

HB447 INTRODUCED



1 HB447
2 KLC3AUA-1
3 By Representatives McCampbell, Jackson (N & P)
4 RFD: Local Legislation
5 First Read: 11-Apr-24



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A BILL
TO BE ENTITLED
AN ACT

Relating to Marengo County; to provide for service of process in the county; to provide that the sheriff may contract with or enter into agreement with a private, public, or governmental entity for the purpose of service of process; to set the fee for civil documents; and to provide for the disposition of funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall apply only to Marengo County.

Section 2. The sheriff, except for warrants for arrest, may contract with or enter into agreement with a private, public, or governmental entity for the purpose of service of process.

Section 3. (a) In addition to all existing charges, fees, judgments, and costs of court, the clerk, sheriff, or other appropriate court official in the civil division of the district and circuit courts of the county shall assess a service of process fee of fifty dollars (\$50) for service or attempted service of process on each document requiring personal service of process by the sheriff for matters pending or to be commenced in a court in the county.



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29 (b) In addition to all existing charges, fees,
30 judgments, and costs of court, the clerk, sheriff, or other
31 appropriate court official in the civil division of the
32 district and circuit courts of the county shall assess a
33 service of process fee of fifty dollars (\$50) for service or
34 attempted service of process on each document requiring
35 personal service of process by the sheriff for matters pending
36 or to be commenced in a court in the state but outside of the
37 county.

38 (c) In addition to all existing charges, fees,
39 judgments, and costs of court, the clerk, sheriff, or other
40 appropriate court official in the civil division of the
41 district and circuit courts of the county shall assess a
42 service of process fee of seventy-five dollars (\$75) for
43 service or attempted service of process on each document
44 requiring personal service of process by the sheriff for
45 matters pending or to be commenced in a court outside of the
46 state.

47 (d) Notwithstanding the foregoing, the fee shall not be
48 assessed if a judge funds that payment of the fee will create
49 a substantial hardship. A verified statement signed by the
50 individual requesting service and approved by the judge
51 attesting the substantial hardship shall be filed with the
52 clerk of the court.

53 Section 4. The court official designated in the county
54 by law for the respective courts shall collect the service of
55 process fee designated in this act and remit the fees
56 collected to the sheriff for deposit into the Sheriff's Law



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57 Enforcement Fund.

58 Section 5. The sheriff may use the monies generated by
59 this act for law enforcement purposes and to discharge the
60 duties of the office of the sheriff as the sheriff sees fit.

61 Section 6. The Sheriff's Law Enforcement Fund and the
62 use of the proceeds may not diminish or take the place of any
63 other source of income established for the sheriff or the
64 operation of the jail.

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