

1 SB203
2 214916-1
3 By Senators Orr, Chesteen, Sessions, Weaver, Waggoner, Jones,
4 Williams, Holley, Hatcher, Roberts and Singleton
5 RFD: Governmental Affairs
6 First Read: 09-FEB-22

8 SYNOPSIS: Under existing law, local law enforcement
9 agencies impose criminal and civil fines and fees.

10 This bill would require the Administrative
11 Office of Courts to establish a statewide database
12 and public website to include data concerning fines
13 and fees collected in each municipality.

14 This bill would require each municipality to
15 submit an Annual Municipality Financial Report to
16 an online portal.

17 This bill would require each court and
18 entity that assesses or collects fines and fees to
19 input the court data into the online portal.

20 This bill would require the Chief Examiner
21 or an independent certified public accountant to
22 submit a written report summarizing collection
23 activity by municipalities to the Legislature,
24 Attorney General, and Governor.

25 This bill would also provide for penalties
26 for violations.

1 A BILL
2 TO BE ENTITLED
3 AN ACT
4

5 Relating to municipal fines and fees; to require the
6 Administrative Office of Courts to establish a statewide
7 database; to require each municipality to submit certain
8 information into the database; to require each court to submit
9 certain information to the database; to require a written
10 report be submitted by the Department of Examiners of Public
11 Accounts or a certified public accountant; and to provide for
12 certain penalties.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. For the purpose of this section the
15 following terms have the following meaning:

16 (1) CASE TYPE. Any of the following:

17 a. Driving Under the Influence (DUI)-Felony;

18 b. DUI-Misdemeanor;

19 c. Other Traffic Felony (Non-DUI);

20 d. Other Traffic (Non-DUI/Non-felony);

21 e. Other Felony (Non-Traffic/Non-DUI);

22 f. Other Misdemeanor (Non-Traffic/Non-DUI);

23 g. Civil-Building, zoning, nuisance, and other
24 municipal code violations; or

25 h. Civil-other.

26 (2) MUNICIPAL FINANCIAL REPORT. A report that
27 includes revenues, expenditures, assets, liabilities, and net

1 assets of all funds and agencies of the municipality for a
2 fiscal year and other information as may be reasonably
3 requested by the Chief Examiner of Public Accounts or an
4 independent certified public accountant.

5 Section 2. (a) This act is applicable to
6 municipalities authorized to collect fines and fees by laws or
7 the constitution of this state.

8 (b) The Administrative Office of Courts shall
9 establish and maintain a statewide database and searchable
10 public website that includes the following information, as
11 provided by each municipality, court, and entity that assesses
12 or collects fines and fees on behalf of a municipality:

13 (1) Annual Municipal Financial Reports for each
14 municipality.

15 (2) The following data for each court and entity
16 that assesses or collects fines and fees on behalf of a
17 municipality for each fiscal year, organized by case type:

18 a. Number of cases filed.

19 b. Number of cases terminated.

20 c. Number of cases brought to trial.

21 d. Number of cases in which a plea bargain was
22 reached.

23 e. Number of cases in which a court fine or fee was
24 imposed.

25 f. Number of cases in which a fine or fee was
26 imposed and a hearing concerning the offender's ability to pay
27 was conducted.

1 g. Number of cases in which the defendant was
2 sentenced to probation.

3 h. Total value of court fines and fees assessed.

4 i. Total value of court fines and fees collected.

5 (3) At the close of each fiscal year, the
6 Administrative Office of Courts shall provide municipalities
7 an online portal to submit municipal financial reports into
8 the database as required under subdivision (b) (1).

9 (4) Each municipality shall upload its report to the
10 database no later than 60 days after the close of each fiscal
11 year.

12 (5) At the close of each fiscal year, the
13 Administrative Office of Courts shall provide each court and
14 entity that assesses or collects fines and fees on behalf of a
15 municipality an online portal to input the court data required
16 under subsection (b) (2). Each court and entity shall upload
17 the requisite data into the online portal no later than 60
18 days after the close of each fiscal year.

19 (6) The Administrative Office of Courts no later
20 than six months after the close of each fiscal year, shall
21 submit to the Legislature, Attorney General, and Governor a
22 written report summarizing activity in the state, for the
23 preceding fiscal year, the value of all fines and fees
24 collected by municipalities and court data concerning fines
25 and fees. The aggregate report shall be made available on the
26 Administrative Office of Court's website.

1 (7) If a municipality or entity that assesses or
2 collects fines and fees fails to comply with the requirements
3 of subdivision (4) within 30 days after it is due, the
4 municipality shall be subject to a civil fine of five hundred
5 dollars (\$500) or the equivalent of one-quarter of the fines
6 and fees revenue collected by the municipality for the fiscal
7 year reported, whichever is greater.

8 (8) At the request of Speaker of the House of
9 Representatives, President Pro Tempore, Attorney General,
10 Governor, or other elected official, the Department of
11 Examiners of Public Accounts may perform a financial audit
12 under the generally accepted government auditing standards of
13 municipal records related to revenue collected through fines
14 and fees. Alternatively, the municipality may select an
15 independent certified public accountant to preform the audit.
16 A final copy of the audit report shall be prepared by the
17 department or an independent certified public accountant no
18 later than six months after a request is made under this
19 subdivision.

20 (9) The chief examiner or an independent certified
21 public accountant may recoup its costs incurred under this
22 section by charging a reasonable fee to the municipality. The
23 municipality may use revenue from fines and fees to pay the
24 costs of compiling and reporting data under this section and
25 to pay any fees imposed by the Department of Examiners of
26 Public Accounts.

1 (10) The data and reports compiled and prepared
2 under this act are public information under Section 36-12-40,
3 Code of Alabama 1975, and are not exempted from disclosure.

4 Section 3. This act shall become effective on the
5 first day of the third month following its passage and
6 approval by the Governor, or its otherwise becoming law.