

# HB159 INTRODUCED



1 FPP65D-1  
2 By Representative Faulkner  
3 RFD: Ways and Means General Fund  
4 First Read: 21-Mar-23  
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SYNOPSIS:

Under existing law, an attorney appointed to advocate in a commitment proceeding may be compensated and reimbursed for certain fees.

This bill would allow the judge of probate to compensate or reimburse an attorney for certain fees related to the consultation and preparation of the petition which are assessed prior to the attorney's official appointment to the case.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to court costs; to amend Section 22-52-14, Code of Alabama 1975; to further provide for an appointed attorney's compensation in a commitment proceeding.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 22-52-14, Code of Alabama 1975, is amended to read as follows:

"§22-52-14

In any commitment proceeding, the fees of any attorney appointed by the ~~probate~~ judge of probate to act as advocate



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29 for the petition and any attorney or guardian ad litem  
30 appointed by the ~~probate~~-judge of probate for the person  
31 sought to be committed shall be set at the rates established  
32 by Section 15-12-21; and any expert employed to offer expert  
33 testimony, in such amounts as found to be reasonable by the  
34 ~~probate~~-judge of probate; and all other costs allowable by law  
35 shall be paid by the ~~state general fund~~State General Fund upon  
36 order of the ~~probate~~-judge of probate; except, that if the  
37 petition is denied and the petitioner is not indigent and is  
38 not a law enforcement officer or other public official acting  
39 within the line and scope of his or her duties, all costs may  
40 be taxed against the petitioner, or if the petition is granted  
41 and the person sought to be committed is not indigent, the  
42 ~~probate~~-judge of probate may order all costs paid from the  
43 estate of the person committed. Fees for an attorney appointed  
44 to advocate for the petitioner may include reasonable fees  
45 related to consultation and preparation of the petition prior  
46 to appointment, subject to approval by the judge of probate."

47 Section 2. This act shall become effective on the first  
48 day of the third month following its passage and approval by  
49 the Governor, or its otherwise becoming law.