

1 HB377  
2 196653-2  
3 By Representative Simpson (Constitutional Amendment)  
4 RFD: Ways and Means General Fund  
5 First Read: 09-APR-19

8 SYNOPSIS: This bill would propose an amendment to the  
9 Constitution of Alabama of 1901, to establish the  
10 Alabama Court Cost Commission and provide for its  
11 membership; require the commission to review all  
12 existing laws providing for the imposition of a  
13 court cost to determine if the court cost is  
14 reasonably related to the court system and if the  
15 amount imposed is reasonably related to the amount  
16 expended in adjudicating the matter in question;  
17 require the commission to provide a recommendation  
18 to the Legislature as to whether existing laws  
19 providing for a court cost should be amended,  
20 repealed, or left unchanged; and prohibit the  
21 introduction of legislation to propose a new or  
22 modify an existing court cost unless first  
23 submitted to the commission for review.  
24

25 A BILL  
26 TO BE ENTITLED  
27 AN ACT

1  
2 Relating to courts; to propose an amendment to the  
3 Constitution of Alabama of 1901, to establish the Alabama  
4 Court Cost Commission and provide for its membership; to  
5 require the commission to review all existing laws providing  
6 for the imposition of a court cost to determine if the court  
7 cost is reasonably related to the court system and if the  
8 amount imposed is reasonably related to the amount expended in  
9 adjudicating the matter in question; to require the commission  
10 to provide a recommendation to the Legislature as to whether  
11 existing laws providing for a court cost should be amended,  
12 repealed, or left unchanged; and prohibit the introduction of  
13 legislation to propose a new or modify an existing court cost  
14 unless first submitted to the commission for review.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. The following amendment to the  
17 Constitution of Alabama of 1901, as amended, is proposed and  
18 shall become valid as a part thereof when approved by a  
19 majority of the qualified electors voting thereon and in  
20 accordance with Sections 284, 285, and 287 of the Constitution  
21 of Alabama of 1901, as amended:

22 PROPOSED AMENDMENT

23 Section 1. As used in this amendment, the term  
24 "court cost" means money charged by a court to parties in a  
25 case, including, but not limited to, civil, criminal,  
26 juvenile, or traffic cases, as required by law in connection  
27 with the filing, processing, or other action of the court in

1 the administration of that case. The term does not include  
2 costs in probate court cases, court-imposed restitution, or  
3 punitive fines established by law for the violation of a  
4 criminal law.

5 Section 2. (a) The Alabama Court Cost Commission is  
6 established. The membership of the commission shall consist of  
7 all of the following:

8 (1) One member of the House Judiciary Committee,  
9 appointed by the Speaker of the House of Representatives.

10 (2) One member of the Senate Judiciary Committee,  
11 appointed by the President Pro Tempore of the Senate.

12 (3) The Chief Justice of the Supreme Court, or  
13 another justice of that court appointed by the Chief Justice.

14 (4) The Administrative Director of Courts, or a  
15 representative from the Administrative Office of Courts  
16 appointed by the director.

17 (5) One circuit judge of the state, appointed by the  
18 Circuit Judges Association.

19 (6) One district judge of the state, appointed by  
20 the District Judges Association.

21 (7) One municipal judge of the state, appointed by  
22 the Municipal Judges Association section of the Alabama League  
23 of Municipalities.

24 (8) One circuit clerk of the state, appointed by the  
25 Circuit Clerks Association.

26 (9) One member in good standing of the Alabama State  
27 Bar, appointed by that body.

1           (b) The appointing authorities shall make every  
2       effort to coordinate their appointments to assure commission  
3       membership is inclusive and reflects the racial, gender,  
4       geographic, urban, rural, and economic diversity of the state  
5       without regard to political affiliation.

6           (c) The chair of the commission shall be the Chief  
7       Justice of the Supreme Court of Alabama, or his or her  
8       appointee from that court. The commission shall elect a  
9       vice-chair and a secretary from among its members.

10          (d) (1) Each legislative member of the commission  
11       shall be entitled to his or her legislative compensation, per  
12       diem, and travel expenses for each day the member attends a  
13       meeting in accordance with Amendment 871 of the Constitution  
14       of Alabama of 1901, now appearing as Section 49.01 of the  
15       Official Recompilation of the Constitution of Alabama of 1901,  
16       as amended.

17          (2) Members of the commission shall be entitled to  
18       reimbursement for their actual and necessary expenses,  
19       including travel, lodging, and meals, while traveling on  
20       official business of the commission or attending its meetings.

21          (e) The Legislative Services Agency shall provide  
22       assistance to the commission as the commission requests.

23          (f) The chair of the commission may apply for grants  
24       and other assistance from any public or private entity and may  
25       take any necessary steps to secure grants or other assistance.

26          Section 3. (a) The Alabama Court Cost Commission  
27       shall review all existing laws providing for the imposition of

1 a court cost to determine if the court cost is reasonably  
2 related to the court system and if the amount imposed is  
3 reasonably related to the amount expended in adjudicating the  
4 matter in question. The review of each law shall include a  
5 recommendation to the Legislature as to whether the existing  
6 law should be amended, repealed, or left unchanged.

7 (b) Proposed legislation providing for a new court  
8 cost or amending an existing court cost may not be introduced  
9 unless the proposed legislation is submitted in writing to the  
10 Alabama Court Cost Commission, the Clerk of the House of  
11 Representatives, and the Secretary of the Senate no later than  
12 30 calendar days prior to the first day of the legislative  
13 session at which the proposed legislation is to be introduced.

14 (c) The Alabama Court Cost Commission shall review  
15 proposed legislation submitted under subsection (b) to make a  
16 recommendation to the Legislature as to whether the court cost  
17 is reasonably related to the operation of the courts or the  
18 court system and whether the amount of the proposed court cost  
19 is proportionate to the amount expended in adjudicating the  
20 matter in question. The commission shall submit a report on  
21 the findings of the commission to the Clerk of the House and  
22 the Secretary of the Senate not later than the third  
23 legislative day of the legislative session.

24 Section 2. An election upon the proposed amendment  
25 shall be held in accordance with Sections 284 and 285 of the  
26 Constitution of Alabama of 1901, now appearing as Sections 284  
27 and 285 of the Official Recompilation of the Constitution of

1 Alabama of 1901, as amended, and the election laws of this  
2 state.

3 Section 3. The appropriate election official shall  
4 assign a ballot number for the proposed constitutional  
5 amendment on the election ballot and shall set forth the  
6 following description of the substance or subject matter of  
7 the proposed constitutional amendment:

8 "Proposing an amendment to the Constitution of  
9 Alabama of 1901, establishing the Alabama Court Cost  
10 Commission and providing for its membership; requiring the  
11 commission to review all existing laws providing for the  
12 imposition of a court cost to determine if the court cost is  
13 reasonably related to the court system and if the amount  
14 imposed is reasonably related to the amount expended in  
15 adjudicating the matter in question; requiring the commission  
16 to provide a recommendation to the Legislature as to whether  
17 existing laws providing for a court cost should be amended,  
18 repealed, or left unchanged; and prohibiting the introduction  
19 of legislation to propose a new or modify an existing court  
20 cost unless first submitted to the commission for review.

21 "Proposed by Act \_\_\_\_."

22 This description shall be followed by the following  
23 language:

24 "Yes ( ) No ( )."