

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

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8 SYNOPSIS: Under existing law, a municipality may
9 provide for the assessment of additional court
10 costs in all cases in the municipal court in an
11 amount not to exceed the court costs in district
12 court for a similar case. The court costs upon
13 collection are required to be allocated exclusively
14 for the operation and maintenance of the municipal
15 jail or similar facilities or court complex.

16 This bill would provide that the court costs
17 may be used for the purchase of land and the
18 construction and equipment of these facilities in
19 addition to use for operation and maintenance. The
20 bill would also have retroactive effect and would
21 apply to any prior use of the funds in conformance
22 with the amended law.

23
24 A BILL
25 TO BE ENTITLED
26 AN ACT
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1 To amend Section 11-47-7.1 of the Code of Alabama
2 1975, authorizing municipalities to levy and assess additional
3 court costs in the municipal courts for the operation and
4 maintenance of the municipal jails and similar facilities or
5 court complexes, to specify that the funds may be used for the
6 purchase of land and for the construction and equipment of the
7 facilities; and to provide for retroactive effect.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. Section 11-47-7.1 of the Code of Alabama
10 1975, is amended to read as follows:

11 "§11-47-7.1.

12 "(a) In addition to any court costs and fees now or
13 hereafter authorized, any municipal governing body, by
14 majority vote of the municipal governing body, may
15 individually or jointly with one or more municipalities in the
16 county levy and assess additional court costs and fees up to
17 an amount not to exceed the court costs and fees in the
18 district court of the county for a similar case on each case
19 hereafter filed in any municipal court of the municipality or
20 municipalities. The cost or fee shall not be waived by any
21 court unless all other costs, fees, assessments, fines, or
22 charges associated with the case are waived. The costs and
23 fees when collected by the clerks or other collection officers
24 of the courts, shall be paid into a special municipal fund
25 designated as the "Corrections Fund." The affected governing
26 body shall allocate the funds exclusively for the purchase of
27 land for, and the construction, equipment, operation, and

1 maintenance of, the municipal jail or jails, other
2 correctional facilities, if any, any juvenile detention
3 center, or any court complex.

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

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

19 Section 2. This act is remedial and curative and
20 shall be retroactive to validate ab initio any prior use or
21 allocation of any funds in any Corrections Fund for the
22 purchase of land for, and the construction and equipment of,
23 any municipal jail or jails, other correction facilities, any
24 juvenile detention center, or any court complex.

25 Section 3. This act shall become effective
26 immediately following its passage and approval by the
27 Governor, or its otherwise becoming law.

