

1 HB83
2 196277-1
3 By Representative Simpson (N & P)
4 RFD: Mobile County Legislation
5 First Read: 05-MAR-19

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to Mobile County; providing for additional
14 court costs in the district court and the circuit court in
15 civil and criminal cases, including domestic relations cases,
16 but excluding certain other types of cases; to provide for the
17 establishment of a judicial administration fund in the county;
18 and to provide for the distribution of monies in the fund.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. This act shall be known and may be cited
21 as the Mobile County Preservation of Justice Act.

22 Section 2. The Legislature finds and declares the
23 following:

24 (1) The Mobile County Judicial System faces a severe
25 funding crisis. The judges of the Thirteenth Judicial Circuit
26 have one of the highest caseloads in this state with over
27 25,000 filings in the Circuit Court of Mobile County and over

1 41,000 in the District Court of Mobile County. Criminal cases
2 in the circuit have increased by over 11 percent during the
3 last five years.

4 (2) Despite these staggering caseloads, there has
5 been a significant reduction of state funding to the trial
6 courts in the county. Mobile County has experienced the loss
7 of state funding for one-third of the staff of the circuit
8 clerk; one-third of the staff of the circuit judges; one-half
9 of the staff of the district judges; and 75 percent of the
10 staff of the court administrator. As a consequence of these
11 shortages, criminal cases are backlogged leading to
12 overcrowding in the Mobile County Metro Jail; hearings on
13 protection from abuse petitions are significantly delayed; and
14 criminal and civil jury trial weeks have been reduced. These
15 shortages now pose a threat to public safety and prevent the
16 timely administration of justice in the courts of the county.

17 (3) The Mobile County Preservation of Justice Act is
18 enacted to address this problem by raising selected court
19 filing fees in the county.

20 Section 3. In addition to any court costs and fees
21 authorized in the district and circuit courts of Mobile
22 County, there shall be assessed and collected the following
23 additional court costs and fees:

24 (1) In the district court, as follows:

25 a. In civil cases, excluding small claims cases,
26 twenty-five dollars (\$25).

1 b. In criminal cases, excluding traffic and juvenile
2 cases, twenty-five dollars (\$25).

3 (2) In the circuit court, as follows:

4 a. In civil cases, including, domestic relations
5 cases, but excluding protection from abuse act cases and child
6 support cases, one hundred dollars (\$100).

7 b. In criminal cases, one hundred dollars (\$100).

8 Section 4. Nothing contained in this act shall
9 impair the authority of a circuit or district judge to waive
10 or to remit court costs or fees based on a sworn affidavit and
11 a valid showing of substantial hardship.

12 Section 5. Disposition of funds shall be as follows:

13 (1) The additional court costs or fees shall be
14 collected by the Circuit Clerk of Mobile County and shall be
15 deposited into the Mobile County Preservation of Justice Fund,
16 which is hereby created in the office of the presiding circuit
17 court judge.

18 (2) The additional funds generated by this act
19 shall be used by the presiding judge of the circuit court to
20 restore needed staffing levels in the office of the circuit
21 clerk, the offices of the circuit and district judges, and the
22 office of the court administrator. To accomplish this purpose,
23 the presiding judge shall enter a Memorandum of Understanding
24 with the Administrative Office of Courts, effective October 1,
25 2019, as determined necessary to increase the staffing levels
26 in the Thirteenth Judicial Circuit, including funding for the
27 employment of additional court specialists, court attendants,

1 law clerks, and employees in the office of the Court
2 Administrator. These employees shall be employees of the
3 Administrative Office of Courts and shall be entitled to
4 receive the appropriate state benefits including, but not
5 limited to, retirement and state health insurance benefits.

6 Section 6. The Mobile County Circuit Clerk shall
7 remit the costs collected under this act to the Mobile County
8 Judicial Preservation of Justice Fund on the last business day
9 of the next month following collection.

10 Section 7. This act may not be construed to require
11 the Mobile County Commission to expend or appropriate any
12 funds other than the proceeds of the fees and court costs
13 provided for by this act and deposited in the Mobile County
14 Judicial Preservation of Justice Fund.

15 Section 8. This act shall become effective following
16 its passage and approval by the Governor, or its otherwise
17 becoming law.