

1 HB485
2 117222-2
3 By Representatives Hill, McCutcheon, Morrow and Ward
4 RFD: County and Municipal Government
5 First Read: 02-FEB-10

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8 SYNOPSIS: Under existing law, many counties by local
9 law provide for the assessment and collection of a
10 solicitor's fee in all criminal cases in an amount
11 equal to the fees and court costs payable to the
12 Fair Trial Tax Fund in criminal cases.

13 This bill would provide for a solicitor's
14 fee to be assessed in criminal cases in each county
15 in the state and provide for the disbursement of
16 the funds. This bill would also provide that any
17 county with local legislation providing for a
18 solicitor's fee would operate pursuant to the local
19 act.

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21 A BILL
22 TO BE ENTITLED
23 AN ACT
24

25 To provide for a solicitor's fee to be assessed in
26 criminal cases in each county in the state in an equal amount
27 payable to the Fair Trial Tax Fund; to provide for the

1 disbursement of the funds; and to provide that this act shall
2 not supercede certain local laws in effect on the effective
3 date of this act or enacted after the effective date of this
4 act unless they are expressly repealed.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. In all juvenile, traffic, criminal, and
7 quasi-criminal cases in the juvenile, district, circuit, and
8 municipal courts in this state, a docket fee, hereinafter
9 referred to as a solicitor's fee, shall be assessed in each
10 case. The fees, when collected, shall be distributed monthly
11 as follows: Three dollars (\$3) from each case to the circuit
12 clerk of the county where collected to be used as provided by
13 law for the operation of the office of the circuit clerk and
14 the remainder of each fee to the Solicitor's Fund or District
15 Attorney's Fund in the county where collected or to the fund
16 in the county that may be hereafter prescribed by law for the
17 solicitor's fee. The solicitor's fee shall be in an amount
18 equal to all docket fees or court costs which are assessed
19 upon an adjudication of guilt in a criminal case and
20 distributed to the Fair Trial Tax Fund.

21 Section 2. The solicitor's fee shall be collected in
22 all criminal cases where the defendant is adjudged guilty, a
23 bond forfeited, a penalty imposed, or where there is issued
24 any alias or capias warrant of arrest. The solicitor's fee
25 shall be in addition to and not in lieu of any other fees or
26 costs. The solicitor's fee shall not be waived or remitted
27 unless the defendant proves to the reasonable satisfaction of

1 the sentencing judge that the defendant is not capable of
2 paying the fee within the reasonable foreseeable future.

3 Section 3. The solicitor's fee may be expended by
4 the district attorney in the county where it is collected for
5 the payment of any and all expenses incurred and for any
6 legitimate law enforcement purpose.

7 Section 4. The Legislature may continue to adopt
8 future local laws or repeal existing local laws establishing a
9 solicitor's fee in criminal cases. This act shall not
10 supercede existing local legislation on the effective date of
11 this act or enacted after the effective date of this act in
12 any county providing for a solicitor's fee in criminal cases,
13 and any county having local legislation establishing a
14 solicitor's fee shall collect the fee according to the local
15 act until the local act is expressly repealed. Upon repeal of
16 a local act establishing a solicitor's fee, the county shall
17 collect the fee pursuant to this act or pursuant to a local
18 act enacted after the effective date of this act.

19 Section 5. This act shall become effective on the
20 first day of the third month following its passage and
21 approval by the Governor, or its otherwise becoming law.