

1 HB740
2 121628-2
3 By Representative Mask (N & P)
4 RFD: Local Legislation
5 First Read: 23-MAR-10

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ENROLLED, An Act,

Relating to Elmore County; creating the Elmore County Sheriff Service of Process Serving Fund; to further provide for service of process in Elmore County; to provide that the Sheriff of Elmore County may contract with or enter into contract or agreement with a private, public, or governmental entity for the purpose of service of process; to set the fee for civil or criminal documents with certain exceptions; and to provide for the disposition of funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

Section 4. (a) In addition to all existing charges, fees, judgments, and costs of court, the clerk, sheriff, or other appropriate court official in the criminal division of the district and circuit courts of Elmore County shall

1 increase the fees by twenty dollars (\$20) per document for the
2 fund.

3 (b) In addition to all existing charges, fees,
4 judgments, and costs of court, the clerk, sheriff, or other
5 appropriate court official in the civil division of the
6 district and circuit courts of Elmore County shall increase
7 the fees by twenty dollars (\$20) per document for the fund.

8 (c) The court official designated in Elmore County
9 by law for the respective courts shall collect the service of
10 process fee designated in subsections (a) and (b) and remit
11 the fees collected for deposit in the sheriff's fund. The
12 money in the fund shall be expended pursuant to agreement
13 between the sheriff and the county commission. The sheriff's
14 fund shall be audited by the Department of Examiners of Public
15 Accounts in the same manner as other county funds.

16 (d) The district attorney, law enforcement, and
17 grand juries shall be exempt from payment of the fee.

18 Section 5. The sheriff may use the monies generated
19 by this act for law enforcement purposes in Elmore County, as
20 the sheriff sees fit, including contracting with or entering
21 into a contract or agreement with a private, public, or
22 governmental entity for service of process of documents from
23 the civil or criminal division of the district or circuit
24 court. The funds shall not revert to the general fund of the
25 county at the end of the fiscal year.

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

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 01-APR-10.

Greg Pappas
Clerk

Senate	13-APR-10	Amended and Passed
House	13-APR-10	Concurred in Senate Amendment