

1 HB447  
2 139950-1  
3 By Representatives Givan, Moore (M), Coleman-Evans, Scott and  
4 Rogers (N & P)  
5 RFD: Jefferson County Legislation  
6 First Read: 20-MAR-13

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9 A BILL  
10 TO BE ENTITLED  
11 AN ACT  
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13 Relating to the City of Birmingham in Jefferson  
14 County; providing for the assessment and collection of a  
15 prosecutor's fee in the municipal court of the City of  
16 Birmingham in all criminal and traffic cases in an amount  
17 equal to the fees and court costs payable to the Fair Trial  
18 Tax Fund in criminal cases; and providing for the disbursement  
19 of the funds.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. In all traffic and criminal cases in the  
22 municipal court of the City of Birmingham, a docket fee,  
23 hereinafter referred to as a prosecutor's fee, shall be  
24 assessed in each case. The prosecutor's fee shall be in lieu  
25 of any other prosecutor's fee or solicitor's fee currently  
26 assessed. The fees, when collected, shall be distributed  
27 monthly to the General Fund of the City of Birmingham. The

1 prosecutor's fee shall be equal to all docket fees or court  
2 costs which are assessed upon an adjudication of guilt in a  
3 criminal case and distributed to the Fair Trial Tax Fund.

4 Section 2. The prosecutor's fee shall be collected  
5 in all criminal cases where the defendant is adjudged guilty,  
6 a bond forfeited, a penalty imposed, or where there is issued  
7 an alias or capias warrant of arrest. The prosecutor's fee  
8 shall be in addition to and not in lieu of any other fees or  
9 costs. The prosecutor's fee shall not be waived or remitted  
10 unless the defendant proves to the reasonable satisfaction of  
11 the sentencing judge that the defendant is not capable of  
12 paying the fee within the reasonable foreseeable future.

13 Section 3. The prosecutor's fee may be expended by  
14 the governing body of the City of Birmingham for the payment  
15 of any and all expenses incurred for the prosecution of  
16 traffic and criminal cases or any legitimate law enforcement  
17 purpose.

18 Section 4. All laws or parts of laws which conflict  
19 with this act are repealed.

20 Section 5. This act shall become effective on the  
21 first day of the third month following its passage and  
22 approval by the Governor, or its otherwise becoming law.