

ORDINANCE NO.: 6-21-10(B)

MUNICIPAL COURT ASSESSMENTS

WHEREAS, Act 2010-438 has been enacted by the Alabama Legislature and signed into law by the Governor, and is legislation that requires the municipal court to assess and collect in certain cases an additional fee in the nature of court costs which is a docket fee referred to as a solicitor's fee in an amount equal to docket fees or courts costs assessed upon adjudication of guilt in a criminal case and distributed to the Fair Trial Tax Fund; and

WHEREAS, the current amount of docket fees or courts costs assessed upon adjudication of guilt in a criminal case and distributed to the Fair Trial Tax Fund is Sixteen and No/100 Dollars (\$16.00); and

WHEREAS, the additional solicitor's fee is required by Act 2010-438 to be collected (much as a court cost assessment) in all criminal cases where the defendant is adjudged guilty, a bond forfeited, a penalty imposed, or where there is issued any alias or capias warrant of arrest; and

WHEREAS, the additional solicitor's fee is to be collected in each such qualifying case, with Three and No/100 Dollars (\$3.00) of each such fee collected to be remitted to the Circuit Clerk of DeKalb County, Alabama, and the balance of each such solicitor's fee collected to be remitted to the DeKalb County District Attorney's Fund; and

WHEREAS, the City Council for the City of Rainsville has determined that it will be beneficial for the costs and fees collected in such Municipal Court cases to be increased by the amounts of the solicitor's fee and such additional fees to be remitted, all as required by Act 2010-438,

NOW THEREFORE, LET IT BE ORDAINED by the City Council of Rainsville, Alabama, as follows:

Section 1. Court costs and other fees collected by the Municipal Court of Rainsville, Alabama, in all juvenile, traffic, criminal, and quasi-criminal cases in that Court in which the defendant is adjudged guilty, a bond is forfeited, a penalty is imposed, or where there is issued any alias or capias warrant of arrest shall be increased by, and include, the assessment and collection of a solicitor's fee in an amount equal to docket fees or courts costs assessed upon adjudication of guilt in a criminal case and distributed to the Fair Trial Tax Fund;

Section 2. As the amount of docket fees or court costs assessed upon adjudication of guilt in a criminal case in the Rainsville Municipal Court and distributed to the Fair Trial Tax Fund is currently Sixteen and No/100 Dollars (\$16.00), the amount

of the solicitor's fee in each case described in Section 1 above shall currently be Sixteen and No/100 Dollars (\$16.00).

Section 3. In the event the amount of docket fees or courts costs assessed upon adjudication of guilt in criminal cases in municipal courts and distributed to the Fair Trial Tax Fund change, all fees and court costs assessed and collected by the Municipal Court of Rainsville as a solicitor's fee pursuant to, and on account of, this ordinance and the underlying state statute named above shall change accordingly without the necessity of further ordinance, legislation, or other formal action by the City of Rainsville and or its City Council.

Section 4. To the extent that the following portion of this ordinance is inconsistent with Ordinance Number 7-20-09, such ordinance is hereby amended. The assessments collected by the Municipal Court of Rainsville from a defendant in the following-described cases when the defendant is adjudged guilty, a bond is forfeited, a penalty is imposed, or there is issued any alias or capias warrant of arrest shall be in the following amounts:

A. Court costs for Municipal Traffic cases are set at One Hundred Forty-Nine and 5/100 Dollars (\$149.50) together with a solicitor's fee of Sixteen and No/100 Dollars (\$16.00) for a total cost in such cases of One Hundred Sixty-Five and 50/100 Dollars (\$165.50), subject to Section 7 of this ordinance.

B. Court costs for Driving Under the Influence cases are hereby set at One Hundred Seventy-Nine and 50/100 Dollars (\$179.50) together with a solicitor's fee of Sixteen and No/100 Dollars (\$16.00) for a total cost in such cases of One Hundred Ninety-Five and 50/100 Dollars (\$195.50), subject to Section 7 of this ordinance.

C. Court costs for Misdemeanor, Non-Traffic (excluding Unlawful Possession of Marihuana and Unlawful Possession of Drug Paraphernalia) cases are hereby set at One Hundred Eighty-Three and No/100 Dollars (\$183.00) together with a solicitor's fee of Sixteen and No/100 Dollars (\$16.00) for a total cost in such cases of One Hundred Ninety-Nine and No/100 Dollars (\$199.00), subject to Section 7 of this ordinance.

D. Court costs for Unlawful Possession of Marihuana and Unlawful Possession of Drug Paraphernalia cases are hereby set at Two Hundred Twenty-Three and No/100 Dollars (\$223.00) together with a solicitor's fee of Sixteen and No/100 Dollars (\$16.00) for a total cost in such cases of Two Hundred Thirty-Nine and No/100 Dollars (\$239.00), subject to Section 7 of this ordinance.

Section 5. The assessments, courts costs, and/or docket fees collected in all other juvenile, traffic, criminal, and quasi-criminal cases in the Municipal Court of Rainsville not specifically listed above and in which the defendant is adjudged guilty, a

bond is forfeited, a penalty is imposed, or there is issued any alias or capias warrant of arrest shall include the solicitor's fee as described above.

Section 6. The clerk for the Municipal Court of Rainsville, Alabama, shall collect and remit such solicitor's fees to the entities named, and in the proportions described, by Act 2010-438.

Section 7. Any future increase in court costs and/or solicitor's fees required by law or rule to be assessed and/or collected by the Municipal Court of Rainsville, Alabama, shall cause the Rainsville Municipal Court costs and solicitor's fees described above to increase by the same dollar amount, without the need for, and regardless of the absence of, enactment of an ordinance or other formal action by the City of Rainsville, Alabama, and/or its City Council.

Section 8. If any section, sentence, clause, phrase, word or part of this ordinance is, for any reason, declared to be unconstitutional or otherwise unlawful by the valid judgment or decree of a court of competent jurisdiction, such decision shall not affect any remaining sections, sentences, clauses, phrases, words or parts of this ordinance and all remaining portions not so held to be unconstitutional or otherwise unlawful shall remain in full force and effect.

Section 9. This ordinance shall become effective at, and shall apply to increase the court assessments of all defendants described above who are arrested on or after, 12:00 a.m. on July 1, 2010.

ADOPTED AND APPROVED ON THIS 21<sup>ST</sup> DAY OF JUNE, 2010.

  
DONNIE CHANDLER, Mayor

ATTEST:  
  
JUDY LEWIS, City Clerk

CLERK CERTIFICATION OF PUBLICATION

I hereby certify that this Ordinance No.: 6-21-10 has been duly published by posting at the Rainsville City Hall, Rainsville Post Office, Rainsville Public Library, and Rainsville Foodland on the 21<sup>st</sup> day of June, 2010.

  
JUDY LEWIS, City Clerk