

1 HB437  
2 107034-2  
3 By Representatives Grimes, Wren and Love  
4 RFD: County and Municipal Government  
5 First Read: 26-JAN-10

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ENROLLED, An Act,

To amend Section 11-47-7.1 of the Code of Alabama 1975, authorizing municipalities to levy and assess additional court costs in the municipal courts for the operation and maintenance of the municipal jails and similar facilities or court complexes, to specify that the funds may be used for the purchase of land and for the construction and equipment of the facilities; and to provide for retroactive effect.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 11-47-7.1 of the Code of Alabama 1975, is amended to read as follows:

"§11-47-7.1.

"(a) In addition to any court costs and fees now or hereafter authorized, any municipal governing body, by majority vote of the municipal governing body, may individually or jointly with one or more municipalities in the county levy and assess additional court costs and fees up to an amount not to exceed the court costs and fees in the district court of the county for a similar case on each case hereafter filed in any municipal court of the municipality or municipalities. The cost or fee shall not be waived by any court unless all other costs, fees, assessments, fines, or charges associated with the case are waived. The costs and fees when collected by the clerks or other collection officers

1 of the courts, shall be paid into a special municipal fund  
2 designated as the "Corrections Fund." The affected governing  
3 body shall allocate the funds exclusively for the purchase of  
4 land for, and the construction, equipment, operation, and  
5 maintenance of, the municipal jail or jails, other  
6 correctional facilities, if any, any juvenile detention  
7 center, or any court complex.

8 "(b) The municipal governing body may appropriate  
9 other funds, space, and property sufficient to maintain and  
10 equip any municipal jail or court complex. The municipal  
11 governing body may also receive gifts, grants, and property  
12 for the use of the jail or court complex and may contract for  
13 services related to the construction, equipment, and  
14 maintenance of the jail or court complex.

15 "(c) The municipal governing body or municipal  
16 governing bodies may provide for the implementation of this  
17 section with another governmental entity by entering into a  
18 contract pursuant to a resolution or ordinance for the  
19 construction and operation of joint municipal correctional  
20 facilities or a court complex and may adopt joint rules and  
21 regulations applicable to the jurisdiction of each entity  
22 relative to the correctional or court facilities."

23 Section 2. This act is remedial and curative and  
24 shall be retroactive to validate ab initio any prior use or  
25 allocation of any funds in any Corrections Fund for the

1 purchase of land for, and the construction and equipment of,  
2 any municipal jail or jails, other correction facilities, any  
3 juvenile detention center, or any court complex.

4 Section 3. This act shall become effective  
5 immediately following its passage and approval by the  
6 Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in  
and was passed by the House 11-MAR-10.

Greg Pappas  
Clerk

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Senate

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08-APR-10

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Passed