



**House Public Safety and Homeland Security Reported
Substitute for HB255**

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A BILL
TO BE ENTITLED
AN ACT

Relating to service of process; to authorize sheriffs to contract for the purpose of service of process; to require every county to collect a service of process fee; to authorize sheriffs to adopt the service of process fee and fee disbursement authorized by this act in lieu of the fee and fee disbursement provided by local law; and to provide for the use of monies collected from service of process.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) A sheriff, except for warrants for arrest, may contract with or enter into a contract or agreement with a private, public, or governmental entity for the purpose of service of process.

Section 2. (a) Unless otherwise provided by local law, in addition to all existing charges, fees, judgments, and costs of court, the clerk, sheriff, or other appropriate court official in the district and circuit courts shall collect a service of process fee of fifty dollars (\$50) per case for each party requiring personal service of process by the sheriff in that case. The district attorney shall be exempt from the service of process fee.



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29 (b) (1) The circuit clerk, in cases where the sheriff is
30 designated as the process server, shall collect the service of
31 process fee at the time of filing in all civil cases. In
32 criminal and juvenile cases, the clerk, in cases where the
33 sheriff is designated as the process server, shall assess the
34 service of process fee at the time of adjudication. The clerk
35 shall retain five dollars (\$5) of each fee for deposit in the
36 circuit clerk's fund for the operation of the office of
37 circuit clerk and shall transfer three dollars (\$3) of each
38 fee to the district attorney. The remainder of the monies
39 collected shall be remitted to the sheriff of the county in
40 which the case is filed.

41 (2) In any case filed in another state, the sheriff of
42 the county where service of process is requested may submit a
43 request for payment consistent with the terms of this act.

44 (c) (1) The sheriff may use the monies generated by this
45 section for any lawful purpose relating to the operation of
46 the office of sheriff.

47 (2) The monies shall not revert to the general fund of
48 the county at the end of the fiscal year.

49 (d) If, upon enactment of this legislation, a service
50 of process fee or fee disbursement has been established by
51 local law, the sheriff may choose to adopt the service of
52 process fee and fee disbursement authorized by this section in
53 lieu of the service of process fee and fee disbursement
54 provided by local law by submitting a sworn statement to the
55 Governor before November 1, 2024.

56 Section 3. This act shall become effective on October



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57 1, 2024.