

HB113 INTRODUCED



1 XDRJ7Z-1
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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A BILL
TO BE ENTITLED
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.

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 or attempted service of process by the



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29 Limestone County Sheriff's Office on each delivery requiring
30 personal service of process.

31 (b) In addition to all other charges, fees, judgments,
32 and costs of court, a service of process fee of up to
33 seventy-five dollars (\$75) shall be assessed and collected for
34 service or attempted service of process by the Limestone
35 County Sheriff's Office for matters pending or to be commenced
36 in a court outside of this state.

37 (c) The amount of the service of process fees provided
38 for in subsection (a) and (b) shall be set by the sheriff with
39 approval of the county commission.

40 (d) The clerk of the court shall collect the service of
41 process fee provided for in subsections (a) and (b). The fees,
42 when collected, shall be distributed at least monthly to the
43 Limestone County Sheriff's Law Enforcement Fund or to another
44 fund that may be established by law for the sheriff's fees.

45 Section 3.(a) In addition to all other charges, fees,
46 and costs, a fingerprint fee of up to sixty dollars (\$60)
47 shall be collected for fingerprinting individuals for passport
48 identification, employment applications, or for any other
49 non-law enforcement purpose. A fee shall not be charged for
50 fingerprinting performed for law enforcement purposes or for
51 an application for a pistol permit.

52 (b) (1) At the request of a resident of the county, the
53 Sheriff of Limestone County or his or her designee may provide
54 a local background check to the resident based on a search of
55 local criminal records available to the sheriff's office. The
56 search shall not include national or state databases of



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57 criminal records.

58 (2) In addition to all other charges, fees, and costs,
59 a service fee of up to twenty dollars (\$20) shall be collected
60 for local background checks performed by the sheriff's office.

61 (c) The amount of the fingerprint fee and the fee for a
62 local background check provided for in subsection (a) and (b)
63 shall be set by the sheriff with approval of the county
64 commission.

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

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

76 (2) The booking fee imposed by this section shall be
77 assessed against a defendant upon conviction by a court of law
78 where the defendant is convicted. The clerk of the court shall
79 enter the amount of the fee on the docket sheet and shall
80 collect the fee in the same manner and the same time as court
81 costs.

82 (3) The revenues derived from the booking fee shall be
83 deposited in the Limestone County Sheriff's Office Law
84 Enforcement Fund to be used by the Sheriff of Limestone County



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85 for salaries, training, operational expenses, or other law
86 enforcement uses as determined by the sheriff to best meet the
87 needs of his or her agency. Notwithstanding the foregoing, the
88 fee shall not be deemed a court cost based on collection by
89 the clerk.

90 (4) In any case where the booking fee is not paid, the
91 district attorney of the county may assist in the collection
92 of the fees in the same manner as court-ordered monies. In
93 addition, the sheriff may contract for the collection of the
94 fees and pay a portion of the fees as a cost for collection.

95 (5) The sheriff may withhold funds equal to the amount
96 of the booking fee from any funds held while an individual is
97 incarcerated in the Limestone County Jail and those funds may
98 be applied toward any assessment of a booking fee pursuant to
99 this section. Any funds withheld shall be repaid to the
100 defendant if no conviction results after dismissal of all
101 charges or acquittal.

102 Section 5.(a) All funds collected and deposited in the
103 Sheriff's Law Enforcement Fund pursuant to Sections 1 through
104 4 may be expended at the discretion of the Sheriff of
105 Limestone County for any law enforcement purpose.

106 (b) The fees deposited into the Sheriff's Law
107 Enforcement Fund shall not diminish, offset, or take the place
108 of budgeted funds or any other source of income established
109 for the sheriff or for the operation of the sheriff's office.

110 (c) Any funds remaining in the Sheriff's Law
111 Enforcement Fund at the end of each fiscal year shall not
112 revert to the county general fund.



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113 Section 6. The district attorney, law enforcement,
114 grand juries, and Limestone County shall be exempt from
115 payment of the fees provided for in Sections 1 through 4.

116 Section 7. Any actions of the sheriff or the sheriff's
117 office prior to the effective date of this act in the charging
118 and collecting of any fingerprint fees for fingerprinting
119 persons by the sheriff's office and for local background
120 checks by the sheriff's office, the payment of the fees to the
121 Sheriff's Law Enforcement Fund in Limestone County, and the
122 expenditure of any of the funds for law enforcement purposes
123 prior to the effective date of this act are ratified,
124 validated, and confirmed.

125 Section 8. This act shall become effective on the first
126 day of the third month following its passage and approval by
127 the Governor, or its otherwise becoming law.