

1 HB422
2 208692-5
3 By Representative Rich (N & P)
4 RFD: Local Legislation
5 First Read: 23-FEB-21

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ENROLLED, An Act,

Relating to Marshall County; to provide for additional court costs in all cases in the circuit and district courts; to provide for the deposit of the additional court costs in the Law Library, Judicial Technology, and Judicial Administration Fund to be used as determined by the presiding judge of the circuit court; to reestablish the Presiding Circuit Judge's Judicial Administration Fund; to provide for the transfer of monies to the Law Library, Judicial Technology, and Judicial Administration Fund and the Presiding Circuit Judge's Judicial Administration Fund provided for in this act; to provide administration and accounting of the funds; and to repeal Act 426 of the 1973 Regular Session (Acts 1973, p. 619) and Act 2008-505 of the 2008 Regular Session (Acts 2008, p. 1117), now appearing as Section 45-48-80.02 of the Code of Alabama 1975.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) In Marshall County, in order to provide a special fund for the creation and maintenance of the law library, for the improvement of judicial technology, and for judicial administration, there is established the Marshall County Law Library, Judicial Technology, and Judicial Administration Fund.

1 (b) In addition to any other fees paid, including,
 2 but not limited to, those paid pursuant to Section 11-25-9 of
 3 the Code of Alabama 1975, there shall be taxed as additional
 4 court costs the sum of ten dollars (\$10) in each case in the
 5 circuit court or district court in the county, including the
 6 juvenile, family, and small claims court. The costs shall be
 7 collected as other costs are collected by the clerk of the
 8 court and shall be disbursed by the clerk to a special fund to
 9 be designated as the Marshall County Law Library, Judicial
 10 Technology, and Judicial Administration Fund to be maintained
 11 in a Federal Deposit Insurance Corporation (FDIC) insured
 12 financial institution designated by the presiding circuit
 13 judge.

14 (c) The Marshall County Law Library, Judicial
 15 Technology, and Judicial Administration Fund shall be expended
 16 by the presiding circuit judge of the circuit court of
 17 Marshall County to establish and maintain the law library,
 18 procure technology and data backup, and otherwise provide for
 19 more effective administration of justice and efficient
 20 operation of the courts through expenditures for equipment,
 21 training, personnel, and other court related needs as provided
 22 in Section 11-25-13 of the Code of Alabama 1975.

23 (d) The management of the law library shall be
 24 vested in the presiding judge of the circuit court. All books,
 25 periodicals, reports, and other property purchased with the

1 funds provided by this act shall be the property of Marshall
2 County. The presiding circuit judge, from time to time, may
3 sell or exchange the books, reports, periodicals, and other
4 personal property as may be necessary to keep the library up
5 to date and apply the proceeds of the sale thereof or the
6 value thereof upon the purchase of other books, reports,
7 periodicals, and personal property for use in the library. The
8 presiding circuit judge may designate another judge or any
9 other suitable person to operate or assist in the operation of
10 the library.

11 (e) The fund established by this section shall be
12 audited in the same manner as other county funds are audited.

13 (f) Any court costs for the law library purposes in
14 the county assessed and paid pursuant to any local act are
15 superseded by this section.

16 (g) Any funds in the existing Marshall County Law
17 Library, Judicial Technology, and Judicial Administration Fund
18 held by the county shall be transferred to the Marshall County
19 Law Library, Judicial Technology, and Judicial Administration
20 Fund established in this section and shall be expended as
21 provided in this section.

22 Section 2. (a) In Marshall County, the Presiding
23 Circuit Judge's Judicial Administration Fund provided for in
24 Section 12-19-310(d) of the Code of Alabama 1975, is
25 reestablished as provided in this section for the purpose of

1 supporting the efficient operation of local courts and for the
2 promotion of the administration of justice.

3 (b) After the effective date of this act, the docket
4 fees assessed and collected by the court clerks within
5 Marshall County and disbursed to the Presiding Circuit Judge's
6 Judicial Administration Fund as it existed on the effective
7 date of this act shall be disbursed by the court clerks on a
8 monthly basis as other costs and fees are distributed to a
9 special fund reestablished and designated as the Presiding
10 Circuit Judge's Judicial Administration Fund. The fund shall
11 be maintained in a Federal Deposit Insurance Corporation
12 (FDIC) insured financial institution designated by the
13 presiding circuit judge. Funds distributed pursuant to this
14 subsection shall not reduce any amounts payable under the
15 jurisdiction of the presiding circuit judge under any local
16 act or general act or reduce or affect the amounts of funding
17 allocated by the Administrative Office of Courts to the budget
18 of the presiding circuit judge.

19 (c) The Presiding Circuit Judge's Judicial
20 Administrative Fund shall be expended by the presiding circuit
21 judge of the Circuit Court of Marshall County to support local
22 court operations, including, but not limited to, salaries and
23 benefits of court employees where necessary for the efficient
24 operations of the courts in the circuit, and for other
25 expenses as determined necessary by the presiding circuit

1 judge, including, but not limited to, those provided in
2 Section 11-25-13 of the Code of Alabama 1975.

3 (d) The fund established in this section shall be
4 audited in the same manner as other state funds are audited.

5 (e) Any fees provided prior to the effective date of
6 this section for the purpose of funding the Presiding Circuit
7 Judge's Judicial Administration Fund in the county are
8 continued and shall be distributed to the Presiding Judge's
9 Judicial Administration Fund as provided by this act.

10 (f) All laws or parts of laws which conflict with
11 this act are repealed.

12 (g) Any funds in the existing Presiding Circuit
13 Judge's Judicial Administration Fund held by the county shall
14 be transferred to the Presiding Circuit Judge's Judicial
15 Administration Fund as reestablished in this section and shall
16 be expended as provided in this act.

17 Section 3. (a) Funds in the Law Library, Judicial
18 Technology, and Judicial Administration Fund and the Presiding
19 Circuit Judge's Judicial Administration Fund shall be held in
20 a Federal Deposit Insurance Corporation (FDIC) insured
21 financial institution designated by the presiding circuit
22 judge. Any earnings from the funds may be expended as provided
23 in this act.

24 (b) Requests for expenditures from the Law Library,
25 Judicial Technology, and Judicial Administration Fund or the

1 Presiding Circuit Judge's Judicial Administration Fund shall
2 be made in writing and submitted to the presiding circuit
3 judge.

4 (c) Expenditures from the Law Library, Judicial
5 Technology, and Judicial Administration Fund and the Presiding
6 Circuit Judge's Judicial Administration Fund shall be
7 negotiable instruments signed by the presiding circuit judge
8 and one of the other judges of the 27th Judicial Circuit.

9 Section 4. All laws or parts of laws which conflict
10 with this act are repealed. Act 426 of the 1973 Regular
11 Session (Acts 1973, p. 619), ~~is~~ and Act 2008-505 of the 2008
12 Regular Session (Acts 2008, p. 1117), now appearing as Section
13 45-48-80.02 of the Code of Alabama 1975, are expressly
14 repealed.

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

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 09-MAR-21, as amended.

Jeff Woodard
Clerk

Senate

18-MAR-21

Passed