

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control No. \_\_\_\_\_ Department or Agency: Office of Indigent Defense Services

Rule No. 355-9-1-.09

Rule Title: Recoupment of Attorney Fees

New  Amend  Repeal  Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES


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Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

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Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer 

Date 9/16/15

(DATE FILED)  
(STAMP)

DEPARTMENT OF FINANCE  
Office of Indigent Defense Services

**NOTICE OF INTENDED ACTION**

AGENCY NAME: Department of Finance – Office of Indigent Defense Services

RULE NO. & TITLE:

- (1) 355-9-1-.07 – Employment of Experts, Court Reporters, and Investigators
- (2) 355-9-1-.08 – Indigent Defense Advisory Boards; Required Attorney Qualifications
- (3) 355-9-1-.09 – Recoupment of Attorney Fees

INTENDED ACTION: New Rules for OIDS

SUBSTANCE OF PROPOSED ACTION: The new rules (1) set out the process and requirements for the employment of experts, court reporters, and investigators, (2) reiterates the statutory powers and duties of the Indigent Defense Advisory Boards; establishes the minimum qualifications for representation for each level of offense, (3) set out the basis and amount that may be recouped by OIDS if the court finds the indigent defendant able to pay all or part of the cost of defense paid by the State of Alabama.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

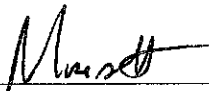
Views on this intended action may be presented by telephone to Mose Stuart at (334) 242-4516. Written views may be submitted to:

Mose Stuart  
Department of Finance – Legal Division  
Third Floor, State Capitol Building  
Montgomery, Alabama 36130  
By email: [mose.stuart@finance.alabama.gov](mailto:mose.stuart@finance.alabama.gov)

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Thursday, November 5, 2015

CONTACT PERSON AT AGENCY: Mose Stuart

  
\_\_\_\_\_  
Mose Stuart  
Senior Associate Counsel

**355-9-1-.09    Recoupment of Attorney Fees** – If the court determines that the defendant is, or will be able, to reimburse the State of Alabama for the full or partial cost of legal services provided, the court may order payment of said cost, or a portion thereof, to the circuit clerk’s office. The amount to be paid by defendant shall be the actual amount order by the court or, if no amount is stated in the court’s order, the following amount:

Class A Felony	\$1,000.00
Class B. Felony	\$ 750.00
Class C Felony	\$ 500.00
Juvenile	\$ 500.00
Misdemeanor/ Probation revocation	\$ 250.00

**Author:** C. Roberts

**Authority:** Code of Ala. 1975, § 41-4-322(h).

**History:** Filed September 16, 2015