bills.

17 "(c) All data collected and maintained in the State  
18 Judicial Information System from the automated management  
19 systems operated by the Administrative Office of Courts and  
20 all manuals, forms, brochures, and publications developed by  
21 the Administrative Office of Courts shall be used to assist  
22 with the administrative and management needs of court  
23 officials and employees within the Unified Judicial System.  
24 The authority for control and dissemination of data from the  
25 system or distribution of judicial forms, manuals, and  
26 publications to any individuals, corporations, partnerships,

1 or governmental associations outside the Unified Judicial  
2 System is vested in the Administrative Director of Courts.

3 "(d) The Administrative Director of Courts shall  
4 promulgate policies and procedures, in conformity with rules  
5 adopted by the Supreme Court of Alabama, for the handling of  
6 applications for information from the State Judicial  
7 Information System and applications for court forms, manuals,  
8 and publications from all persons or entities outside the  
9 Unified Judicial System. The Administrative Director of  
10 Courts may establish in the policies and procedures,  
11 subscription, rental, or user fees, and other charges  
12 applicable to non-judicial system entities to be used to  
13 offset the costs involved in transferring or providing any  
14 information requested. Subject to applicable law, district  
15 attorneys and assistant and deputy district attorneys,  
16 including employees of the office of the district attorney,  
17 shall be provided statewide access to all court records  
18 contained, acquired, or generated in the court file,  
19 including, but not limited to, records in electronic format,  
20 accessible through alacourt.com or any programs, including,  
21 but not limited to, any online or web-based program designed  
22 to provide access to court records to the parties of a case,  
23 to be accessible from any computing or electronic device at no  
24 cost, fee or charge without limitation at all times.

25 "(e) All monies received by the Administrative  
26 Office of Courts from applications, user fees, service  
27 charges, subscriptions, donations, grants, leases, rentals,

1 bequests, loans, or any other sources, either public or  
2 private, relating to the operation and administration of the  
3 State Judicial Information System or the publication and  
4 distribution of court forms and informational material shall  
5 be deposited in the Court Automation Fund. The fund shall be  
6 used to help defray the costs of maintenance, acquisition and  
7 operation of the computer system and the research,  
8 preparation, printing, and distribution of forms and manuals,  
9 which shall include, but not be limited to, equipment,  
10 supplies, line charges, printing, salaries for employees, and  
11 other incidental expenses required for the operation or  
12 expansion of the system or associated with developing and  
13 distributing informational materials.

14 "(f) Nothing contained in this section shall be  
15 construed to prevent, prohibit, or otherwise limit or restrict  
16 public access to individual court records from the official  
17 custodians thereof, if the records are otherwise subject to  
18 public disclosure by law or court rule, nor shall anything in  
19 this section be construed to allow access to any court records  
20 which are not otherwise subject to public disclosure by law or  
21 court rule.

22 "(g) No money deposited to the Court Automation Fund  
23 may be transferred for use by any other program or purpose  
24 within the Unified Judicial System."

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

