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3 ORR SUBSTITUTE FOR SB203
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8 SYNOPSIS: Under existing law, local law enforcement
9 agencies impose criminal fines and fees. Further,
10 under existing law, municipal courts are not
11 required to utilize Alabama's state judicial
12 information system.

13 This bill would require the Administrative
14 Office of Courts to annually collect data on the
15 collection and disbursement of fees and fines in
16 municipal courts, prepare a report of the data, and
17 provide access to the report and information
18 through its website.

19 This bill would require each municipality to
20 submit annually to the Administrative Office of
21 Courts the required data on the collection of fees
22 and fines in municipal courts and would provide for
23 penalties for failure to submit the required
24 information.

25 This bill would require that municipal
26 courts utilize Alabama's state judicial information
27 system by January 1, 2024, with some exceptions. In

1 addition, this bill would require the
2 Administrative Office of Courts to provide training
3 and resources to municipal courts for the
4 utilization of the state judicial information
5 system.

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 Relating to municipal fines and fees; to require the
12 Administrative Office of Courts to annually collect data on
13 municipal courts; to require municipal courts to provide data
14 to the Administrative Office of Courts; to require municipal
15 courts to utilize the Alabama state judicial information
16 system; to require the Administrative Office of Courts to
17 provide training and resources to municipal courts for certain
18 uses; and to provide for penalties.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. This act shall apply to municipalities
21 with a municipal court established pursuant to Chapter 14 of
22 Title 11, Code of Alabama 1975.

23 Section 2. (a) The Administrative Office of Courts
24 shall annually collect the following data from each municipal
25 court:

26 (1) The total court cases for the fiscal year,
27 established by the court management system.

1 (2) The total amount of municipal revenue collected
2 by the municipal court and the amount dispersed to each
3 receiving entity.

4 (3) The total expenditures by the municipal court,
5 including annual salaries for the judge or judges, court
6 clerk, and magistrate or magistrates.

7 (4) The total annual operating budget for the
8 municipal court.

9 (5) The total annual operating budget for the
10 municipality.

11 (b) Not later than December 1 of each year, the
12 municipal court clerk shall provide and certify the data
13 required herein to the Administrative Office of Courts.

14 (c) The Administrative Office of Courts, not later
15 than six months after the end of each fiscal year, shall
16 submit to the Legislature, the Attorney General, and the
17 Governor, a written report summarizing the data and an
18 aggregation of the monthly reports required by Section
19 12-1-19, Code of Alabama 1975, collected from municipal
20 courts. The report, as well as the individual municipal data
21 and a list of any municipal court that failed to respond
22 within 60 days of the due date, shall be made available on the
23 Administrative Office of Court's website.

24 Section 3. (a) By January 1, 2023, the Department of
25 Finance shall create an electronic version of the monthly
26 report form approved by the Chief Examiners of Public Accounts
27 pursuant to Section 12-1-19, Code of Alabama 1975, and any

1 clerk responsible for preparing the monthly report shall file
2 the report electronically on or after January 1, 2023.

3 (b) On and after January 1, 2023, the Department of
4 Finance shall publish all reports pursuant to Section 12-1-19,
5 Code of Alabama 1975, on its website.

6 Section 4. (a) Any municipal court that fails to
7 submit the data required in this act within 60 days of the due
8 date shall forfeit any fees and costs collected by the court
9 that would otherwise remain with the municipal court or
10 municipality until the data is submitted. Any forfeited fees
11 and costs shall be transferred to the state Comptroller for
12 distribution to the Administrative Office of Courts.

13 (b) Any municipal court that fails to submit the
14 data required by this act within 60 days of the due date, at
15 the request of the Speaker of the House of Representatives,
16 the President Pro Tempore of the Senate, the Attorney General,
17 or the Governor, shall be subject to a financial audit under
18 generally accepted government auditing standards of municipal
19 records related to revenue collected through fines and fees.
20 The audit shall be performed by the Examiners of Public
21 Accounts or by an independent certified public accountant
22 selected by the municipality.

23 (c) The chief examiner or the independent certified
24 public accountant may recover any costs incurred for the audit
25 by charging a reasonable fee to the municipality.

1 (d) The municipality may use revenue from fines and
2 fees to pay the costs of compiling and reporting data under
3 this section.

4 Section 5. (a) Not later than January 1, 2024, or
5 upon the expiration of any contract for court docketing and
6 case management software existing on the effective date of
7 this act, whichever is later, all municipal courts shall
8 utilize the state judicial information system approved for the
9 Unified Judicial System by the Administrative Office of
10 Courts.

11 (b) Any costs associated with the use of the state
12 judicial information system approved for the Unified Judicial
13 System by the Administrative Office of Courts may be paid from
14 correction fund monies authorized in Section 11-47-7.1, Code
15 of Alabama 1975.

16 (c) The Administrative Office of Courts shall
17 provide training and resources to municipal courts, including
18 municipal judges, court clerks, and magistrates, on the use of
19 the state judicial information system approved for the Unified
20 Judicial System.

21 Section 6. This act shall become effective on the
22 first day of the third month following its passage and
23 approval by the Governor, or its otherwise becoming law.