

1 SB230
2 163749-3
3 By Senators Orr and Ward
4 RFD: Judiciary
5 First Read: 12-MAR-15

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

25 (3) Three incumbent circuit judges appointed by the
26 President of the Circuit Judges Association.

1 (4) Three incumbent district judges appointed by the
2 President of the District Judges Association.

3 (5) Three licensed attorneys appointed by the
4 President of the Alabama State Bar.

5 (6) All appointing authorities shall coordinate
6 their appointments so that diversity of gender, race and
7 geographical areas are reflected by the make up of the state.

8 (b) The membership of the commission shall be
9 inclusive and reflect the racial, gender, geographic,
10 urban/rural, and economic diversity of the state.

11 (c) 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; and

22 (4) Any other information deemed relevant by the
23 Judicial Resources Allocation Commission.

24 (d) Based on the criteria in subsection (b), the
25 Judicial Resources Allocation Commission shall annually
26 determine the need for increasing or decreasing judgeships in
27 the district and circuit courts and rank each court

1 accordingly. The Judicial Resources Allocation Commission
2 shall provide this list to the Governor and the Legislature no
3 later than 30 days after it is completed.

4 Section 2. (a) Only in the event of a vacancy due to
5 death, retirement, resignation, or removal from office of a
6 district or circuit judge, the Judicial Resources Allocation
7 Commission shall have 30 days to determine whether to
8 reallocate such judgeship to another district or circuit. The
9 Judicial Resources Allocation Commission may also choose to
10 reallocate a judgeship if the incumbent judge shall not be
11 eligible to run for reelection as a result of the age
12 limitation provided for in Section 155 of the Constitution of
13 Alabama 1901, as amended, by notifying the Secretary of State
14 no later than 90 days prior to the close of qualifying for
15 candidates to run for such judgeship. In determining whether
16 to reallocate such judgeship, the Judicial Resources
17 Allocation Commission shall consider the need based on the
18 district and court rankings as determined pursuant to Section
19 1. However, in no event shall the Judicial Resources
20 Allocation Commission reallocate a judgeship to another
21 district or circuit if doing so would cause the district or
22 circuit from which the judgeship was being removed to move
23 into the ten counties in most need of a district judge or the
24 ten circuits in most need of a circuit judge based on the
25 rankings provided pursuant to Section 1. Additionally, each
26 county shall continue to have at least one district judge.

1 (b) In the event the Judicial Resources Allocation
2 Commission chooses not to reallocate the vacant judgeship
3 within the 30 days prescribed in subsection (a), the vacancy
4 shall be filled according to law in the district or circuit in
5 which the judgeship is located.

6 (c) In the event the Judicial Resources Allocation
7 Commission chooses to reallocate the vacant judgeship within
8 the 30 days prescribed in subsection (a), the vacancy shall be
9 filled according to law for the district or circuit to which
10 the judgeship is reallocated. The person appointed to fill the
11 judgeship shall serve the required time period pursuant to law
12 before running for election, at which time the reallocated
13 judgeship shall be subject to election in the district or
14 circuit to which the judgeship was reallocated.

15 (d) Upon the reallocation of the judgeship, all
16 remaining judgeships in the district or circuit from which the
17 judgeship was reallocated shall be renumbered appropriately.
18 Additionally, the state resources allocated to fund such
19 judgeship shall continue to fund the judgeship in the district
20 or circuit to which it was reallocated.

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

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

4 Section 5. (a) No later than January 1, 2016, the
5 Alabama Supreme Court shall revise the factors considered in
6 the Judicial Weighted Caseload Study to uniformly, fairly, and
7 accurately account for criminal cases by counts brought
8 against a defendant.

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

13 Section 6. All laws or parts of laws which conflict
14 with this act are hereby repealed.

15 Section 7. This act shall become effective
16 immediately following its passage and approval by the
17 Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Judiciary..... 12-MAR-15

Read for the second time and placed on the calen-
dar 2 amendments..... 09-APR-15

Read for the third time and passed as amended 19-MAY-15

Yeas 28
Nays 2

Patrick Harris
Secretary