

ORDINANCE NO.: 7-2-12(A)

MUNICIPAL COURT ASSESSMENTS

WHEREAS, there has been enacted by the Alabama Legislature and signed into law by the Governor Act 2012-535, legislation that requires the municipal court to assess and collect in certain cases an additional docket fee in the nature of court costs in the amount of Forty and No/100 Dollars (\$40.00) assessed upon adjudication of guilt or dismissal conditioned upon the payment of court costs in a non-traffic criminal case; and

WHEREAS, there has been enacted by the Alabama Legislature and signed into law by the Governor Act 2012-535, legislation that requires the municipal court to assess and collect in certain cases an additional docket fee in the nature of court costs in the amount of Forty and No/100 Dollars (\$40.00) assessed upon adjudication of guilt or dismissal conditioned upon the payment of court costs in a traffic criminal case; and

WHEREAS, the additional docket fee is to be collected in each such qualifying cases, with the fund collected for such amount to be distributed to the Police Officer's Annuity Fund, the municipal court fund, State Judicial Administration Fund, and Presiding Circuit Judge's Judicial Administration Fund in accordance with Act 2012-535; 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 additional docket fees and to be remitted, all as required by Act 2012-535,

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

Section 1. Court costs and other fees collected by the Municipal Court of Rainsville, Alabama, in all traffic, criminal, and quasi-criminal cases in that Court in which the defendant is adjudged guilty, a bond forfeited, a penalty imposed, and where court costs are required to be paid for dismissal, shall be increased by, and include, the assessment and collection of an additional docket fee in an amount equal to docket fees or courts costs assessed upon adjudication of guilt in a criminal case and distributed pursuant to Act 2012-535;

Section 2. To the extent that the following portion of this ordinance is inconsistent with Ordinances Number 7-20-09 and 6-21-10(B), such ordinances are 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 or the dismissal of such cases is conditioned upon payment of court costs and docket fees shall be in the following amounts:

A. Court costs for Municipal Traffic cases are set at One Hundred Forty-Seven and 50/100 Dollars (\$147.50) together with a solicitor's fee of Sixteen and No/100 Dollars (\$16.00) and the additional docket fee set by Act 2012-535 in the amount of Twenty-Six and No/100 Dollars (\$26.00), for a total cost in such cases of One Hundred Eighty-Nine and 50/100 Dollars (\$189.50), subject to Section 4 of this ordinance.

B. Court costs for Driving Under the Influence cases are hereby set at Five Hundred Twenty-Seven and 50/100 Dollars (\$527.50) together with a solicitor's fee of Sixteen and No/100 Dollars (\$16.00) and the additional docket fee set by Act 2012-535 in the amount of Twenty-Six and No/100 Dollars (\$26.00), for a total cost in such cases of Five Hundred Sixty-Nine and 50/100 Dollars (\$569.50), subject to Section 4 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-One and No/100 Dollars (\$181.00) together with a solicitor's fee of Sixteen and No/100 Dollars (\$16.00) and the additional docket fee set by Act 2012-535 in the amount of Forty and No/100 Dollars (\$40.00), for a total cost in such cases of Two Hundred Thirty-Seven and No/100 Dollars (\$237.00), subject to Section 4 of this ordinance.

D. Court costs for Unlawful Possession of Marihuana and Unlawful Possession of Drug Paraphernalia cases are hereby set at Three Hundred Twenty-One and No/100 Dollars (\$321.00) together with a solicitor's fee of Sixteen and No/100 Dollars (\$16.00) and the additional docket fee set by Act 2012-535 in the amount of Forty and No/100 Dollars (\$40.00) for a total cost in such cases of Three Hundred Seventy-Seven and No/100 Dollars (\$377.00), subject to Section 4 of this ordinance.

Section 3. The clerk for the Municipal Court of Rainsville, Alabama, shall collect and remit such court costs, docket fees, and solicitor's fees to the entities named, and in the proportions described, by Act 2012-535.

Section 4. Any future increase in court costs, docket fees, 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, docket fees, 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.

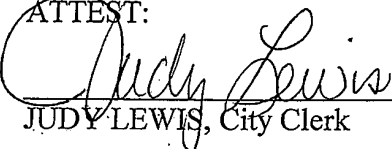
Section 5. If any section, sentence, clause, phrase, word or part of this ordinance is, for any reason, declared to be unconstitutional or otherwise unlawful by the valid judgment or decree of a court of competent jurisdiction, such decision shall not affect any remaining sections, sentence, clauses, 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 6. This ordinance shall become effective at, and shall apply to increase the court assessments of all defendants described above who before the Municipal Court on or after its passage and becoming law.

ADOPTED AND APPROVED ON THIS 2nd DAY OF JULY, 2012.


DONNIE CHANDLER, Mayor


ATTEST:

JUDY LEWIS, City Clerk

CLERK'S CERTIFICATE

I hereby certify that Ordinance No. 7-2-12(A) was published on the 5th day of July, 2012, by publication of the same :

in the *Mountain Valley News*, a newspaper of general circulation in the City of Rainsville; and/or

by posting at Rainsville City Hall, the Rainsville Public Library, the Rainsville Post Office, and Rainsville Foodland.


JUDY LEWIS, Clerk