

1 HB479
2 173498-1
3 By Representative Lawrence (N & P)
4 RFD: Local Legislation
5 First Read: 05-APR-16

2
3
4
5
6
7
8
9 A BILL
10 TO BE ENTITLED
11 AN ACT
12

13 Relating to Wilcox County; to create the Wilcox
14 County Sheriff Service of Process Serving Fund; to further
15 provide for service of process in Wilcox County; to provide
16 that the sheriff may contract with or enter into agreement
17 with a private, public, or governmental entity for the purpose
18 of service of process; to provide a fee for service of civil
19 or criminal documents; to provide certain exceptions; and to
20 provide for the disposition of funds.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. (a) This act shall apply only to Wilcox
23 County.

24 Section 2. (a) The Wilcox County Sheriff Service of
25 Process Serving Fund is created and hereinafter referred to as
26 "the fund."

1 (b) The Sheriff of Wilcox County shall establish and
2 maintain the fund in a bank located in Wilcox County. All
3 proceeds collected under this act shall be deposited by the
4 sheriff or his or her designated agent into the fund. The
5 sheriff shall keep an account of all transactions for audit by
6 the Department of Examiners of Public Accounts at the same
7 time other accounts of the sheriff are audited. The Department
8 of Examiners of Public Accounts shall submit a copy of the
9 audit to the sheriff within 30 days of its completion.

10 Section 3. The Sheriff of Wilcox County, except for
11 warrants for arrest, may contract with or enter into contract
12 or agreement with a private, public, or governmental entity
13 for the purpose of service of process.

14 Section 4. (a) In addition to all existing charges,
15 fees, judgments, and costs of court, the clerk, sheriff, or
16 other appropriate court official in the criminal division of
17 the district and circuit courts of Wilcox County, a service of
18 process fee of thirty dollars (\$30) per document is imposed
19 and shall be paid into the fund.

20 (b) In addition to all existing charges, fees,
21 judgments, and costs of court, the clerk, sheriff, or other
22 appropriate court official in the civil division of the
23 district and circuit courts of Wilcox County, a service of
24 process fee of thirty dollars (\$30) per document is imposed
25 and shall be paid into the fund.

26 (c) The court official designated in Wilcox County
27 by law for the respective courts shall collect the service of

1 process fee designated in subsections (a) and (b) and remit
2 the fees collected to the sheriff for deposit in the fund.

3 (d) The sheriff or his or her designated agent may
4 use the monies generated by this section for the betterment of
5 law enforcement in the public interest, as the sheriff sees
6 fit, including contracting with or entering into a contract or
7 agreement with a private, public, or governmental entity for
8 service of process of documents from the civil or criminal
9 division of the district or circuit court. The funds shall not
10 revert to the general fund of the county at the end of the
11 fiscal year.

12 Section 5. The establishment of the Wilcox County
13 Sheriff Service of Process Serving Fund and the use of the
14 proceeds shall not diminish or take the place of any other
15 source of income established for the sheriff or the operation
16 of the jail.

17 Section 6. This act shall become effective on the
18 first day of the third month following its passage and
19 approval by the Governor, or its otherwise becoming law.