

HB362 INTRODUCED



1 HB362
2 ILLWZ6-1
3 By Representatives Faulkner, Pettus, Kirkland, Colvin, Woods,
4 Treadaway
5 RFD: Public Safety and Homeland Security
6 First Read: 21-Mar-24



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SYNOPSIS:

Under existing law, a municipal court is required to forward to the Secretary of the Alabama State Law Enforcement Agency a record of a driving under the influence conviction within five days of the conviction.

This bill would provide that a municipal court that fails to report driving under the influence convictions to the Secretary of the Alabama State Law Enforcement Agency within five days shall forfeit any fees and costs collected by the municipal court that would otherwise remain with the municipal court.

A BILL
TO BE ENTITLED
AN ACT

Relating to municipal courts; to amend Section 12-14-113, Code of Alabama 1975, and to add Section 12-14-115 to the Code of Alabama 1975, to provide that municipal courts that fail to timely report driving under the influence convictions to the Secretary of the Alabama State Law Enforcement Agency shall forfeit any fees and costs collected by the municipal court in certain circumstances.



HB362 INTRODUCED

29 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

30 Section 1. Section 12-14-113, Code of Alabama 1975, is
31 amended to read as follows:

32 "§12-14-113

33 (a) Any municipal court that fails to submit the data
34 required in this article within 60 days of the due date, or
35 for driving under the influence convictions as required in
36 Section 12-14-115, shall forfeit any fees and costs collected
37 by the court that would otherwise remain with the municipal
38 court or municipality until the data is submitted. Any
39 forfeited fees and costs shall be transferred to the state
40 Comptroller for distribution to the Administrative Office of
41 Courts.

42 (b) Any municipal court that fails to submit the data
43 required by this article within 60 days of the due date, at
44 the request of the Speaker of the House of Representatives,
45 the President Pro Tempore of the Senate, the Attorney General,
46 or the Governor, shall be subject to a financial audit under
47 generally accepted government auditing standards of municipal
48 records related to revenue collected through fines and fees.
49 The audit shall be performed by the Department of Examiners of
50 Public Accounts or by an independent certified public
51 accountant selected by the municipality.

52 (c) The chief examiner or the independent certified
53 public accountant may recover any costs incurred for the audit
54 by charging a reasonable fee to the municipality.

55 (d) The municipality may use revenue from fines and
56 fees to pay the costs of compiling and reporting data under



HB362 INTRODUCED

57 this section."

58 Section 2. Section 12-14-115 is added to the Code of
59 Alabama 1975, to read as follows:

60 By January 1, 2025, all municipal courts shall report,
61 within five days, a record of the conviction of any person
62 convicted of driving under the influence, pursuant to Section
63 32-5A-191 or any municipal ordinance adopted by a local
64 authority relating to driving under the influence, to the
65 Secretary of the Alabama State Law Enforcement Agency.

66 Section 3. This act shall become effective on October
67 1, 2024.