

1 SB37
2 177223-1
3 By Senator Sanders
4 RFD: Judiciary
5 First Read: 07-FEB-17
6 PFD: 02/01/2017

8 SYNOPSIS: This bill would require a court to order a
9 defendant convicted of a traffic violation or a
10 Class B or Class C misdemeanor who is unable to
11 make payment of a fine, penalty, or court cost
12 within 30 days of sentencing to make payments
13 through a deferred payment or installment agreement
14 or to perform community service as a means of
15 satisfying the debt.

16 This bill would authorize a court to reduce,
17 and in some circumstances remit, fines and fees
18 owed by a defendant.

19 This bill would prohibit a court from
20 incarcerating a defendant solely on the grounds of
21 an inability to pay a fine, fee, penalty, court
22 cost, or restitution.

23 This bill would prohibit a private entity
24 from assessing fees against a defendant for
25 probation or collection services performed by that
26 private entity.

1 This bill would also prohibit the suspension
2 or revocation of the driver's license of a
3 defendant solely on the grounds of a failure to
4 appear or for nonpayment of a fine or fee in
5 connection with a traffic violation or Class B or
6 Class C misdemeanor and would require reinstatement
7 of a driver's license if previously suspended or
8 revoked for failure to appear or for such
9 nonpayment.

10
11 A BILL
12 TO BE ENTITLED
13 AN ACT

14
15 Relating to payment of fees and court costs; to
16 require a court to order a defendant convicted of a traffic
17 violation or a Class B or Class C misdemeanor who is unable to
18 make payment of a fine, penalty, or court cost within 30 days
19 of sentencing to make payments through a deferred payment or
20 installment agreement or to perform community service as a
21 means of satisfying the debt; to authorize a court to reduce,
22 and in some circumstances remit, fines and fees owed by a
23 defendant; to prohibit a court from incarcerating a defendant
24 solely on the grounds of an inability to pay a fine, fee,
25 penalty, court cost, or restitution; to prohibit a private
26 entity from assessing fees against a defendant for probation
27 or collection services performed by that private entity; to

1 prohibit the suspension or revocation of the driver's license
2 of a defendant solely on the grounds of a failure to appear or
3 for nonpayment of a fine or fee in connection with a traffic
4 violation or Class B or Class C misdemeanor; and to require
5 reinstatement of a driver's license if previously suspended or
6 revoked for failure to appear or for such nonpayment.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. (a) Whenever a defendant convicted of a
9 traffic infraction or a Class B or Class C misdemeanor is
10 sentenced to pay a fine, fee, penalty, or court cost, and the
11 defendant is unable to make payment of the fine, fee, penalty,
12 or court cost within 30 days of sentencing, the court shall
13 order the defendant to comply with appropriate alternative
14 means of satisfying the debt, including, but not limited to,
15 making payments, proportional to the defendant's ability to
16 pay, through a reasonable deferred payment or installment
17 agreement or electing to perform reasonable and appropriate
18 community service as a means of satisfying the debt.

19 (b) In addition, in appropriate cases, the court may
20 reduce the outstanding fines and fees to an amount the
21 defendant is able to pay or may remit the fines and fees.

22 (c) In no event may a court incarcerate an indigent
23 defendant solely on the grounds of an inability to pay a fine,
24 fee, penalty, court cost, or restitution.

25 (d) The court may authorize the clerk to establish
26 and approve the conditions of all deferred payment or
27 installment agreements or community service agreements

1 pursuant to guidelines established by the court. As a
2 condition of the agreement, a defendant who enters into a
3 payment or installment agreement or elective community service
4 agreement shall promptly inform the court of any change of
5 mailing address during the term of the agreement. The court
6 may assess a one-time fee not to exceed ten dollars (\$10) for
7 all costs of management of the defendant's agreement and
8 account.

9 Section 2. A defendant shall not be assessed fees
10 for probation or collection services performed by private
11 entities.

12 Section 3. (a) A defendant's driver's license may
13 not be suspended or revoked solely on the grounds of a failure
14 to appear in connection with a traffic violation or a Class B
15 or Class C misdemeanor or for nonpayment of fines or fees for
16 a traffic violation or a Class B or Class C misdemeanor.

17 (b) In cases in which an individual's driver's
18 license previously has been suspended or revoked for failing
19 to appear, or failing to pay a fine, fee, penalty, court cost,
20 or restitution stemming from a traffic violation or a Class B
21 or Class C misdemeanor, reinstatement letters shall be sent
22 immediately to reinstate the driver's license. Reinstatement
23 letters shall not be conditioned upon payment in full of
24 outstanding fines or fees.

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

