

HB255 INTRODUCED



1 HB255
2 5ICZM6M-1
3 By Representatives Bedsole, Shaver, Stringer, Smith, Hulsey
4 RFD: Public Safety and Homeland Security
5 First Read: 28-Feb-24



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SYNOPSIS:

Under existing law, sheriffs in certain counties are authorized to contract for service of process.

This bill would authorize all sheriffs to contract for service of process.

Under existing law, service of process fees and the disposition of those fees are provided for by local law.

This bill would require every county to collect a service of process fee, and would provide for the disposition of the fee.

This bill would also authorize sheriffs to adopt the service of process fee and fee disbursement authorized by this act in lieu of the fee and fee disbursement provided by local law.

A BILL
TO BE ENTITLED
AN ACT

Relating to service of process; to authorize sheriffs to contract for the purpose of service of process; to require every county to collect a service of process fee; to authorize sheriffs to adopt the service of process fee and fee



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29 disbursement authorized by this act in lieu of the fee and fee
30 disbursement provided by local law; and to provide for the use
31 of monies collected from service of process.

32 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

33 Section 1. (a) A sheriff, except for warrants for
34 arrest, may contract with or enter into a contract or
35 agreement with a private, public, or governmental entity for
36 the purpose of service of process.

37 Section 2. (a) Unless otherwise provided by local law,
38 in addition to all existing charges, fees, judgments, and
39 costs of court, the clerk, sheriff, or other appropriate court
40 official in the district and circuit courts shall collect a
41 service of process fee of fifty dollars (\$50) per document
42 which shall be paid to the circuit clerk. The district
43 attorney shall be exempt from the service of process fee.

44 (b) The circuit clerk shall collect the service of
45 process fee and shall retain three dollars (\$3) of each fee
46 for deposit in the circuit clerk's fund for the operation of
47 the office of circuit clerk or for the compensation or
48 reimbursement of mileage incurred by jurors. The clerk shall
49 transfer three dollars (\$3) of each fee to the district
50 attorney. The remainder of the monies collected shall be
51 remitted to the sheriff.

52 (c) (1) The sheriff may use the monies generated by this
53 section for any lawful purpose relating to the operation of
54 the office of sheriff.

55 (2) The monies shall not revert to the general fund of
56 the county at the end of the fiscal year.



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57 (d) If, upon enactment of this legislation, a service
58 of process fee or fee disbursement has been established by
59 local law, the sheriff may choose to adopt the service of
60 process fee and fee disbursement authorized by this section in
61 lieu of the service of process fee and fee disbursement
62 provided by local law.

63 Section 3. This act shall become effective on October
64 1, 2024.