

1 HB139
2 207540-1
3 By Representative Easterbrook (Constitutional Amendment)
4 RFD: Ways and Means General Fund
5 First Read: 02-FEB-21
6 PFD: 01/26/2021

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8 SYNOPSIS: Under existing law, Section 96 of the
9 Constitution of Alabama of 1901, prohibits the
10 Legislature from enacting any law not applicable to
11 all the counties in the state regulating costs and
12 charges of courts. Under existing law, various
13 counties, by local constitutional amendment, have
14 authorized the Legislature to alter court costs in
15 the county by local law, and various local laws
16 provide for additional court costs specific to
17 those counties.

18 This bill would propose an amendment to the
19 Constitution of Alabama of 1901, relating to
20 Choctaw County, to authorize the Legislature, by
21 general or local law, to fix, alter, and regulate
22 the costs and charges of court and other fees to be
23 charged or received by a county officer, including,
24 but not limited to, the fees to be charged or
25 received for service of process, and provide for
26 their distribution, and to ratify and confirm any
27 acts authorizing the levy of additional court costs

1 or fees enacted prior to the effective date of this
2 amendment.

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4 A BILL
5 TO BE ENTITLED
6 AN ACT
7

8 To propose an amendment to the Constitution of
9 Alabama of 1901, relating to Choctaw County, to authorize the
10 Legislature to fix, alter, and regulate the costs and charges
11 of court and other associated fees by general or local law,
12 and to ratify and confirm any act authorizing the levy of
13 additional court costs or fees enacted prior to the effective
14 date of this amendment.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. The following amendment to the
17 Constitution of Alabama of 1901, as amended, is proposed and
18 shall become valid as a part of the Constitution when all
19 requirements of this act are fulfilled:

20 PROPOSED AMENDMENT

21 (a) This amendment shall apply only in Choctaw
22 County.

23 (b) The Legislature, by general or local law, may
24 fix, alter, and regulate the costs and charges of court and
25 other fees to be charged or received by a county officer,
26 including, but not limited to, the fees to be charged or
27 received for service of process, and provide for their

1 distribution. Any act authorizing the levy of additional court
2 costs or fees, including, but not limited to, fees charged or
3 received for service of process, enacted prior to the
4 effective date of this amendment is ratified and confirmed.

5 Section 2. An election upon the proposed amendment
6 shall be held in accordance with Section 284 and Section
7 284.01 of the Constitution of Alabama of 1901, now appearing
8 as Section 284 and 284.01 of the Official Recompilation of the
9 Constitution of Alabama of 1901, as amended, and the election
10 laws of this state.

11 Section 3. The appropriate election official shall
12 assign a ballot number for the proposed constitutional
13 amendment on the election ballot and shall set forth the
14 following description of the substance or subject matter of
15 the proposed constitutional amendment:

16 "Relating to Choctaw County; proposing an amendment
17 to the Constitution of Alabama of 1901, to authorize the
18 Legislature, by general or local law, to fix, alter, and
19 regulate the costs and charges of court and other fees to be
20 charged or received by a county officer, including the fees to
21 be charged or received for service of process, and to provide
22 for their distribution; and to ratify and confirm any act
23 authorizing the levy of additional court costs or fees enacted
24 prior to the adoption of this amendment.

25 "Proposed by Act _____."

26 This description shall be followed by the following
27 language:

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"Yes () No ()."