

SB318 INTRODUCED



1 QLDI55-1
2 By Senators Hatcher, Stewart, Coleman, Figures
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4 First Read: 11-May-23
5
6 2023 Regular Session



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SYNOPSIS:

Under existing law, courts are required or authorized to impose fines, fees, and court costs in criminal cases.

This bill would eliminate fines, fees, and court costs in juvenile court and discharge outstanding fines, fees, and court costs previously ordered by a juvenile court.

Also under existing law, the juvenile court is required to order a parent, legal guardian, or legal custodian with resources to pay child support when a child is placed in the legal custody of the department, agency, organization, entity, or person.

This bill would eliminate this child support obligation.

This bill would also make nonsubstantive, technical revisions to update the existing code language to current style.

A BILL
TO BE ENTITLED
AN ACT

Relating to juvenile court; to amend Sections



SB318 INTRODUCED

29 12-15-110, 12-15-117, 12-15-203, 12-15-204, 12-15-215,
30 12-19-171, 12-19-181, 12-19-182, 12-19-311, 12-23-7, 12-23-12,
31 12-23-13, 13A-5-2, 13A-5-11, 13A-5-12, and 15-23-17, Code of
32 Alabama 1975, to eliminate fines, fees, and court costs in
33 juvenile court and to discharge outstanding fines, fees, and
34 court costs previously ordered by a juvenile court; to
35 eliminate the requirement for certain parents, legal
36 guardians, or legal custodians to pay child support when a
37 child is placed in the legal custody of the department,
38 agency, organization, entity, or person; to repeal Section
39 12-15-109, Code of Alabama 1975, relating to court orders for
40 maintenance and care of children; and to make nonsubstantive,
41 technical revisions to update the existing code language to
42 current style.

43 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

44 Section 1. Sections 12-15-110, 12-15-117, 12-15-203,
45 12-15-204, 12-15-215, 12-19-171, 12-19-181, 12-19-182,
46 12-19-311, Relating to juvenile court; to amend Sections
47 12-15-110, 12-15-117, 12-15-203, 12-15-204, 12-15-215,
48 12-19-171, 12-19-181, 12-19-182, 12-19-311, 12-23-7, 12-23-12,
49 12-23-13, 13A-5-2, 13A-5-11, 13A-5-12, and 15-23-17, Code of
50 Alabama 1975, to eliminate fines, fees, and court costs in
51 juvenile court and to discharge outstanding fines, fees, and
52 court costs previously ordered by a juvenile court; to
53 eliminate the requirement for certain parents, legal
54 guardians, or legal custodians to pay child support when a
55 child is placed in the legal custody of the department,
56 agency, organization, entity, or person; to repeal Section



SB318 INTRODUCED

57 12-15-109, Code of Alabama 1975, relating to court orders for
58 maintenance and care of children; and to make nonsubstantive,
59 technical revisions to update the existing code language to
60 current style.15-23-17, Code of Alabama 1975, are amended to
61 read as follows:

62 "§12-15-110

63 (a) Subject to ~~the~~ laws relating to the ~~procedures~~
64 ~~therefor and the limitations thereon~~juvenile court and the
65 rules of juvenile procedure, the juvenile court may punish a
66 person for contempt of court for disobeying an order of the
67 juvenile court or for obstructing or interfering with the
68 proceedings of the juvenile court or the enforcement of its
69 orders, except as provided in subsections (b) and (d).

70 (b) ~~Notwithstanding the provisions of subsection (a),~~
71 ~~the~~The juvenile court shall be limited in the actions it may
72 take with respect to a child violating the terms and
73 conditions of the order of protective supervision as this term
74 is defined in ~~subdivision (5) of~~ Section 12-15-301(11), to
75 those which the juvenile court could have taken at the time of
76 the original disposition of the juvenile court pursuant to
77 ~~subsection (a) of~~ Section 12-15-314(a).

78 (c) A finding of indirect contempt not based on a
79 delinquency petition does not constitute an adjudication of
80 delinquency.

81 (d) The juvenile court shall not punish a person for
82 contempt of court under subsection (a) for failure to obey an
83 order of restitution."

84 "§12-15-117



SB318 INTRODUCED

85 (a) Once a child has been adjudicated dependent,
86 delinquent, or in need of supervision, jurisdiction of the
87 juvenile court shall terminate when the child becomes 21 years
88 of age unless, prior ~~theretoto~~ to the child becoming 21 years of
89 age, the judge of the juvenile court terminates its
90 jurisdiction by explicitly stating in a written order that it
91 is terminating jurisdiction over the case involving the child.
92 Nothing in this section is intended to affect the initial and
93 continuing jurisdiction of juvenile courts over cases other
94 than delinquency, dependency, or in need of supervision cases
95 as provided in Sections 12-15-114, 12-15-115, 12-15-116, or
96 any other statute by which jurisdiction was initially lawfully
97 invoked.

98 (b) The jurisdiction of the juvenile court shall
99 terminate when the child is convicted or adjudicated a
100 youthful offender as provided in Section 12-15-203(i) and
101 Section 12-15-204(b). If a person already under the
102 jurisdiction of the juvenile court is convicted or adjudicated
103 a youthful offender in a criminal court of a crime committed
104 at ~~the age of 18~~ years of age or older, the conviction or
105 adjudication shall terminate the jurisdiction of the juvenile
106 court.

107 (c) In any case over which the juvenile court has
108 jurisdiction, the juvenile court shall retain jurisdiction
109 over an individual of any age to enforce or modify any prior
110 orders of the juvenile court unless otherwise provided by law.
111 The juvenile court ~~and also~~ shall not retain jurisdiction
112 solely for the enforcement or modification of any prior orders



SB318 INTRODUCED

113 of the juvenile court requiring the payment of fines, court
114 costs, restitution, or other money ordered by the juvenile
115 court ~~until paid in full.~~

116 ~~(d) For purposes of enforcing any order of the juvenile~~
117 ~~court requiring the payment of fines, court costs,~~
118 ~~restitution, or other money ordered by the juvenile court, the~~
119 ~~remedies with regard to punishment for contempt, including~~
120 ~~incarceration in jail of individuals 18 years of age or older,~~
121 ~~shall be available to the juvenile court."~~

122 "§12-15-203

123 (a) A prosecutor, before a hearing on a delinquency
124 petition on its merits and after notifying, verbally or in
125 writing, the juvenile probation officer, may file a motion
126 requesting the juvenile court judge to transfer a child for
127 criminal prosecution to the circuit or district court, if the
128 child was 14 ~~or more~~ years of age or older at the time of the
129 conduct charged and is alleged to have committed an act which
130 would constitute a criminal offense as defined by this code if
131 committed by an adult.

132 (b) The juvenile court judge shall conduct a hearing on
133 all motions for the purpose of determining whether it is in
134 the best interests of the child or the public to grant the
135 motion. Only if there are no reasonable grounds to believe the
136 child ~~is committable~~ meets the criteria for commitment to an
137 institution, department, or agency for individuals with an
138 intellectual disability or mental illness, may the juvenile
139 court judge order the case transferred for criminal
140 prosecution.



SB318 INTRODUCED

141 (c) When there are grounds to believe that the child ~~is~~
142 ~~committable~~ meets the criteria for commitment to an
143 institution, department, or agency for individuals with an
144 intellectual disability or mental illness, the juvenile court
145 judge shall order an examination pursuant to Section
146 12-15-130.

147 (d) Evidence of the following and other relevant
148 factors shall be considered in determining whether the motion
149 shall be granted:

150 (1) The nature of the present alleged offense.

151 (2) The extent and nature of the prior delinquency
152 record of the child.

153 (3) The nature of past treatment efforts and the nature
154 of the response of the child to the efforts.

155 (4) Demeanor.

156 (5) The extent and nature of the physical and mental
157 maturity of the child.

158 (6) The interests of the community and of the child
159 requiring that the child be placed under legal restraint or
160 discipline.

161 (e) Prior to a hearing on the motion by the prosecutor,
162 a written study and report to the juvenile court judge,
163 relevant to the factors listed in subsection (d), shall be
164 made by a juvenile probation officer.

165 (f) When a child is transferred for criminal
166 prosecution, the juvenile court judge shall set forth in
167 writing his or her reasons for granting the motion, which
168 shall include a finding of probable cause for believing that



SB318 INTRODUCED

169 the allegations are true and correct.

170 (g) The finding of probable cause by the juvenile court
171 judge shall preclude the necessity for a preliminary hearing
172 subsequent to the transfer of the case for criminal
173 prosecution, and the court having jurisdiction of the offense
174 or offenses charged may exercise any authority over the case
175 and the child, subsequent to the transfer, which is otherwise
176 applicable to cases involving adult offenders pursuant to
177 provisions of laws or rules of procedure adopted by the
178 Supreme Court of Alabama.

179 (h) A child who is transferred to a court for criminal
180 prosecution shall be tried as an adult for the offense charged
181 and all lesser included offenses of the offense charged.

182 (i) (1) A conviction or adjudication as a youthful
183 offender of a child of a criminal offense, with the exception
184 of a nonfelony traffic offense, shall terminate the
185 jurisdiction of the juvenile court over that child with
186 respect to any future delinquent acts and with respect to any
187 pending allegations of delinquency which have not been
188 disposed of by the juvenile court at the time of the criminal
189 conviction or adjudication as a youthful offender. Any pending
190 or future criminal acts committed by the child shall be
191 prosecuted as other criminal charges are prosecuted.

192 (2) Termination of the jurisdiction of the juvenile
193 court over the child with respect to future criminal charges
194 and pending allegations of delinquency, as provided ~~herein~~ by
195 this section, shall not affect the jurisdiction of the
196 juvenile court over the child with respect to any other matter



SB318 INTRODUCED

197 provided in this chapter, specifically including any prior
198 allegations of delinquency which, at the time of the criminal
199 conviction, has been disposed of by the juvenile court either
200 through informal adjustment, consent decree, or adjudication.

201 (3) The juvenile court is specifically authorized, to
202 the extent practicable, to continue exercising its
203 jurisdiction over the child with respect to ~~such~~ any
204 previously disposed delinquency cases after the termination of
205 its jurisdiction with respect to other criminal charges, ~~r~~
206 ~~including jurisdiction to enforce its order requiring the~~
207 ~~payment of fines, costs, restitution, or other money ordered~~
208 ~~by the juvenile court pursuant to Section 12-15-117."~~

209 "§12-15-204

210 (a) Notwithstanding any other provision of law, any
211 person who has attained ~~the age of~~ 16 years of age at the time
212 of the conduct charged and who is charged with the commission
213 of any act or conduct, which if committed by an adult would
214 constitute any of the following, shall not be subject to the
215 jurisdiction of juvenile court but shall be charged, arrested,
216 and tried as an adult:

217 (1) A capital offense.

218 (2) A Class A felony.

219 (3) A felony which has as an element ~~thereof~~ of the use
220 of a deadly weapon.

221 (4) A felony which has as an element ~~thereof~~ of the
222 causing of death or serious physical injury.

223 (5) A felony which has as an element ~~thereof~~ of the use
224 of a dangerous instrument against any person who is one of the



SB318 INTRODUCED

225 following:

- 226 a. A law enforcement officer or official.
- 227 b. A correctional officer or official.
- 228 c. A parole or probation officer or official.
- 229 d. A juvenile court probation officer or official.
- 230 e. A district attorney or other prosecuting officer or
- 231 official.
- 232 f. A judge or judicial official.
- 233 g. A court officer or official.
- 234 h. A person who is a grand juror, juror, or witness in
- 235 any legal proceeding of whatever nature when the offense stems
- 236 from, is caused by, or is related to the role of the person as
- 237 a juror, grand juror, or witness.
- 238 i. A teacher, principal, or employee of the public
- 239 education system of Alabama.

240 (6) Trafficking in drugs in violation of Section

241 13A-12-231, or as the same may be amended.

242 (7) Any lesser included offense of the above offenses

243 charged or any lesser felony offense charged arising from the

244 same facts and circumstances and committed at the same time as

245 the offenses listed above. ~~Provided, however,~~ except that the

246 juvenile court shall maintain original jurisdiction over these

247 lesser included offenses if the grand jury fails to indict for

248 any of the offenses enumerated in ~~subsections~~ subdivisions

249 ~~(a) (1) to (a)~~ through (6), ~~inclusive~~. The juvenile court shall

250 also maintain original jurisdiction over these lesser included

251 offenses, subject to double jeopardy limitations, if the court

252 handling criminal offenses dismisses all charges for offenses



SB318 INTRODUCED

253 enumerated in ~~subsections~~ subdivisions (a) (1) ~~to (a)~~ through
254 (6), ~~inclusive~~.

255 (b) Notwithstanding any other provision of law, any
256 person who has been convicted or adjudicated a youthful
257 offender in a court handling criminal offenses pursuant to ~~the~~
258 ~~provisions of~~ this section shall not ~~thereafter~~ be subject to
259 the jurisdiction of juvenile court for any pending or
260 subsequent offense. ~~Provided, however, pursuant to Section~~
261 ~~12-15-117, the juvenile court shall retain jurisdiction over~~
262 ~~an individual of any age for the enforcement of any prior~~
263 ~~orders of the juvenile court requiring the payment of fines,~~
264 ~~court costs, restitution, or other money ordered by the~~
265 ~~juvenile court until paid in full.~~

266 (c) This section shall apply to all cases in which the
267 alleged criminal conduct occurred after April 14, 1994. All
268 conduct occurring before April 14, 1994, shall be governed by
269 pre-existing law."

270 "§12-15-215

271 (a) If the juvenile court finds on proof beyond a
272 reasonable doubt, based upon competent, material, and relevant
273 evidence, that a child committed the acts by reason of which
274 the child is alleged to be delinquent or in need of
275 supervision, ~~it~~ the court may proceed immediately to hear
276 evidence as to whether the child is in need of care or
277 rehabilitation and ~~to~~ file its findings ~~thereon~~. In the
278 absence of evidence to the contrary, a finding that the child
279 has committed ~~an act which constitutes~~ a felony is sufficient
280 to sustain a finding that the child is in need of care or



SB318 INTRODUCED

281 rehabilitation. ~~If the juvenile court finds that the child is~~
282 ~~not in need of care or rehabilitation, it shall dismiss the~~
283 ~~proceedings and discharge the child from any detention or~~
284 ~~other temporary care theretofore ordered.~~

285 (b) If the juvenile court finds that the child is not
286 in need of care or rehabilitation, the court shall dismiss the
287 proceedings and discharge the child from any detention or
288 other temporary care previously ordered.

289 (c) If the juvenile court finds that the child is in
290 need of care or rehabilitation, ~~it~~ the court may ~~make order~~
291 any of the following ~~orders or dispositions~~, subject to the
292 limitations and prohibitions on secure custody contained in
293 Section 12-15-208:

294 (1) ~~Permit the~~ The child ~~to~~ remain with the parent,
295 legal guardian, or other legal custodian of the child, subject
296 to the conditions and limitations prescribed by the juvenile
297 court ~~may prescribe~~.

298 (2) ~~Place the~~ The child be placed on probation pursuant
299 to conditions and limitations prescribed by the juvenile court
300 ~~may prescribe~~.

301 (3) ~~Transfer legal~~ Legal and physical custody ~~to be~~
302 transferred to any of the following:

303 a. The Department of Youth Services, with or without an
304 order to a specific institution.

305 b. In the case of a child in need of supervision, the
306 Department of Youth Services, or the Department of Human
307 Resources; ~~provided however 1. that prior to any transfer of~~
308 ~~custody to the Department of Human Resources, the case shall~~



SB318 INTRODUCED

309 ~~first be referred to the county children's services~~
310 ~~facilitation team, which must proceed according to Article 5;~~
311 ~~and 2. that the child's commission of one or more status~~
312 ~~offenses shall not constitute a sufficient basis for transfer~~
313 ~~of legal or physical custody to the Department of Human~~
314 ~~Resources. Upon referral to the county children's services~~
315 ~~facilitation team, the juvenile probation officer shall~~
316 ~~continue to provide case management to the status offender~~
317 ~~unless the county children's services facilitation team~~
318 ~~appoints another person to act as case manager. The juvenile~~
319 ~~probation officer shall participate in county children's~~
320 ~~services facilitation team meetings and share records~~
321 ~~information and reports on the status offender with the county~~
322 ~~children's services facilitation team. When the juvenile court~~
323 ~~transfers legal and physical custody to the Department of~~
324 ~~Human Resources, all requirements which shall be met for a~~
325 ~~child to be eligible for federal funding shall apply,~~
326 ~~including, but not limited to, the requirements set out in~~
327 ~~Sections 12-15-312, 12-15-315, and 12-15-317. The child's~~
328 ~~commission of one or more status offenses shall not constitute~~
329 ~~a sufficient basis for transfer of legal or physical custody~~
330 ~~to the Department of Human Resources.~~

331 1. Prior to any transfer of custody to the Department
332 of Human Resources, the case shall first be referred to the
333 county children's services facilitation team, which must
334 proceed according to Article 5.

335 2. Upon referral to the county children's services
336 facilitation team pursuant to subparagraph 1., the juvenile



SB318 INTRODUCED

337 probation officer shall continue to provide case management to
338 the status offender unless the county children's services
339 facilitation team appoints another person to act as case
340 manager.

341 3. The juvenile probation officer shall participate in
342 county children's services facilitation team meetings and
343 share records, information, and reports on the status offender
344 with the county children's services facilitation team.

345 c. A local, public, or private agency, organization, or
346 facility that is licensed or otherwise authorized by law to
347 receive and provide care for children and willing and able to
348 assume the education, care, and maintenance of the child ~~and~~
349 ~~which is licensed or otherwise authorized by law to receive~~
350 ~~and provide care for children.~~

351 d. ~~During the term of supervision, a~~ A relative or
352 other individual who is found by the juvenile court to be
353 qualified to receive and care for the child during the term of
354 supervision.

355 (4) The parent, legal guardian, or legal custodian of
356 the child perform reasonable acts as are deemed necessary to
357 promote the best interests of the child.

358 (5) ~~Make any~~ Any other order ~~as~~ the juvenile court ~~in~~
359 ~~its discretion shall deem~~ determines to be appropriate for the
360 welfare and best interests of the child, including random drug
361 ~~screens, assessment of fines not to exceed two hundred fifty~~
362 ~~dollars (\$250), and restitution against the parent, legal~~
363 ~~guardian, legal custodian, or child, as the juvenile court~~
364 ~~deems appropriate~~ screening. Costs for juvenile court-ordered



SB318 INTRODUCED

365 drug screening may be ordered paid for by the state out of
366 ~~monies~~ appropriated as "court costs not otherwise
367 provided for." ~~Restitution against the parent, legal guardian,
368 legal custodian, or child shall be governed by the same
369 principles applicable in the Restitution to Victims of Crime
370 Act, commencing with Section 15-18-65.~~

371 ~~(5) Direct the parent, legal guardian, or legal
372 custodian of the child to perform reasonable acts as are
373 deemed necessary to promote the best interests of the child.~~

374 ~~(6) (d)~~ In any case where a child is adjudicated
375 delinquent for possessing a pistol, short-barreled rifle, or
376 short-barreled shotgun, any pistol, short-barreled rifle, or
377 short-barreled shotgun possessed by that child is forfeited
378 and shall be ordered to be destroyed by the juvenile court.

379 (e) When the juvenile court transfers legal and
380 physical custody to the Department of Human Resources as
381 provided by paragraph (c)(3)b., all requirements that shall be
382 met for a child to be eligible for federal funding shall
383 apply, including, but not limited to, the requirements set out
384 in Sections 12-15-312, 12-15-315, and 12-15-317.

385 ~~(b) (f)~~ No child by virtue of a disposition pursuant to
386 this section shall be committed or transferred to a penal
387 institution or other facility used for the execution of
388 sentences of persons convicted of a crime.

389 ~~(e) (g)~~ No child in need of supervision, unless also a
390 delinquent child, shall be ordered to be placed in an
391 institution or facility established for the care and
392 rehabilitation of delinquent children unless the juvenile



SB318 INTRODUCED

393 probation officer submits a written recommendation and the
394 juvenile court finds upon a further hearing that the child is
395 not amenable to treatment or rehabilitation pursuant to any
396 prior disposition. In determining if a child is not amenable
397 to treatment or rehabilitation, the juvenile court shall
398 consider evidence of the following and other relevant factors,
399 which shall be included in the written recommendations of the
400 juvenile probation officer:

401 (1) Prior treatment efforts, ~~such as~~ including, but not
402 limited to ~~÷~~, any mental health counseling, individualized
403 service plans, individualized education plans, and other
404 education records.

405 ~~a. Mental health counseling, if any.~~

406 ~~b. Individualized educational plans, if any.~~

407 ~~c. Other educational records.~~

408 ~~d. Individualized service plans, if any.~~

409 (2) The age of the child.

410 (3) The history of the ~~child being involved~~ child's
411 involvement with the juvenile court, including, but not
412 limited to, informal adjustments, consent decrees,
413 adjudications, and prior placements.

414 (4) Other factors contributing to the behavioral
415 difficulties of the child.

416 ~~The written recommendations of the juvenile probation~~
417 ~~officer shall include evidence of the foregoing and other~~
418 ~~relevant factors.~~

419 ~~(d)~~ (h) When a delinquent child ~~may be~~ meets the
420 criteria for commitment ~~committable~~ to the Department of



SB318 INTRODUCED

421 Mental Health, the juvenile court shall proceed as provided in
422 Article 4, ~~commencing with Section 12-15-401.~~

423 ~~(e) Whenever~~ (i) When the juvenile court vests legal
424 custody in an agency or department, ~~it~~ the court shall
425 transmit with the order copies of the clinical reports,
426 predisposition study, and other information ~~it~~ the court has
427 in its possession pertinent to the care and treatment of the
428 child.

429 ~~(f) When a child is placed in the legal custody of a~~
430 ~~department, agency, organization, entity, or person as~~
431 ~~provided in this section, when the parent, legal guardian, or~~
432 ~~legal custodian of the child has resources for child support,~~
433 ~~the juvenile court shall order child support in conformity~~
434 ~~with the child support guidelines as set out in Rule 32,~~
435 ~~Alabama Rules of Judicial Administration. The child support~~
436 ~~shall be paid to the department, agency, organization, entity,~~
437 ~~or person in whose legal custody the child is placed and may~~
438 ~~be expended for those matters that are necessary for the~~
439 ~~welfare and well-being of those children placed in the~~
440 ~~departments, agencies, organizations, entities, or persons. In~~
441 ~~these cases, the juvenile court shall issue income withholding~~
442 ~~orders subject to state law.~~

443 ~~(g) Whenever~~ (j) When the juvenile court commits a
444 child to a state or local department or agency or orders a
445 state or local department or agency to provide services or
446 treatment for a child, that department or agency shall accept
447 the child for commitment, ordered services, or treatment
448 within seven days of the order of the juvenile court.



SB318 INTRODUCED

449 ~~Notwithstanding the foregoing, if~~ If compliance with the order
450 of the juvenile court within seven days would place a
451 department or agency in violation of either a state statute or
452 standard, then compliance is not required.

453 (k) Nothing in this section shall authorize the
454 imposition of fees, fines, or court costs in any case filed in
455 juvenile court."

456 "§12-19-171

457 (a) The following docket fees shall be collected for
458 ~~juvenile and~~ criminal cases in the district court and the
459 circuit court:

460 (1) District Court:

461 a. Traffic infraction	\$92.00
462 b. Issuance of alias 463 writ	<u>\$20.00</u>
465 c. Misdemeanor-violation	<u>\$117.00</u>
466 d. Felony guilty plea	<u>\$185.00</u>
467 e. Preliminary hearing	<u>\$30.00</u>
468 f. Bond forfeiture	<u>\$65.00</u>

469 (2) Circuit Court:

470 a. Issuance of alias 471 writ	<u>\$30.00</u>
473 b. Misdemeanor	<u>\$117.00</u>
474 c. Felony	<u>\$185.00</u>



SB318 INTRODUCED

d. Bond forfeiture	\$65.00
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~~(3) Docket fees for cases in the juvenile division of the district court or circuit court shall be assessed at eighty-five dollars (\$85) and shall be distributed as follows:~~

- ~~a. Sixteen dollars (\$16) to the Fair Trial Tax Fund.~~
- ~~b. Forty-nine dollars (\$49) to the State General Fund.~~
- ~~c. Ten dollars (\$10) to the county general fund.~~
- ~~d. Five dollars (\$5) to the Peace Officers' Standards and Training Fund.~~
- ~~e. Five dollars (\$5) to the Advanced Technology and Data Exchange Fund.~~

~~(4) Uncollected court costs in juvenile cases may not be assessed as charges against the county.~~

(b) A fee of eight dollars (\$8) shall be collected for the issuance of each witness subpoena in a criminal case in the district court and the circuit court. Witness subpoena fees shall be in addition to docket fees. The subpoena fee shall be distributed as follows:

- (1) Five dollars (\$5) to the county general fund.
- (2) Three dollars (\$3) to the State General Fund.

(c) Effective October 1, 2000, the docket fees in criminal and juvenile cases shall be increased by five dollars (\$5) and the additional fee shall be deposited into the Fair Trial Tax Fund."

"§12-19-181

(a) In addition to any other docket fees provided by law, including, but not limited to, the docket fees provided in Sections 12-19-171 and 12-19-176, the following fees shall



SB318 INTRODUCED

503 be automatically assessed in cases in municipal, ~~juvenile,~~
504 district, and circuit courts upon conviction ~~or adjudication~~
505 of the defendant of any of the following offenses:

506 (1) Unlawful possession of ~~marihuana~~ marijuana in the
507 second degree in violation of Section 13A-12-214\$40.

508 (2) Possession of drug paraphernalia, misdemeanor
509 conviction or adjudication, in violation of ~~subsection (c) of~~
510 Section 13A-12-260 (c)\$40.

511 (3) Delivery, sale, manufacture, etc. of drug
512 paraphernalia in violation of ~~subsection (d) of~~ Section
513 13A-12-260 (d) :

514 a. Misdemeanor\$40.

515 b. Felony\$60.

516 (4) Felony unlawful possession of a controlled
517 substance in violation of Sections 13A-12-212 and 13A-12-213
518\$60.

519 (5) Obtaining a controlled substance by fraud in
520 violation of ~~subdivision (3) of subsection (a) of~~ Section
521 20-2-72 (a) (3)\$60.

522 (6) Unlawful distribution, manufacture, or sale of a
523 controlled substance in violation of Section 13A-12-211
524\$260.

525 (7) Trafficking in a controlled substance in violation
526 of Section 13A-12-231\$600.

527 (b) The fees collected pursuant to this section shall
528 be collected by the court clerk and remitted monthly to the
529 State Treasury in accordance with Rule 4 of the Alabama Rules
530 of Judicial Administration and distributed as follows:



SB318 INTRODUCED

531 (1) Three-eighths of the fee collected shall be
532 deposited in the Fair Trial Tax Fund in the State Treasury and
533 shall be used solely to pay the fees and expenses for the
534 representation of indigent criminal defendants and other
535 persons pursuant to Sections 15-12-21 ~~to~~ through 15-12-23,
536 ~~inclusive~~.

537 (2) One-eighth of the fee collected shall be deposited
538 in the Advanced Technology and Data Exchange Fund.

539 (3) One-fourth of the fee collected shall be deposited
540 in the State General Fund and shall be used to provide for the
541 statewide coordination of pro bono legal services in civil
542 matters and for the furtherance of professionalism among
543 members of the bench and bar.

544 (4) One-fourth of the fee collected shall be deposited
545 in the State General Fund to implement the uniform judicial
546 pay plan.

547 (c) Notwithstanding any other provision of law, nothing
548 in this section shall authorize the assessment of fees in any
549 case filed in juvenile court."

550 "§12-19-182

551 (a) In all ~~juvenile~~, traffic, criminal, and
552 quasi-criminal cases in the ~~juvenile~~, district, circuit, and
553 municipal courts in this state, a ~~docket fee, hereinafter~~
554 ~~referred to as a~~ solicitor's fee, shall be assessed in each
555 case. ~~The fees, when collected, shall be distributed monthly~~
556 ~~as follows:~~ When collected, Threethree dollars (\$3) from each
557 case shall be distributed monthly to the circuit clerk of the



SB318 INTRODUCED

558 county where collected to be used as provided by law for the
559 operation of the office of the circuit clerk, and the
560 remainder of each fee shall be distributed monthly to the
561 solicitor's fund or district attorney's fund in the county
562 where collected or to the fund in the county ~~that may be~~
563 ~~hereafter~~ as prescribed by law for the solicitor's fee. The
564 solicitor's fee shall be in an amount equal to all docket fees
565 or court costs which are assessed upon ~~an adjudication of~~
566 ~~guilt in a~~ conviction in a criminal case and distributed to
567 the Fair Trial Tax Fund.

568 (b) The solicitor's fee shall be collected in all
569 criminal cases where the defendant is adjudged guilty, a bond
570 forfeited, a penalty imposed, or where there is issued any
571 alias or capias warrant of arrest. The solicitor's fee shall
572 be in addition to and not in lieu of any other fees or costs.
573 The solicitor's fee shall not be waived or remitted unless the
574 defendant proves to the reasonable satisfaction of the
575 sentencing judge that the defendant is not capable of paying
576 the fee within the reasonable foreseeable future.

577 (c) The solicitor's fee may be expended by the district
578 attorney in the county where it is collected for the payment
579 of any and all expenses incurred and for any legitimate law
580 enforcement purpose.

581 (d) The Legislature may continue to adopt future local
582 laws or repeal existing local laws establishing a solicitor's
583 fee in criminal cases. ~~This section shall not supersede~~
584 ~~existing local legislation on July 1, 2010, or enacted after~~
585 ~~July 1, 2010, in any county providing for a solicitor's fee in~~



SB318 INTRODUCED

586 ~~eriminal cases, and any county having local legislation~~
587 ~~establishing a solicitor's fee shall collect the fee according~~
588 ~~to the local act until the local act is expressly repealed.~~
589 ~~Upon repeal of a local act establishing a solicitor's fee, the~~
590 ~~county shall collect the fee pursuant to this section or~~
591 ~~pursuant to a local act enacted after July 1, 2010.~~

592 (e) Notwithstanding any other provision of law, nothing
593 in this section shall authorize the assessment of a
594 solicitor's fee in any case filed in juvenile court."

595 "§12-19-311

596 (a) (1) In addition to all other charges, costs, taxes,
597 or fees levied by law on bail bonds, additional fees as
598 detailed in paragraph (5)a. and paragraph (5)b. shall be
599 imposed on every bail bond in all courts of this state.

600 (2) The fee shall not be assessed in juvenile or
601 traffic cases, except for those serious traffic offenses
602 enumerated in Title 32, Chapter 5A, Article 9.

603 (3) Where multiple charges arise out of the same
604 incident, the bond fee pursuant to this section shall only be
605 assessed on one charge. For the purposes of this section, the
606 term "same incident" shall be defined as the same date,
607 location, and proximate time.

608 (4) Where the charge is negotiating a worthless
609 negotiable instrument, the fee shall not be assessed more than
610 three times annually per person charged.

611 (5) The fees shall be assessed as follows:

612 a. A filing fee in the amount of thirty-five dollars
613 (\$35) on each bond executed.



SB318 INTRODUCED

614 b. For a misdemeanor offense, a bail bond fee in the
615 amount of 3.5 percent of the total face value of the bail bond
616 or one hundred dollars (\$100), whichever is greater, but not
617 to exceed four hundred fifty dollars (\$450). For a felony
618 offense, a bail bond fee of 3.5 percent of the total face
619 value of the bail bond or one hundred fifty dollars (\$150),
620 whichever is greater, but not to exceed seven hundred fifty
621 dollars (\$750). Except that if a person is released on a
622 judicial public bail, recognizance, or signature bond,
623 including a bond on electronic traffic and nontraffic
624 citations, the fee shall be affixed at twenty-five dollars
625 (\$25). For purposes of this section, face value of bond shall
626 mean the bond amount set by court or other authority at
627 release, not the amount posted at release on bail.

628 ~~(2)~~ (6) The fees assessed pursuant to paragraph ~~a. of~~
629 ~~subdivision (1) of subsection (a)~~ (5) a. are required whether
630 the release from confinement or admittance to bail is based on
631 cash, judicial public bail, personal recognizance, a signature
632 bond, including a bond on electronic traffic and nontraffic
633 citations for those serious traffic offenses enumerated in
634 Title 32, Chapter 5A, Article 9, an appearance bond, a secured
635 appearance bond utilizing security, a bond executed by a
636 professional surety company, or a professional bail company
637 using professional bondsmen; provided, however that no fee
638 shall be assessed pursuant to paragraph ~~a. of subdivision (1)~~
639 ~~of subsection (a)~~ (5) a. if a person is released on judicial
640 public bail or on personal recognizance for a documented
641 medical reason. The fee shall be assessed at the issuance,



SB318 INTRODUCED

642 reissuance, or reinstatement of the bond.

643 (b) (1) The fee in paragraph ~~a. of subdivision (1) of~~
644 ~~subsection~~ (a) (5)a. shall be collected by either the official
645 executing the bond or by the clerk of the court. If the fee is
646 collected by the official executing the bond, it shall be
647 collected at the execution of the bond or at the time of
648 release. If the fee is collected by the clerk of the court, it
649 shall be collected at the execution of the bond, at the time
650 of release, or within two business days of release.

651 (2) The fee may be remitted via money order, electronic
652 means, U.S. mail to the court clerk postmarked within 48 hours
653 of release, or by any other method approved by the sheriff.

654 (3) If the fee is collected by an official other than
655 the clerk of the court, the official shall remit the fee to
656 the clerk of the court, attached to the executed bond, within
657 30 days or upon adjudication or conviction of the underlying
658 offense, whichever occurs first; ~~if.~~

659 (4) ~~If~~ the fee is not collected by the official, the
660 official shall provide documentation of the nonpayment,
661 attached to the executed bond, to the clerk of the court
662 within two business days. The clerk of the court may accept
663 the payment of the fee if the clerk has the executed bond,
664 together with proof of nonpayment and charging instrument, in
665 hand. This fee shall be paid by the bondsman, surety,
666 guaranty, or person signing as surety for the undertaking of
667 bail.

668 (5) If the person is released on own recognizance,
669 judicial public bail, or non-custodial offense pursuant to



SB318 INTRODUCED

670 Rule 20 of the Alabama Rules of Judicial Administration, the
671 fee shall be assessed at the time of adjudication or at the
672 time that any other fees and costs are assessed.

673 (c) (1) Upon the failure to pay the fee in paragraph ~~a.~~
674 ~~of subdivision (1) of subsection~~ (a) (5)a. and upon a finding
675 of contempt in subsection (d), the bondsman, surety, guaranty,
676 or individuals required to pay the fee shall be punished by a
677 fine of not less than five hundred dollars (\$500) in addition
678 to the fee imposed in paragraph ~~a. of subdivision (1) of~~
679 ~~subsection~~ (a) (5)a. The fine shall not be remitted, waived, or
680 reduced unless the ~~person(s)~~ individual fined can show cause to
681 the court that he or she cannot pay the fine in the reasonably
682 foreseeable future. ~~In addition, upon~~

683 (2) Upon a finding of contempt, if the responsible
684 party is a professional surety company or a professional bail
685 company or otherwise operating as a bondsman under Alabama
686 law, the presiding judge may revoke the entity or individual's
687 authority to write or issue bonds pursuant to Section
688 15-13-159 or 15-13-160 until ~~such time as~~ the payment is
689 rendered in full.

690 (d) (1) If the fee in paragraph ~~a. of subdivision (1) of~~
691 ~~subsection~~ (a) (5)a. is not paid in full within 30 days, the
692 clerk of the court shall provide notification of the
693 delinquency to the district attorney or prosecuting attorney
694 on a monthly basis.

695 (2) Upon receipt of the certification of delinquency or
696 failure to pay from the court, the district attorney or
697 prosecuting attorney may take appropriate action which may



SB318 INTRODUCED

698 include, but shall not be limited to, contempt proceedings.

699 (3) If contempt proceedings are initiated, the district
700 attorney or prosecuting attorney shall send notice by U.S.
701 ~~Mail~~mail to the last known address of the person charged with
702 the crime, bondsman, surety, guaranty, or person signing as
703 surety for the undertaking of bail of the failure to pay and
704 provide ~~them~~the person 10 days to remit payment in full
705 pursuant to this section.

706 (4) If the surety is the person charged with the crime
707 where the fee applies, the district attorney or prosecuting
708 attorney may file a petition for contempt and the court shall
709 set the contempt hearing on the person's next regularly
710 scheduled court appearance. If the surety is not the person
711 charged with the crime, the district attorney or prosecuting
712 attorney may file a petition for contempt with the court,
713 which may, after hearing, find the bondsman, surety, guaranty,
714 or person signing as surety for the undertaking of bail in
715 contempt.

716 (5) The municipal court clerk shall provide a list to
717 the prosecuting attorney and district attorney every 60 days
718 that shall include, but not be limited to, the name of every
719 person who has failed to pay the fee, the municipal case
720 number, and the name of the person signing as surety for the
721 undertaking bail. If the prosecuting authority of the
722 municipality does not initiate contempt proceedings pursuant
723 to this section within 30 days of receiving notice from the
724 clerk of the court, the district attorney with jurisdiction
725 may file the contempt petition in the municipal court.



SB318 INTRODUCED

726 (6) If the district attorney initiates contempt
727 proceedings in a municipal case and the person is found in
728 contempt, ~~the fine shall be distributed as follows: 50%~~
729 percent of the fine shall be distributed to the general fund
730 of the municipality and the remaining 50% percent to the
731 district attorney Solicitor's Fund.

732 (e) (1) The fee imposed on bail bonds under paragraph ~~b.~~
733 ~~of subdivision (1) of subsection~~ (a) (5)b. shall be assessed to
734 the defendant and be imposed by the court when the defendant
735 appears in court for adjudication or sentencing.

736 (2) Notwithstanding ~~(e) subdivision~~ (1), if the bail
737 bond has been secured by cash, the conditions of release have
738 been performed, and the defendant has been discharged from all
739 obligations of the bond, or if the cash bail bond is forfeited
740 the clerk of the court shall, unless otherwise ordered by the
741 court, retain as the bail bond fee the amount pursuant to
742 paragraph ~~b. of subdivision (1) of subsection~~ (a) (5)b. and
743 disburse the remainder as provided by law.

744 (3) Notwithstanding ~~(e) subdivision~~ (1), if the property
745 bail bond has been secured, the conditions of release have
746 been performed and the defendant has been discharged or
747 released from all obligations of the bond, or if the property
748 bail bond is forfeited, then the bond shall be reduced to the
749 bail bond fee amount pursuant to paragraph ~~b. of subdivision~~
750 ~~(1) of subsection~~ (a) (5)b. and the property shall not be
751 discharged or released by the court until the bail bond fee
752 pursuant to paragraph ~~b. of subdivision (1) of subsection~~
753 (a) (5)b. has been paid in full.



SB318 INTRODUCED

754 (4) The fees shall be collected pursuant to paragraph
755 ~~b. of subdivision (1) of subsection~~ (a) (5)b. by the clerk of
756 the court. The fees pursuant to this section shall not be
757 remitted, waived, or reduced unless the defendant proves to
758 the reasonable satisfaction of the sentencing judge that the
759 defendant is not capable of paying the same within the
760 reasonably foreseeable future. The fees pursuant to this
761 section shall not be remitted, waived, or reduced unless all
762 other costs, fees, and charges of court are remitted or
763 waived.

764 (5) The fees shall not reduce or affect the funds
765 allocated to the office of the court clerk, the sheriff, the
766 municipality, the district attorney, or the Alabama Department
767 of Forensic Sciences under any local act or other funding
768 mechanism under the law. These funds shall be in addition to
769 and not in lieu of any funds currently available to the office
770 of the court clerk, sheriff, municipality, the district
771 attorney, and the Alabama Department of Forensic Sciences.

772 (f) The court clerks shall distribute, on a monthly
773 basis as other fees are distributed, the fees collected
774 pursuant to paragraph ~~a. of subdivision (1) of subsection~~
775 (a) (5)a. as follows:

776 (1) Ten percent from each fee shall be distributed
777 either to the county general fund to be earmarked and
778 distributed to the Sheriff's Fund, administered by the
779 sheriff, in the county where the bond was executed or, where
780 the bond is executed by the municipality, to the
781 municipality. ~~†~~



SB318 INTRODUCED

782 (2) 45Forty-five percent of the fee to the court
783 clerk's fund where the bond was executed or where the bond is
784 executed by the municipal court, to the municipality~~;~~.

785 (3) 45Forty-five percent of the fee to the Solicitor's
786 Fund in the county where the bond was executed. ~~The bail bond
787 fee records shall be audited by the Department of Examiners of
788 Public Accounts.~~

789 (g) The court clerks shall distribute, on a monthly
790 basis as other fees are distributed, the fees collected
791 pursuant to paragraph ~~b. of subdivision (1) of subsection~~

792 (a) (5)b. as follows:

793 (1) Twenty-one dollars and fifty cents (\$21.50) from
794 each fee shall be distributed to the county general fund which
795 shall be earmarked and distributed to the Sheriff's Fund,
796 administered by the sheriff, in the county where the bond was
797 executed or, where the bond was executed by a municipality, to
798 the municipality~~;~~ ~~40-~~

799 (2) Forty percent of the remainder of the fee to the
800 court clerk's fund where the bond was executed or where the
801 bond is executed by the municipal court, to the municipality~~;~~.

802
803 (3) 45Forty-five percent of the remainder of the fee to
804 the Solicitor's Fund in the county where the bond was
805 executed~~;~~.

806 (4) fiveFive percent to the State General Fund ~~and ten.~~

807 (5) Ten percent to the Alabama Forensic Services Trust
808 Fund.-

809 (h) The bail bond fee records shall be audited by the



SB318 INTRODUCED

810 Department of Examiners of Public Accounts."

811 "§12-23-7

812 (a) Any person who is convicted of an alcohol or
813 drug-related offense and who is placed on probation or parole
814 shall be required to participate in an alcohol or drug testing
815 program at his or her own expense, unless he or she is
816 determined to be indigent. Any ~~such~~ person who fails ~~the~~ an
817 alcohol or drug test shall be required to do all of the
818 following:

819 (1) Provide information needed to conduct a treatment
820 assessment~~;~~.

821 (2) Complete the recommended treatment~~;~~ and.

822 (3) Pay for the assessment, treatment, and alcohol or
823 drug testing unless the court finds he or she is indigent.

824 (b) Any person who fails to complete treatment and pay
825 for it shall be charged with violation of probation or parole;
826 provided, however, that indigents shall not be required to pay
827 for treatment or monitoring provided by court referral
828 officers.

829 (c) Notwithstanding subsection (b), nothing in this
830 section shall authorize the juvenile court to charge a
831 juvenile with violation of probation for failure to pay for
832 any treatment, testing, or assessment pursuant to this
833 section."

834 "§12-23-12

835 (a) In addition to the imposition of any other costs,
836 penalties, or fines imposed pursuant to law, any person
837 convicted as an adult or adjudicated a youthful offender ~~or~~



SB318 INTRODUCED

838 ~~juvenile delinquent~~ based on the offense of driving under the
839 influence or other alcohol or drug related offenses as defined
840 in this chapter shall be ordered by the court to pay an
841 alcohol and drug abuse court referral officer assessment fee
842 in an amount recommended by the Administrative Office of
843 Courts and approved by the Supreme Court. ~~Such~~ The additional
844 assessment fee shall be collected by the court referral
845 officer by the 10th day of each month.

846 (b) The State Treasurer shall credit ~~such sums fees~~
847 collected pursuant to this section to the Alcohol and Drug
848 Abuse Court Referral Officer Trust Fund.

849 (c) Notwithstanding subsection (a), nothing in this
850 section shall authorize the imposition of a court referral
851 officer assessment fee in any case filed in juvenile court."

852 "§12-23-13

853 (a) Any alcohol or drug-related offender referred for
854 assessment and placed on probation by the judge shall pay a
855 monitoring fee to the court referral officer which shall also
856 be remitted to the State Treasurer by the court referral
857 officer by the tenth day of each month as set out in Section
858 12-23-10. The assessment fee and monitoring fees shall be
859 established and regulated by the Administrative Office of
860 Courts and can be adjusted to ensure that adequate financial
861 resources are available to support the court referral program
862 and administration of the programs.

863 (b) Notwithstanding subsection (a), nothing in this
864 section shall authorize the imposition of a monitoring fee in
865 any case filed in juvenile court."



SB318 INTRODUCED

866 "§13A-5-2

867 (a) Every person convicted of a felony shall be
868 sentenced by the court to imprisonment for a term authorized
869 by Sections 13A-5-6, 13A-5-9, and 13A-5-10.

870 (b) In addition to imprisonment, every person convicted
871 of a felony may be sentenced by the court to pay a fine
872 authorized by Section 13A-5-11.

873 (c) Every person convicted of a misdemeanor or
874 violation shall be sentenced by the court to:
875 ~~(1) Imprisonment~~ imprisonment for a term authorized by
876 Section 13A-5-7; ~~or,~~

877 ~~(2) Pay to pay~~ a fine authorized by Section 13A-5-12; ~~,~~
878 or

879 ~~(3) Both such imprisonment and fine~~ both.

880 (d) Every person convicted of a felony, misdemeanor, or
881 violation, except for the commission of a sex offense
882 involving a child as defined in Section 15-20A-4(26), may be
883 placed on probation as authorized by law.

884 (e) This article does not deprive a court of authority
885 conferred by law to forfeit property, dissolve a corporation,
886 suspend or cancel a license or permit, remove a person from
887 office, cite for contempt, or impose any other lawful civil
888 penalty. Such a judgment, order, or decree may be included as
889 part of the sentence.

890 (f) Every person convicted of murder shall be sentenced
891 by the court to imprisonment for a term, or to death, life
892 imprisonment without parole, or life imprisonment in the case
893 of a defendant who establishes that he or she was under ~~the~~



SB318 INTRODUCED

894 ~~age of~~ 18 years of age at the time of the offense, as
895 authorized by ~~subsection (c) of~~ Section 13A-6-2 (c).

896 (g) Notwithstanding any other provision of law, nothing
897 in this section shall authorize the imposition of a fine in
898 any case filed in juvenile court."

899 "§13A-5-11

900 (a) A sentence to pay a fine for a felony shall be for
901 a definite amount, fixed by the court, within the following
902 limitations:

903 (1) For a Class A felony, not more than ~~\$60,000;~~ sixty
904 thousand dollars (\$60,000).

905 (2) For a Class B felony, not more than ~~\$30,000;~~ thirty
906 thousand dollars (\$30,000).

907 (3) For a Class C felony, not more than ~~\$15,000;~~
908 fifteen thousand dollars (\$15,000).

909 (4) For a Class D felony, not more than ~~\$7,500; or~~
910 seven thousand five hundred dollars (\$7,500).

911 (5) Any amount not exceeding double the pecuniary gain
912 to the defendant or loss to the victim caused by the
913 commission of the offense.

914 (b) As used in this section, "gain" means the amount of
915 money or the value of property derived from the commission of
916 the crime, less the amount of money or the value of property
917 returned to the victim of the crime or seized or surrendered
918 to lawful authority prior to the time sentence is imposed.
919 "Value" shall be determined by the standards established in
920 ~~subdivision (14) of~~ Section 13A-8-1 (14).

921 (c) The court may conduct a hearing upon the issue of



SB318 INTRODUCED

922 defendant's gain or the victim's loss from the crime according
923 to procedures established by rule of court.

924 (d) This section shall not apply if a higher fine is
925 otherwise authorized by law for a specific crime.

926 (e) Notwithstanding any other provision of law, nothing
927 in this section shall authorize the imposition of a fine in
928 any case filed in juvenile court."

929 "§13A-5-12

930 (a) A sentence to pay a fine for a misdemeanor shall be
931 for a definite amount, fixed by the court, within the
932 following limitations:

933 (1) For a Class A misdemeanor, not more than ~~\$6,000;~~
934 six thousand dollars (\$6,000).

935 (2) For a Class B misdemeanor, not more than ~~\$3,000;~~
936 three thousand dollars (\$3,000).

937 (3) For a Class C misdemeanor, not more than ~~\$500; or~~
938 five hundred dollars (\$500).

939 (4) Any amount not exceeding double the pecuniary gain
940 to the defendant or loss to the victim caused by the
941 commission of the offense.

942 (b) A sentence to pay a fine for a violation shall be
943 for a definite amount, fixed by the court, not to exceed \$200,
944 or any amount not exceeding double the pecuniary gain to the
945 defendant or loss to the victim caused by the commission of
946 the offense.

947 (c) As used in this section, "gain" means the amount of
948 money or the value of property derived from the commission of
949 the crime, less the amount of money or the value of property



SB318 INTRODUCED

950 returned to the victim of the crime or seized or surrendered
951 to lawful authority prior to the time sentence is imposed.
952 "Value" shall be determined by the standards established in
953 ~~subdivision (14) of~~ Section 13A-8-1 (14).

954 (d) The court may conduct a hearing upon the issue of
955 defendant's gain or the victim's loss from the crime according
956 to procedures established by rule of court.

957 (e) Notwithstanding any other provision of law, nothing
958 in this section shall authorize the imposition of a fine in
959 any case filed in juvenile court."

960 "§15-23-17

961 (a) In all criminal and quasi-criminal proceedings for
962 the violation of laws of the state or municipal ordinances
963 which are tried in any court or tribunal in this state,
964 ~~wherein in which~~ the defendant is adjudged guilty or pleads
965 guilty, or is adjudicated a ~~juvenile delinquent or~~ youthful
966 offender, or wherein a bond is forfeited and the result of the
967 forfeiture is a final disposition of the case, ~~or wherein~~
968 where any penalty is imposed, there is imposed an additional
969 cost of court in the amount of two dollars (\$2) for each
970 traffic infraction, ten dollars (\$10) in each proceeding where
971 the offense constitutes a misdemeanor ~~and/or or~~ a violation of
972 a municipal ordinance other than traffic infractions, and
973 fifteen dollars (\$15) in each proceeding where the offense
974 constitutes a felony, but there shall be no additional costs
975 imposed for violations relating to parking of vehicles.

976 (b) The amount of all costs shall be remitted by the
977 person or authority collecting the costs to the chair of the



SB318 INTRODUCED

978 commission on the tenth day of each month next succeeding ~~that~~
979 the month in which the cost is paid. It shall be the duty of
980 the clerk or other authority collecting the court costs to
981 keep accurate records of the amounts due the commission for
982 the benefit of the fund under this section.

983 ~~(b)~~ (c) (1) In addition to the imposition of any other
984 costs, penalties, or fines imposed pursuant to law, any person
985 convicted or pleading guilty to a felony or a misdemeanor or a
986 violation for which the person is adjudicated ~~a juvenile~~
987 ~~delinquent, or~~ a youthful offender, shall be ordered to pay a
988 victim compensation assessment of not less than fifty dollars
989 (\$50), nor more than ten thousand dollars (\$10,000), for each
990 felony for which the person was convicted or adjudicated and
991 not less than twenty-five dollars (\$25), nor more than one
992 thousand dollars (\$1,000), for each misdemeanor or violation
993 for which the person was convicted, adjudicated, or otherwise
994 disposed of when the court orders that costs be paid. ~~In~~

995 (2) When imposing this penalty, the court shall
996 consider factors such as the severity of the crime, the prior
997 criminal record, and the ability of the defendant to pay, as
998 well as the economic impact of the victim compensation
999 assessment on the dependents of the defendant. ~~Any person~~
1000 ~~adjudicated a juvenile delinquent shall be ordered to pay a~~
1001 ~~victim compensation assessment of not less than twenty-five~~
1002 ~~dollars (\$25), nor more than one thousand dollars (\$1,000),~~
1003 ~~for each adjudication, regardless of the underlying charge,~~
1004 ~~but the assessment or penalty authorized by this subsection~~
1005 ~~shall not be assessed or collected for any conservation,~~



SB318 INTRODUCED

1006 ~~forestry, or water safety offense, nor any traffic offense,~~
1007 ~~except those that are punishable as a felony offense or~~
1008 ~~involve the operation or actual physical control of any~~
1009 ~~vehicle while intoxicated or under the influence of drugs, or~~
1010 ~~reckless driving.~~

1011 (3) If a court fails to specifically impose an
1012 assessment required by this section, the clerk of court shall
1013 automatically assess a victim compensation assessment in the
1014 minimum amount provided ~~herein~~ by this section. The additional
1015 assessment or penalty shall be collected by the clerk of court
1016 ~~insuring that~~ and promptly paid as follows:

1017 a. ~~the~~ The first twenty-five dollars (\$25) of each
1018 felony assessment and twelve dollars and fifty cents (\$12.50)
1019 of each misdemeanor assessment ~~shall be promptly paid over to~~
1020 the commission.

1021 b. The second twenty-five dollars (\$25) of each felony
1022 assessment and twelve dollars and fifty cents (\$12.50) of each
1023 misdemeanor assessment ~~shall be promptly paid to~~ the Office of
1024 Prosecution Services.

1025 (4) Any victim assessment fees ordered above the
1026 minimum shall be paid to the commission fund.

1027 ~~(e)~~ (d) The Office of Prosecution Services shall create
1028 a Victim Services Fund and the assessments received by the
1029 Office of Prosecution Services shall be deposited into the
1030 Victim Services Fund. The funds received by the Office of
1031 Prosecution Services shall be distributed by the Executive
1032 Committee of the Alabama District Attorneys Association to the
1033 various district attorneys' offices to employ a minimum of one



SB318 INTRODUCED

1034 full-time victim service officer in each circuit and to
1035 provide other direct services to victims as needed."

1036 Section 2. Any fines, fees, or court costs previously
1037 ordered by a juvenile court shall be uncollectable and the
1038 portion of any order imposing fines, fees, or court costs is
1039 vacated.

1040 Section 3. Section 12-15-109, Code of Alabama 1975,
1041 relating to the issuance of court orders for the payment of
1042 court costs, attorneys fees, and expenses under the
1043 jurisdiction of the juvenile court, is repealed.

1044 Section 4. This act shall become effective on the first
1045 day of the third month following its passage and approval by
1046 the Governor, or its otherwise becoming law.