

1 HB254
2 127479-1
3 By Representative Johnson (R)
4 RFD: Ways and Means General Fund
5 First Read: 22-MAR-11

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8 SYNOPSIS: Under existing general law, in circuit and
9 district court civil cases, a service fee of \$10 is
10 collected for each defendant in excess of one when
11 personal service is required.

12 This bill would increase the service fee to
13 \$22 and would further provide for distribution of
14 the fees.

15
16 A BILL
17 TO BE ENTITLED
18 AN ACT
19

20 To amend Section 12-19-73 of the Code of Alabama
21 1975, relating to circuit and district court defendant service
22 fees; to increase the service fee in circuit and district
23 court civil cases that is collected for each defendant in
24 excess of one when personal service is required; and to
25 further provide for distribution of the fees.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 12-19-73 of the Code of Alabama
2 1975, is amended to read as follows:

3 "§12-19-73.

4 "(a) The following defendant service fees shall be
5 collected in civil cases in circuit court and district court:
6 For each defendant in excess of one, ~~where~~ when personal
7 service is required, there shall be collected a service fee of
8 ~~\$10.00~~ twenty-two dollars (\$22); provided, however, ~~where~~ when
9 service on any defendant is by publication or by registered
10 mail, the actual cost of ~~such~~ the service shall be collected
11 as the service fee. All service fees shall be paid at the time
12 of filing; ~~except, that prepayments~~ prepayment shall not be
13 required if the court finds that payment of ~~such~~ the fee will
14 constitute a substantial hardship. A verified statement,
15 signed by the plaintiff and approved by the court, shall be
16 filed with the clerk of court attesting to such substantial
17 hardship.

18 "(b) Fees for personal service collected in civil
19 cases shall be distributed as follows: The first ~~\$3.00~~ six
20 dollars (\$6) of each ~~such~~ service fee shall be paid to the
21 county general fund, three dollars (\$3) shall be paid to the
22 Alabama Peace Officers' Annuity and Benefit Fund, three
23 dollars (\$3) shall be paid to the District Attorney
24 Solicitor's Fund in the county where the fee was collected,
25 and the balance thereof shall be paid to the State General
26 Fund with three (\$3) earmarked for the Department of Forensic
27 Sciences."

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