

**SB44 INTRODUCED**



1 1HXILZ-1  
2 By Senators Singleton, Smitherman  
3 RFD: Finance and Taxation General Fund  
4 First Read: 07-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 that occur 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 to act as advocate for the petition and any attorney or guardian ad litem appointed by



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

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