

1 SB28
2 146541-1
3 By Senator Ward
4 RFD: Judiciary
5 First Read: 05-FEB-13
6 PFD: 12/12/2012

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8 SYNOPSIS: Under existing law, the Clerk of the
9 Supreme Court certifies all rules of practice and
10 procedure adopted by the Supreme Court to the
11 Secretary of State. The Secretary of State is
12 required to have the rules published in the Acts of
13 Alabama and the Code of Alabama. In addition, the
14 Clerk of the Supreme Court publishes the rules in
15 the official report of decisions of the court.

16 This bill would delete the requirement that
17 the rules adopted by the Supreme Court be published
18 in the Acts of Alabama.

19
20 A BILL
21 TO BE ENTITLED
22 AN ACT
23

24 To amend Section 12-2-19 of the Code of Alabama
25 1975, relating to the publication by the Secretary of State of
26 rules of practice and procedure adopted by the Supreme Court,

1 to delete the requirement that court adopted rules be
2 published in the Acts of Alabama.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 12-2-19 of the Code of Alabama
5 1975, is amended to read as follows:

6 "§12-2-19.

7 "(a) Since the Supreme Court now has the initial
8 primary duty to make and promulgate rules governing practice
9 and procedure in all courts, as well as rules of
10 administration for all courts, all such rules made and
11 promulgated by the Supreme Court shall be filed in the office
12 of the Clerk of the Supreme Court and published in the
13 official report of decisions. The Clerk of the Supreme Court
14 shall certify to the Secretary of State all such rules. The
15 Secretary of State shall cause ~~such~~ the rules to be published
16 ~~in the Acts of Alabama and~~ in any code of the laws of Alabama
17 whenever ~~such~~ the codes are published or in pocket supplements
18 to codes.

19 "(b) In connection with its duty to make and
20 promulgate such rules, the Legislature finds that it is within
21 the scope of such authority for the Supreme Court to make
22 rules of administration pertaining to the collection, use,
23 protection and disclosure of information, statistics and
24 records involved in the administration of justice, criminal or
25 otherwise, including information to be stored or which is
26 stored in computers; collection of unpaid court costs, fines

1 and forfeitures; the security of courts; the procedures, forms
2 and standards for appointment of attorneys for indigents in
3 criminal cases and, in the event an indigent becomes
4 nonindigent, collection procedures for attorney's fees,
5 transcript fees and other expenses paid by the state during
6 the period of indigency.

7 "(c) Rules heretofore promulgated by the Supreme
8 Court shall not be considered to have been superseded or
9 modified by this title unless by express reference in this
10 title or by law hereinafter enacted or by irreconcilable
11 conflict with this title.

12 "(d) The Clerk of the Supreme Court shall give his
13 or her opinion in writing on any question of the
14 interpretation of any rule of administration promulgated by
15 the Supreme Court to any other officer or official of the
16 state who shows a need for such opinion and requests the same.
17 The written opinion of the Clerk of the Supreme Court shall
18 protect the officer or official to whom it is directed as well
19 as other officers or officials who use it as guidance from
20 liability to either the state, county or any municipal
21 subdivision of the state because of any official act or acts
22 performed as directed or advised in such opinion; provided,
23 however, that such opinion shall be merely advisory. Such
24 opinions shall be published in the official report of
25 decisions."

1 Section 2. This act shall become effective
2 immediately following its passage and approval by the
3 Governor, or its otherwise becoming law.