

1 HB562
2 209130-2
3 By Representative Sorrells (N & P)
4 RFD: Local Legislation
5 First Read: 18-MAR-21

A BILL
TO BE ENTITLED
AN ACT

Relating to Geneva County; to establish a service of process fee for the service or attempted service of certain documents from a court outside of the state by the Geneva County Sheriff's Office; to provide for the collection and distribution of the fees; and to establish the Geneva County Sheriff's Service of Process Fee Fund for the disposition of service of process fees.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall only apply to Geneva County.

Section 2. (a) In addition to all other charges, fees, and costs of court, a service of process fee not to exceed one hundred dollars (\$100) shall be collected for service or attempted service of process on each document requiring personal service of process by the sheriff for

1 matters pending or to be commenced in a court outside of the
2 State of Alabama. The exact amount of the fee shall be set by
3 the county commission.

4 (b) The Geneva County Sheriff's Service of Process
5 Fee Fund is created to supplement the budget of the Geneva
6 County Sheriff's Office. The fund shall be used for law
7 enforcement vehicles, communication equipment, and other
8 technology for the office.

9 (c) (1) The clerk of the court or his or her designee
10 shall collect the service of process fee provided in
11 subsection (a) and distribute the fee to the Geneva County
12 Sheriff's Service of Process Fee Fund to be held and
13 administered by the Geneva County Commission.

14 (2) Notwithstanding the foregoing, the fee may not
15 be imposed and collected if the court finds payment of the fee
16 will create a substantial hardship. A verified statement
17 attesting the substantial hardship shall be signed and filed
18 with the clerk by the person requesting service and shall be
19 approved by the court.

20 (d) The Geneva County Sheriff's Service of Process
21 Fee Fund shall be an additional fund separate from the budget
22 of the sheriff as provided for in the county general fund. The
23 fees deposited into the Sheriff's Service of Process Fee Fund
24 shall not diminish, offset, or take the place of budgeted
25 funds or any other source of income established for the
26 sheriff or for the operation of the office of the sheriff.

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