

1 HB300
2 215243-1
3 By Representatives Shiver, Faust, Baker and Simpson (N & P)
4 RFD: Baldwin County Legislation
5 First Read: 08-FEB-22

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to Baldwin County; to amend Section
14 45-2-231.90, providing for a service of process fee for
15 documents delivered by the sheriff and the distribution of
16 proceeds; to provide further for the amount of the fee; and to
17 provide further for the distribution and use of proceeds.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. Section 45-2-231.90, Code of Alabama
20 1975, is amended to read as follows:

21 "§45-2-231.90.

22 "(a) This section shall only apply to Baldwin
23 County.

24 "(b) The Baldwin County Sheriff Service of Process
25 Serving Fund is created and hereinafter referred to in this
26 section as the fund.

1 "(c) The Sheriff of Baldwin County, except for
2 warrants for arrest, may contract with or enter into contract
3 or agreement with a private, public, or governmental entity
4 for the purpose of service of process.

5 "(d) (1) In addition to all existing charges, fees,
6 judgments, and costs of court, the clerk, sheriff, or other
7 appropriate court official in the criminal division of the
8 district and circuit courts of Baldwin County, shall collect a
9 service of process fee of ~~twenty dollars (\$20)~~ thirty dollars
10 (\$30) per document which shall be paid into the fund.

11 "(2) In addition to all existing charges, fees,
12 judgments, and costs of court, the clerk, sheriff, or other
13 appropriate court official in the civil division of the
14 district and circuit courts of Baldwin County, shall collect a
15 service of process fee of ~~twenty dollars (\$20)~~ thirty dollars
16 (\$30) per document which shall be paid into the fund.

17 "(3) The court official designated in Baldwin County
18 by law for the respective courts shall collect the service of
19 process fee designated in subdivisions (1) and (2) and shall
20 retain ~~two dollars (\$2)~~ three dollars (\$3) of each fee for
21 deposit in the circuit clerk's fund for the operation of the
22 office of circuit clerk or for compensation or reimbursement
23 of mileage incurred by jurors. The remainder of the fees
24 collected shall be remitted to the sheriff for deposit in the
25 Sheriff's Service of Process Serving Fund.

26 "(e) (1) The sheriff may use the monies generated by
27 this section for ~~law enforcement purposes in Baldwin County,~~

1 ~~as the sheriff sees fit, including contracting with or~~
2 ~~entering into a contract or agreement with a private, public,~~
3 ~~or governmental entity for service of process of documents~~
4 ~~from the civil or criminal division of the district or circuit~~
5 ~~court. any lawful purpose relating to the operation of the~~
6 ~~office of sheriff, including, but not limited to, any of the~~
7 ~~following:~~

8 "a. The operation of the office of sheriff, the
9 jail, or other correction center; judicial protective
10 services; the purchase of office supplies and equipment,
11 communications equipment, personal equipment, uniforms, and
12 automobiles; salaries, salary supplements, expense allowances,
13 and professional dues; training; and related activities.

14 "b. The construction, renovation, furnishing, and
15 maintenance of offices, buildings, and grounds operated by the
16 office of sheriff.

17 "c. Any other expenses by the sheriff related to the
18 enhancement of law enforcement and corrections in the county.

19 "(2) The funds shall not revert to the general fund
20 of the county at the end of the fiscal year."

21 Section 2. This act shall become effective on the
22 first day of the third month following its passage and
23 approval by the Governor, or its otherwise becoming law.