

1 HB33
2 180162-3
3 By Representative Givan
4 RFD: Judiciary
5 First Read: 07-FEB-17
6 PFD: 12/15/2016

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ENGROSSED

A BILL
TO BE ENTITLED
AN ACT

Relating to the probate court; to amend Section 12-19-43, Code of Alabama 1975; to provide for the payment of court costs at the discretion of the court at the time that petitions, motions, and other pleadings are filed and to provide for the payment of security deposits as ordered by the court to cover expected costs.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 12-19-43, Code of Alabama 1975, is amended to read as follows:

"§12-19-43.

~~“(a) Except as otherwise provided by local act or general act with local application, fees Fees allowed by law for services in connection with proceedings before probate judges shall be due only , at the discretion of the court, may be collected at the time a pleading is filed in probate court or at the termination of the suit, except that fees. Fees for~~

“(a) Except as otherwise provided by local act or general act with local application, fees Fees allowed by law for services in connection with proceedings before probate judges shall be due only collected either at the time the

1 pleading is filed in probate court or at the termination of
2 the suit, as determined by the court ~~except that fees. Fees~~
3 ~~for~~ transcripts of papers filed in the case, ~~other than copies~~
4 ~~of cost or fee bills,~~ to which parties are entitled as of
5 course, shall be due when the service is performed, ~~and no~~
6 ~~fee, except for final record, shall be demanded or received in~~
7 ~~any case unless the service has been performed.~~

8 "(b) In cases where appropriate, the court may order
9 that security deposits be deposited into the probate court to
10 cover expected court costs. Any unused security deposits shall
11 be returned to the person who made the deposit."

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

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Judiciary 07-FEB-17

Read for the second time and placed
on the calendar 1 amendment 16-FEB-17

Read for the third time and passed
as amended..... 23-FEB-17

Yeas 89, Nays 2, Abstains 6

Jeff Woodard
Clerk