

1 HB343  
2 173016-2  
3 By Representative Lee (N & P)  
4 RFD: Local Legislation  
5 First Read: 01-MAR-16

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9 A BILL  
10 TO BE ENTITLED  
11 AN ACT  
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13 Relating to Houston County; to amend Act 2015-205,  
14 2015 Regular Session, now appearing as Section 45-35-235, Code  
15 of Alabama 1975; to clarify that the service of process fee  
16 shall be charged for service of process of documents in the  
17 civil division of the family and juvenile courts of the  
18 county.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. Act 2015, 2015 Regular Session, now  
21 appearing as Section 45-35-235, Code of Alabama 1975, is  
22 amended to read as follows:

23 "§45-35-235.

24 "(a) This section shall only apply to Houston  
25 County.

26 "(b) (1) In addition to all other charges, fees,  
27 judgments, and costs of court, in the civil division of the

1 ~~district and circuit courts~~ District Court, Circuit Court,  
2 Family Court, and Juvenile Court of Houston County, a service  
3 of process fee of twenty-five dollars (\$25) shall be collected  
4 for service or attempted service of process on each document  
5 requiring personal service of process by the sheriff.

6 "(2) A service of process fee of fifty dollars (\$50)  
7 shall be collected for service or attempted service of process  
8 on each document requiring personal service of process by the  
9 sheriff for matters pending or to be commenced in a court  
10 outside of the State of Alabama.

11 "(c) A Sheriff's Law Enforcement Fund shall be  
12 created to supplement the budget of the Houston County  
13 Sheriff's Office. The fund shall be used for law enforcement  
14 purposes and to discharge the duties of the office of the  
15 sheriff as determined by the sheriff in the public interest,  
16 to include, but not be limited to, training expenses,  
17 ammunition, clothing and uniforms, vehicles, travel expenses,  
18 and equipment costs.

19 "(d) (1) The clerk of the court or designee in  
20 Houston County by law for the respective courts shall collect  
21 the service of process fee designated in subsection (a) and  
22 distribute the fee to the Sheriff's Law Enforcement Fund.

23 "(2) Notwithstanding the foregoing, the fee may not  
24 be imposed and collected if the court finds payment of the fee  
25 will create a substantial hardship. A verified statement  
26 signed by the person requesting service and approved by the

1 court attesting the substantial hardship shall be filed with  
2 the clerk of the court.

3 "(e) The Sheriff's Law Enforcement Fund shall be an  
4 additional fund separate from the budget of the sheriff as  
5 provided for in the county general fund. The fees deposited  
6 into the Sheriff's Law Enforcement Fund shall not diminish,  
7 offset, or take the place of budgeted funds or any other  
8 source of income established for the sheriff or for the  
9 operation of the office of the sheriff.

10 "(f) The district attorney, law enforcement, grand  
11 juries, and Houston County shall be exempt from payment of the  
12 fees provided for in this section."

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