

1 SB238
2 182248-2
3 By Senator Smitherman
4 RFD: Finance and Taxation General Fund
5 First Read: 23-FEB-17

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8 SYNOPSIS: Under existing law, there is a Circuit
9 Clerk's Judicial Administration Fund in each county
10 and the money in the funds may be used for the
11 salaries and benefits of court employees.

12 This bill would provide that the money in
13 the Circuit Clerk's Judicial Administration Fund
14 may be used for the purpose of awarding merit and
15 promotions raises to full-time employees of the
16 clerk's office.

17
18 A BILL
19 TO BE ENTITLED
20 AN ACT
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22 To amend Section 12-19-310, Code of Alabama 1975,
23 relating to the Circuit Clerk's Judicial Administration Fund;
24 to provide that the money in the Circuit Clerk's Judicial
25 Administration Fund may be used for the purpose of awarding
26 merit and promotions raises to full-time employees of the
27 clerk's office.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. Section 12-19-310, Code of Alabama 1975,
3 is amended to read as follows:

4 "§12-19-310.

5 "(a) In addition to the docket fees now authorized
6 by law, additional docket fees shall be assessed in all
7 circuit, district, and municipal courts as follows:

8 "(1) In civil cases in the circuit and district
9 courts, except child support cases and as further provided for
10 small claims cases, an additional docket fee of forty-five
11 dollars (\$45) and in small claims cases an additional docket
12 fee of fifteen dollars (\$15).

13 "(2) In criminal cases in the circuit, district, and
14 municipal courts, except juvenile cases and as further
15 provided for traffic cases, an additional docket fee of forty
16 dollars (\$40) and in traffic cases, but excluding parking
17 violations, an additional docket fee of twenty-six dollars
18 (\$26).

19 "(b) (1) Two dollars (\$2) of the traffic docket fee
20 shall be distributed to the Police Officers' Annuity Fund
21 before any distribution pursuant to subsections (c) and (d) of
22 this section.

23 "(2) Ten dollars (\$10) of each fee in municipal
24 court shall be retained by the presiding municipal judge or
25 the municipal court clerk for operation of the municipal court
26 and, before any distribution in subsections (c) and (d),

1 distributed to the municipality for the operation of the
2 municipal courts.

3 "(c) There is established in the State Treasury the
4 "State Judicial Administration Fund." Two-thirds of the docket
5 fees collected pursuant to subsection (a) shall be distributed
6 to the fund and used by the Administrative Office of Courts as
7 determined by the Administrative Director of Courts for the
8 operation of courts in this state.

9 "(d) There is established in each judicial circuit
10 of this state the "Presiding Circuit Judge's Judicial
11 Administration Fund" and in each county in this state the
12 "Circuit Clerk's Judicial Administration Fund." One-sixth of
13 the docket fees collected in each circuit pursuant to
14 subsection (a) shall be distributed to the Presiding Circuit
15 Judge's Judicial Administration Fund in the circuit. One-sixth
16 of the docket fees collected in each county pursuant to
17 subsection (a) shall be distributed to the Circuit Clerk's
18 Judicial Administration Fund in the county.

19 "(e) (1) The funds distributed pursuant to
20 subsection (d) shall be expended for the support of local
21 court operations, including, but not limited to, salaries and
22 benefits of court employees where necessary for the efficient
23 operations of the courts in the circuit and for other expenses
24 as individually determined necessary by the presiding circuit
25 judge or any circuit clerk to promote efficient administration
26 of justice. Funds distributed pursuant to subsection (d) shall
27 not reduce the amount payable to the presiding circuit judge

1 or any circuit clerk under any local act or general act or
2 reduce or affect the amounts of funding allocated by the
3 Administrative Office of Courts to the budget of the presiding
4 circuit judge or any circuit clerk.

5 "(2) In addition to the provisions of subdivision
6 (1) relating to the circuit clerk, each clerk, at his or her
7 discretion, may use the money in the Circuit Clerk's Judicial
8 Administration Fund for the purpose of awarding merit and
9 promotions raises to full-time employees of the clerk's
10 office.

11 "(f) All expenditures of funds pursuant to this
12 section shall be audited as all other state funds are audited.

13 "(g) The docket fees assessed pursuant to this
14 section shall not be waived or remitted by the court unless
15 all docket fees associated with the case are waived or
16 remitted.

17 "(h) The court clerk shall distribute the fees
18 provided for in this section on a monthly basis as other costs
19 and fees are distributed."

20 Section 2. This act shall become effective on
21 October 1, 2017, upon its passage and approval by the
22 Governor, or its otherwise becoming law.