

2
3 SENATE JUDICIARY COMMITTEE AMENDMENT #2 TO SB36
4
5
6
7

8 On page 1, line 5, delete "Section 12-19-70" and
9 insert in lieu thereof the following:

10 Sections 12-19-43 and 12-19-70, as last amended by
11 Act 2017-293 of the 2017 Regular Session,
12

13 On page 2, line 24, after "If" insert the following:
14 , within 90 days of filing,
15

16 On page 3, after line 4, insert the following new
17 Section 2 and renumber the remaining section accordingly:

18 Section 2. Section 12-19-43, Code of Alabama 1975,
19 as last amended by Act 2017-293 of the 2017 Regular Session,
20 is amended to read as follows:

21 "§12-19-43.

22 "(a) Fees allowed by law in connection with
23 proceedings before probate judges shall be collected either at
24 the time the pleading is filed in probate court or at the
25 termination of the suit, as determined by the court. Fees for
26 transcripts of papers filed in the case to which parties are

1 entitled as of course, shall be due when the service is
2 performed.

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

7 "(c) (1) All payments provided for in this section,
8 including all fees allowed by law, fees for transcripts of
9 papers filed in a case, and security deposits for expected
10 court costs, shall be waived initially if the court finds that
11 payment of the fees will constitute a substantial hardship. A
12 verified statement of substantial hardship signed by the
13 petitioner or plaintiff shall be filed with the clerk of
14 court.

15 "(2) A court shall find that payment of the fees
16 would constitute a substantial hardship if the petitioner or
17 plaintiff has income under the amounts contained in Section
18 15-12-1 (4) a. and b. of the Code of Alabama 1975, unless the
19 court makes a written finding that the petitioner or plaintiff
20 has the resources to pay the fees owed without substantial
21 hardship.

22 "(3) If a petitioner or plaintiff files a pleading
23 or otherwise initiates a case with a verified statement of
24 substantial hardship as provided in this subsection, that
25 pleading shall be considered filed as of the date that the
26 verified statement of substantial hardship was submitted to
27 the court.

1 "(4) A petitioner or plaintiff shall have 30 days to
2 submit payment of the fees owed after any written finding by
3 the court that the petitioner or plaintiff has the resources
4 to pay the fees owed without substantial hardship. A
5 petitioner or plaintiff for whom pre-payment is waived under
6 this section may have applicable fees and costs taxed at the
7 conclusion of the case.

8 "(5) In any case in which any costs or fees are
9 initially waived as provided in subdivision (1), the judge of
10 probate shall assess costs and fees at the conclusion of the
11 case."