

HB281 INTRODUCED



1 2WGQKI-1
2 By Representative Estes
3 RFD: County and Municipal Government
4 First Read: 11-Apr-23
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SYNOPSIS:

Under existing law, a court is required to order a defendant convicted of a misdemeanor to pay for housing and maintenance costs associated with his or her incarceration in a county or city jail in an amount not to exceed \$20 per day, with exceptions.

This bill would require a court to order a defendant convicted of a misdemeanor to pay up to the actual expenses incurred on behalf of the defendant for housing and maintenance associated with the defendant's incarceration in a county or city jail.

This bill would also make nonsubstantive, technical revisions to update the existing code to current style.

A BILL
TO BE ENTITLED
AN ACT

Relating to detention facilities; to amend Section 14-6-22, Code of Alabama 1975, to require a defendant convicted of a misdemeanor to pay housing and maintenance associated with his or her incarceration in a county or city jail; and to make nonsubstantive, technical revisions to



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29 update the existing code language to current style.

30 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

31 Section 1. Section 14-6-22, Code of Alabama 1975, is
32 amended to read as follow:

33 "§14-6-22

34 (a) (1) A court shall require a convicted defendant in a
35 misdemeanor case to pay housing, maintenance, and medical
36 costs associated with the defendant's incarceration in a
37 county or city jail, except as otherwise provided ~~herein~~
38 this section. ~~Such The~~ costs shall not exceed ~~\$20 per day that~~
39 ~~the defendant has been incarcerated plus actual medical~~
40 ~~expenses~~ the actual expenses incurred on behalf of the
41 defendant. ~~Such The~~ costs shall be taxed as costs of court and
42 shall be in addition to any and all other costs of court.

43 (2) At the time of sentencing ~~such the~~ defendant may
44 petition the court for remission of the payment of these costs
45 or of any portion thereof. If it appears to the satisfaction
46 of the court that payment of the amount due will impose
47 manifest hardship on the defendant or his or her immediate
48 family, the court may remit all or part of the amount due ~~in~~
49 ~~such costs~~.

50 (3) In determining the amount and method of payment of
51 these costs, the court shall take into account the financial
52 resources of the defendant and the nature of the burden that
53 payment of the costs will impose. A defendant who has been
54 ordered to pay ~~the~~ housing, maintenance, and medical costs and
55 who is not in ~~contumacious~~ willful default in the payment
56 thereof may at any time petition the court ~~which~~ that



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57 sentenced him or her for remission of the payment of these
58 costs or of any unpaid portion thereof. If it appears to the
59 satisfaction of the court that payment of the amount due will
60 impose manifest hardship on the defendant or his or her
61 immediate family, the court may remit all or part of the
62 amount due in such costs or modify the method of payment.

63 (b) (1) When a defendant is ordered to pay housing,
64 maintenance, and medical costs, the court may grant permission
65 for payment to be made in a specified period of time or in
66 specified installments. If permission is not included in the
67 order these costs shall be payable ~~forthwith~~ immediately.

68 (2) When a defendant ordered to pay housing,
69 maintenance, and medical costs is also placed on probation, or
70 imposition or execution of sentence is suspended, the court
71 may make payment of the costs a condition of probation or
72 suspension of sentence.

73 (c) A default in the payment of the housing,
74 maintenance, and medical costs, or any installment thereof,
75 may be collected by any means authorized by law for the
76 enforcement of a judgment.

77 (d) ~~Moneys~~ Monies collected for the housing,
78 maintenance, and medical costs of a convicted defendant in a
79 misdemeanor case shall be collected by the clerk of the
80 sentencing court and shall be payable to the county or city in
81 whose jail the defendant was incarcerated."

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