

1 HB740
2 116104-4
3 By Representative Mask (N & P)
4 RFD: Local Legislation
5 First Read: 23-MAR-10

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to Elmore County; creating the Elmore
14 County Sheriff Service of Process Serving Fund; to further
15 provide for service of process in Elmore County; to provide
16 that the Sheriff of Elmore County may contract with or enter
17 into contract or agreement with a private, public, or
18 governmental entity for the purpose of service of process; to
19 set the fee for civil or criminal documents with certain
20 exceptions; and to provide for the disposition of funds.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. This act shall only apply to Elmore
23 County.

24 Section 2. The Elmore County Sheriff Service of
25 Process Serving Fund is created in the county treasury and
26 hereinafter referred to in this act as the "sheriff's fund."

1 Section 3. The Sheriff of Elmore County, except for
2 warrants for arrest, may contract with or enter into contract
3 or agreement with a private, public, or governmental entity
4 for the purpose of service of process.

5 Section 4. (a) In addition to all existing charges,
6 fees, judgments, and costs of court, the clerk, sheriff, or
7 other appropriate court official in the criminal division of
8 the district and circuit courts of Elmore County, the fee
9 shall be twenty dollars (\$20) per document for the fund.

10 (b) In addition to all existing charges, fees,
11 judgments, and costs of court, the clerk, sheriff, or other
12 appropriate court official in the civil division of the
13 district and circuit courts of Elmore County the fee shall be
14 twenty dollars (\$20) per document for the fund.

15 (c) The court official designated in Elmore County
16 by law for the respective courts shall collect the service of
17 process fee designated in subsections (a) and (b) and remit
18 the fees collected for deposit in the sheriff's fund. The
19 money in the fund shall be expended pursuant to agreement
20 between the sheriff and the county commission. The sheriff's
21 fund shall be audited by the Department of Examiners of Public
22 Accounts in the same manner as other county funds.

23 Section 5. The sheriff may use the monies generated
24 by this act for law enforcement purposes in Elmore County, as
25 the sheriff sees fit, including contracting with or entering
26 into a contract or agreement with a private, public, or
27 governmental entity for service of process of documents from

1 the civil or criminal division of the district or circuit
2 court. The funds shall not revert to the general fund of the
3 county at the end of the fiscal year.

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