

1 SB422  
2 175433-2  
3 By Senator Whatley (N & P)  
4 RFD: Local Legislation  
5 First Read: 19-APR-16

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9 A BILL  
10 TO BE ENTITLED  
11 AN ACT  
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13 Relating to Russell County; to create the Russell  
14 County Sheriff Service of Process Fund; to further provide for  
15 service of process in the county; to provide that the sheriff  
16 may contract with or enter into agreement with a private,  
17 public, or governmental entity for the purpose of service of  
18 process; to set the fee for civil or criminal documents with  
19 certain exceptions; and to provide for the disposition of  
20 funds.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. (a) This section shall apply only to  
23 Russell County.

24 (b) The Russell County Sheriff Service of Process  
25 Fund is created and hereinafter referred to as the Fund.

26 (c) The Sheriff of Russell County, except for  
27 warrants for arrest, may contract with or enter into an

1 agreement with a private, public, or governmental entity for  
2 the purpose of service of process.

3 (d) (1) In addition to all existing charges, fees,  
4 judgments, and costs of court, the clerk, sheriff, or other  
5 appropriate court official in the civil and criminal division  
6 of the district and circuit courts of Russell County shall  
7 assess a service of process fee of fifteen dollars (\$15) per  
8 document, and the fees shall be distributed according to this  
9 subsection.

10 (2) The court official designated in Russell County  
11 by law for the respective courts shall collect the service of  
12 process fee designated in this subsection and shall remit  
13 two-thirds of the fees collected to the sheriff for deposit  
14 into the Fund and one-third of the fees collected to the  
15 circuit clerk fund.

16 (e) The sheriff may use the monies generated by this  
17 section for law enforcement purposes in the county, at the  
18 discretion of the sheriff, including contracting with or  
19 entering into a contract or agreement with a private, public,  
20 or governmental entity for service of process of documents  
21 from the civil or criminal division of the district or circuit  
22 court. The funds may not revert to the general fund of the  
23 county at the end of the fiscal year.

24 (f) The establishment of the Russell County Sheriff  
25 Service of Process Fund and the use of the proceeds may not  
26 diminish or take the place of any other source of income  
27 established for the sheriff or the operation of the jail.

1                   (g) The district attorney, law enforcement, and  
2 grand juries shall be exempt from payment of the fees provided  
3 by this act.

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