

1 HB571  
2 198720-1  
3 By Representatives Crawford, Whitt, Moore (P), McCutcheon and  
4 Greer (N & P)  
5 RFD: Limestone County Legislation  
6 First Read: 07-MAY-19

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9 A BILL  
10 TO BE ENTITLED  
11 AN ACT  
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13 Relating to Limestone County; to amend Section  
14 45-42-81.01, Code of Alabama 1975, relating to the solicitor's  
15 fee collected in all juvenile, traffic, criminal, and  
16 quasi-criminal cases that arise in the juvenile, district,  
17 circuit, and municipal courts in the county; to further  
18 provide for a portion of the distribution of the solicitor's  
19 fee to the circuit clerk or municipal court clerk under  
20 certain conditions; and to provide for the minimum amount of  
21 the solicitor's fee in criminal cases.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. Section 45-42-81.01, Code of Alabama  
24 1975, is amended to read as follows:

25 "§45-42-81.01.

26 "(a) (1) In all juvenile, traffic, criminal, and  
27 quasi-criminal cases in the juvenile, district, circuit, and

1 municipal courts in Limestone County, a docket fee,  
2 hereinafter referred to as a solicitor's fee, shall be  
3 assessed in each case. The fees, when collected, shall be  
4 distributed monthly as follows:

5 "a. Three dollars (\$3) from each case, according to  
6 the following:

7 "1. If the case originates and is disposed of in a  
8 circuit court, all three dollars (\$3) to the circuit clerk to  
9 be deposited into the circuit clerk's fund.

10 "2. If the case originates and is disposed of in a  
11 municipal court, all three dollars (\$3) to the municipal court  
12 clerk of that municipality, to be deposited into the municipal  
13 court clerk's fund or the fund otherwise established for the  
14 operation of the office of the municipal court clerk.

15 "3. If the case originates in a municipal court and  
16 is disposed of in a circuit court, one dollar (\$1) to the  
17 circuit clerk to be deposited into the circuit clerk's fund,  
18 and two dollars (\$2) to the municipal court clerk of the  
19 municipality where the case originated, to be deposited into  
20 the municipal court clerk's fund or the fund otherwise  
21 established for the operation of the office of the municipal  
22 court clerk.

23 "b. The remainder of each solicitor's fee to the  
24 Solicitor's Fund in the county, the district attorney's fund  
25 in the county, or to the fund that may be hereafter prescribed  
26 by law for the solicitor's fee.

1           "2) The solicitor's fee shall be in an amount equal  
2 to all docket fees or court costs which are assessed upon an  
3 adjudication of guilt in a criminal case and distributed to  
4 the Fair Trial Tax Fund. ~~A one dollar (\$1) administrative fee~~  
5 ~~from each case shall be retained by the clerk of court to pay~~  
6 ~~for the operation of the clerk's office.~~ In no event shall the  
7 solicitor's fee be less than an amount equal to the Fair Trial  
8 Tax Fund docket fees which are prescribed for an adjudication  
9 or finding of guilt of the criminal offense charged.

10           "(b) The solicitor's fee shall be collected in all  
11 criminal cases where the defendant is adjudged guilty, a bond  
12 forfeited, a penalty imposed, or where there is issued any  
13 alias or capias warrant of arrest. The solicitor's fee shall  
14 be in addition to and not in lieu of any other fees or costs.  
15 The solicitor's fee shall not be waived or remitted unless the  
16 defendant proves to the reasonable satisfaction of the  
17 sentencing judge that the defendant is not capable of paying  
18 the fee within the reasonably foreseeable future.

19           "(c) The solicitor's fee may be expended by the  
20 district attorney for the payment of any and all expenses  
21 incurred or for any legitimate law enforcement purpose."

22           Section 2. This act shall become effective  
23 immediately following its passage and approval by the  
24 Governor, or its otherwise becoming law.