

1 SB90
2 181788-3
3 By Senators Orr and Ward
4 RFD: Judiciary
5 First Read: 07-FEB-17

ACT #2017-42



1 SB90

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4 ENROLLED, An Act,

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Relating to courts; to establish the Judicial Resources Allocation Commission; to establish the criteria for determining the need for increasing or decreasing the number of judgeships in district courts and circuit courts; and to authorize the Judicial Resources Allocation Commission to reallocate judgeships based on such criteria.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) A permanent study commission on the judicial resources in Alabama is hereby created and shall be known as the Judicial Resources Allocation Commission. The Judicial Resources Allocation Commission shall be composed of the following members:

(1) The Chief Justice of the Supreme Court of Alabama, who shall serve as chair.

(2) The legal advisor to the Governor of Alabama.

(3) The Alabama Attorney General.

(4) Three incumbent circuit judges appointed by the President of the Circuit Judges Association, one of whom shall be from the most populous circuit. One member shall be appointed for three years, one member shall be appointed for four years, and one member shall be appointed for five years.

1 All appointments to fill vacancies shall be for the duration
2 of the unexpired term and subsequent appointments shall be for
3 five-year terms. Any member so appointed shall serve only so
4 long as they remain an incumbent circuit judge.

5 (5) Three incumbent district judges appointed by the
6 President of the District Judges Association, one of whom
7 shall be from a county without a dedicated circuit judge. One
8 member shall be appointed for three years, one member shall be
9 appointed for four years, and one member shall be appointed
10 for five years. All appointments to fill vacancies shall be
11 for the duration of the unexpired term and subsequent
12 appointments shall be for five-year terms. Any member so
13 appointed shall serve only so long as they remain an incumbent
14 district judge.

15 (6) Three licensed attorneys, two appointed by the
16 President of the Alabama State Bar and one appointed by the
17 President of the Alabama Lawyers Association. One member shall
18 be appointed for three years, one member shall be appointed
19 for four years, and one member shall be appointed for five
20 years. All appointments to fill vacancies shall be for the
21 duration of the unexpired term and subsequent appointments
22 shall be for five-year terms. Any member so appointed shall
23 serve only so long as they remain a member in good standing of
24 the Alabama State Bar.

1 (b) The membership of the Judicial Resources
2 Allocation Commission shall be inclusive and reflect the
3 racial, gender, geographic, urban/rural, and economic
4 diversity of the state. The appointing authorities must
5 coordinate together to achieve this diversity.

6 (c) A majority of the Commission shall constitute a
7 quorum for the transaction of business. The Commission shall
8 meet at least once annually beginning in the first quarter of
9 2018. The first committee meeting shall be set by Chief
10 Justice. Members shall serve without compensation.

11 (d) The Judicial Resources Allocation Commission
12 shall annually review the need for increasing or decreasing
13 the number of judgeships in each district court and circuit
14 court using the following criteria:

15 (1) Judicial Weighted Caseload Study, as adopted by
16 the Alabama Supreme Court;

17 (2) Population of the district or circuit as
18 determined on the basis of the most recent decennial census of
19 the United States or annual population estimates prepared by
20 the United States Bureau of the Census;

21 (3) Judicial duties in the district or circuit,
22 including consideration of those circuits which have
23 specialized divisions; and

(4) Uniformity in the calculation of how civil, criminal, and domestic cases are accounted for between circuits.

(5) Any other information deemed relevant by the Judicial Resources Allocation Commission.

(e) Based on the criteria in subsection (d), the Judicial Resources Allocation Commission shall annually determine the need for increasing or decreasing judgeships in the district and circuit courts and rank each court accordingly. The Judicial Resources Allocation Commission shall provide this list to the Governor and the Legislature no later than 30 days after it is completed.

Section 2. (a) Only in the event of a vacancy due to death, retirement, resignation, or removal from office of a district or circuit judge, the Judicial Resources Allocation Commission shall have 30 days to determine whether to reallocate such judgeship to another district or circuit. The Judicial Resources Allocation Commission may also choose to reallocate a judgeship if the incumbent judge shall not be eligible to run for reelection as a result of the age limitation provided for in Section 155 of the Constitution of Alabama 1901, as amended, by notifying the Secretary of State no later than one year prior to the close of qualifying for candidates to run for such judgeship. All reallocation decisions require a two-thirds vote of the Judicial Resources

1 Allocation Commission members. In determining whether to
 2 reallocate such judgeship, the Judicial Resources Allocation
 3 Commission shall consider the need based on the district and
 4 court rankings as determined pursuant to Section 1. However,
 5 in no event shall the Judicial Resources Allocation Commission
 6 reallocate a judgeship to another district or circuit if doing
 7 so would cause the district or circuit from which the
 8 judgeship was being removed to move into the ten counties in
 9 most need of a district judge or the ten circuits, or
 10 divisions thereof, in most need of a circuit judge based on
 11 the rankings provided pursuant to Section 1. Additionally,
 12 each county shall continue to have at least one district
 13 judge.

14 (b) In the event the Judicial Resources Allocation
 15 Commission chooses not to reallocate the vacant judgeship
 16 within the 30 days prescribed in subsection (a), the vacancy
 17 shall be filled according to law in the district or circuit in
 18 which the judgeship is located.

19 (c) In the event the Judicial Resources Allocation
 20 Commission chooses to reallocate the vacant judgeship within
 21 the 30 days prescribed in subsection (a), the vacancy shall be
 22 filled according to law for the district or circuit to which
 23 the judgeship is reallocated. The person appointed to fill the
 24 judgeship shall serve the required time period pursuant to law
 25 before running for election, at which time the reallocated

1 judgeship shall be subject to election in the district or
2 circuit to which the judgeship was reallocated.

3 (d) Upon the reallocation of the judgeship, all
4 remaining judgeships in the district or circuit from which the
5 judgeship was reallocated shall be renumbered appropriately.
6 Additionally, the state resources allocated to fund such
7 judgeship shall continue to fund the judgeship in the district
8 or circuit to which it was reallocated.

9 (e) The Chair of the Judicial Resources Allocation
10 Commission shall keep a true record of all the proceedings of
11 the meetings of the Judicial Resources Allocation Commission.
12 At the call of any member the vote on any pending question
13 shall be taken by ayes and nays, and the same shall be entered
14 in such record, the records of the proceedings of the Judicial
15 Resources Allocation Commission shall be open to any member of
16 the Judicial Resources Allocation Commission and to the public
17 and a copy of such record, certified by the Chair, shall be
18 kept in the records of Judicial Allocation Resources
19 Commission maintained by the Chair.

20 Section 3. A district or circuit judge appointed to
21 a reallocated judgeship pursuant to this act shall have and
22 exercise all jurisdiction, power, rights, and authority and
23 shall possess all of the qualifications, perform all of the
24 duties, and shall be subject to all of the responsibilities

1 and duties of the office to which other district or circuit
2 judges are subject.

3 Section 4. The annual compensation of the circuit or
4 district judges appointed pursuant to this act shall be in
5 accordance with Chapter 10A of Title 12, Code of Alabama 1975.

6 Section 5. (a) No later than January 1, 2018, the
7 Alabama Supreme Court shall revise the factors considered in
8 the Judicial Weighted Caseload Study to uniformly, fairly, and
9 accurately account for criminal cases by counts brought
10 against a defendant.

11 (b) No judgeship shall be reallocated until three
12 years of data is available after the revision of the factors
13 considered in the Judicial Weighted Caseload Study as provided
14 in this section.

15 (c) No judicial circuit shall lose more than one
16 judgeship through allocation in a two year period.

17 Section 6. The Commission shall be subject to the
18 Alabama Open Meetings Act and the Alabama Open Records Act.

19 Section 7. All laws or parts of laws which conflict
20 with this act are hereby repealed.

21 Section 8. This act shall become effective
22 immediately following its passage and approval by the
23 Governor, or its otherwise becoming law.

SB90

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3 Ray Ivey

4 President and Presiding Officer of the Senate

5 Mac McElhiney

6 Speaker of the House of Representatives

7 SB90

8 Senate 14-FEB-17

9 I hereby certify that the within Act originated in and passed
10 the Senate.

11
12 Patrick Harris
13 Secretary
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17 House of Representatives
18 Passed: 28-FEB-17
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21 By: Senator Orr

APPROVED

3-6-2017

TIME

2:00 PM

Robert Bentley
GOVERNOR

Alabama Secretary Of State

Act Num....: 2017-42
Bill Num....: S-90

Recv'd 03/06/17 04:08p SLF

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PONSORS
Wood 19 _____
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required in Section C of Act No. 81-889
was adopted and is attached to the Bill,
SB 90.
years 24 days 1 abstain 1
PATRICK HARRIS,
Secretary

I hereby certify that the notice & proof is
attached to the Bill, SB _____
as required in the General Acts of Ala-
bama, 1975 Act No. 919.
PATRICK HARRIS,
Secretary

CONFERENCE COMMITTEE
Senate Conferees _____

RD 1 RFD CCAC

REPORT OF STANDING COMMITTEE
This bill having been referred by the
House to its standing committee, on Education,
Committee on Education, was
acted upon by such committee in
session, and returned therefrom to the
House with the recommendation that it be
Passed w/amend(s) _____ w/sub _____
This 22 day of Feb, 2017.
Jeff Wood Chairperson

DATE: 223 2017
RF RD 2 CAL

DATE: _____ 20____
RE-REFERRED RE-COMMITTED _____
Committee _____

I hereby certify that the Resolution as
required in Section C of Act No. 81-889
was adopted and is attached to the Bill,
SB _____
YEAS _____ NAYS _____
JEFF WOODARD,
Clerk

FURTHER HOUSE ACTION (OVER)