

1 SB241
2 217855-1
3 By Senators Singleton, Smitherman and Sanders-Fortier
4 RFD: Judiciary
5 First Read: 22-FEB-22

SYNOPSIS: Under existing law, an attorney appointed to advocate in a commitment proceeding may be compensated and reimbursed for certain fees.

This bill would allow the judge of probate to compensate or reimburse an attorney for certain fees related to the consultation and preparation of the petition that occur prior to the attorney's official appointment to the case.

A BILL
TO BE ENTITLED
AN ACT

Relating to court costs; to amend Section 22-52-14, Code of Alabama 1975; to further provide for an appointed attorney's compensation in a commitment proceeding.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 22-52-14, Code of Alabama 1975, is amended to read as follows:

"§22-52-14.

1 "In any commitment proceeding, the fees of any
2 attorney appointed by the judge of probate to act as advocate
3 for the petition and any attorney or guardian ad litem
4 appointed by the judge of probate for the person sought to be
5 committed shall be set at the rates established by Section
6 15-12-21; and any expert employed to offer expert testimony,
7 in such amounts as found to be reasonable by the judge of
8 probate; and all other costs allowable by law shall be paid by
9 the State General Fund upon order of the judge of probate;
10 except, that if the petition is denied and the petitioner is
11 not indigent and is not a law enforcement officer or other
12 public official acting within the line and scope of his or her
13 duties, all costs may be taxed against the petitioner, or if
14 the petition is granted and the person sought to be committed
15 is not indigent, the judge of probate may order all costs paid
16 from the estate of the person committed. Fees for an attorney
17 appointed to advocate for the petitioner may include
18 reasonable fees related to consultation and preparation of the
19 petition prior to appointment, subject to approval by the
20 judge of probate."

21 Section 2. This act shall become effective on the
22 first day of the third month following its passage and
23 approval by the Governor, or its otherwise becoming law.