HB113 ENROLLED



- 1 XDRJ7Z-3
- 2 By Representatives Crawford, Whitt, Rigsby, Moore (P),
- 3 Harrison (N & P)
- 4 RFD: Limestone County Legislation
- 5 First Read: 21-Mar-23

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7 2023 Regular Session



1 Enrolled, An Act,

- Relating to Limestone County; to establish a service of process fee for the service or attempted service of documents by the Limestone County Sheriff's Office in the civil division of the circuit and district courts; to establish a fingerprint fee for fingerprinting certain persons and a local background check fee; to ratify and confirm fingerprint fees and local background check fees collected prior to the effective date of this act; and to provide for a booking fee to be imposed on each person booked into the Limestone County Jail and subsequently convicted of a crime, the collection of the fees, and for the distribution of the revenues derived from the fees.
- 15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
- Section 1. This act shall only apply to Limestone County.
 - Section 2.(a) In addition to all other charges, fees, judgments, and costs of court in the civil division of the district and circuit courts of Limestone County, a service of process fee of up to fifty dollars (\$50) shall be assessed and collected for service of process by the Limestone County Sheriff's Office on each delivery requiring personal service of process.
 - (b) In addition to all other charges, fees, judgments, and costs of court, a service of process fee of up to seventy-five dollars (\$75) shall be assessed and collected for service of process by the Limestone County Sheriff's Office



- for matters pending or to be commenced in a court outside of this state.
- 31 (c) The amount of the service of process fees provided 32 for in subsection (a) and (b) shall be set by the sheriff with 33 approval of the county commission.

- (d) The clerk of the court shall collect the service of process fee provided for in subsections (a) and (b). The fees, when collected, shall be distributed at least monthly to the Limestone County Sheriff's Law Enforcement Fund or to another fund that may be established by law for the sheriff's fees.
- Section 3.(a) In addition to all other charges, fees, and costs, a fingerprint fee of up to sixty dollars (\$60) shall be collected for fingerprinting individuals for passport identification, employment applications, or for any other non-law enforcement purpose. A fee shall not be charged for fingerprinting performed for law enforcement purposes or for an application for a pistol permit.
- (b) (1) At the request of a resident of the county, the Sheriff of Limestone County or his or her designee may provide a local background check to the resident based on a search of local criminal records available to the sheriff's office. The search shall not include national or state databases of criminal records.
- 52 (2) In addition to all other charges, fees, and costs, 53 a service fee of up to twenty dollars (\$20) shall be collected 54 for local background checks performed by the sheriff's office.
 - (c) The amount of the fingerprint fee and the fee for a local background check provided for in subsection (a) and (b)



shall be set by the sheriff with approval of the county commission.

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(d) The Sheriff of Limestone County or his or her
designee shall collect the fees provided for in subsection (a)
and (b). The fees, when collected, shall be distributed to the
Limestone County Sheriff's Law Enforcement Fund, or to another
fund that may be established by law for the sheriff's office.

Section 4.(1) A booking fee in the amount of thirty dollars (\$30) shall be assessed against and collected from each individual booked or incarcerated in the Limestone County Jail and subsequently convicted. The fee assessed pursuant to this section shall be in addition to any fines, court costs, or other charges imposed.

- (2) The booking fee imposed by this section shall be assessed against a defendant upon conviction by a court of law where the defendant is convicted. The clerk of the court shall enter the amount of the fee on the docket sheet and shall collect the fee in the same manner and the same time as court costs.
- 76 (3) The revenues derived from the booking fee shall be 77 deposited in the Limestone County Sheriff's Office Law 78 Enforcement Fund to be used by the Sheriff of Limestone County 79 for salaries, training, operational expenses, or other law 80 enforcement uses as determined by the sheriff to best meet the needs of his or her agency. Notwithstanding the foregoing, the 81 fee shall not be deemed a court cost based on collection by 82 the clerk. 83
 - (4) In any case where the booking fee is not paid, the



district attorney of the county may assist in the collection of the fees in the same manner as court-ordered monies. In addition, the sheriff may contract for the collection of the fees and pay a portion of the fees as a cost for collection.

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- (5) The sheriff may withhold funds equal to the amount of the booking fee from any funds held while an individual is incarcerated in the Limestone County Jail and those funds may be applied toward any assessment of a booking fee pursuant to this section. Any funds withheld shall be repaid to the defendant if no conviction results after dismissal of all charges or acquittal.
- Section 5.(a) All funds collected and deposited in the
 Sheriff's Law Enforcement Fund pursuant to Sections 1 through
 4 may be expended at the discretion of the Sheriff of
 Limestone County for any law enforcement purpose.
 - (b) The fees deposited into the Sheriff's Law

 Enforcement Fund shall not diminish, offset, or take the place
 of budgeted funds or any other source of income established
 for the sheriff or for the operation of the sheriff's office.
- 104 (c) Any funds remaining in the Sheriff's Law

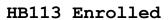
 105 Enforcement Fund at the end of each fiscal year shall not

 106 revert to the county general fund.
- Section 6. The district attorney, law enforcement, 108 grand juries, and Limestone County shall be exempt from 109 payment of the fees provided for in Sections 1 through 4.

Section 7. Any actions of the sheriff or the sheriff's office prior to the effective date of this act in the charging and collecting of any fingerprint fees for fingerprinting



113	persons by the sheriff's office and for local background
114	checks by the sheriff's office, the payment of the fees to the
115	Sheriff's Law Enforcement Fund in Limestone County, and the
116	expenditure of any of the funds for law enforcement purposes
117	prior to the effective date of this act are ratified,
118	validated, and confirmed.
119	Section 8. This act shall become effective on the first
120	day of the third month following its passage and approval by
121	the Governor, or its otherwise becoming law.





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125		Speaker of the House of R	epresentatives	
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130		President and Presiding Office	cer of the Senate	
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133	House of Representatives			
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135	- -	I hereby certify that the with	in Act originated in and	
136	was pas	sed by the House 06-Apr-23, as	amended.	
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138		Johr	n Treadwell	
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147	Senate	03-May-23	Passed	