

1 HB68  
2 188708-3  
3 By Representative Hill  
4 RFD: Judiciary  
5 First Read: 09-JAN-18  
6 PFD: 01/04/2018

1 ENGROSSED

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4 A BILL  
5 TO BE ENTITLED  
6 AN ACT  
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8 Relating to courts; to require the Chief Justice of  
9 the Supreme Court of Alabama to temporarily assign a circuit  
10 or district judge to another circuit for a reasonable period  
11 of time under certain conditions; and to authorize the  
12 presiding judge of a circuit to assign a circuit or district  
13 judge to serve within the circuit or within the district  
14 courts of the circuit under certain conditions.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. Sections 12-9A-7 and 12-9A-8 are added to  
17 the Code of Alabama 1975, to read as follows:

18 §12-9A-7.

19 (a) The Chief Justice of the Supreme Court of  
20 Alabama, by order, shall assign a circuit or district judge  
21 from a judicial circuit to serve within another judicial  
22 circuit for a reasonable period of time to address court  
23 congestion, court delay, civil and criminal backlog of cases,  
24 or for any other reason necessary for the prompt and thorough  
25 administration of justice.

26 (b) When considering the amount of time a judge may  
27 be assigned from his or her home circuit to another circuit,

1 the Chief Justice shall take into consideration all relevant  
2 circumstances regarding the judicial needs of the circuits  
3 involved.

4 (c) A judge assigned to serve another circuit under  
5 subsection (a) shall be reimbursed for any necessary and  
6 reasonable expenses of travel and the same maintenance expense  
7 allowances from the State Treasury that the judge would be  
8 entitled to receive when attending court or transacting other  
9 official business outside of the judge's home circuit.

10 ~~(d) A refusal to follow an order from the Chief~~  
11 ~~Justice that is issued under this section constitutes a~~  
12 ~~violation of the canons of judicial ethics.~~

13 §12-9A-8.

14 (a) A presiding circuit judge, by order, may assign  
15 a circuit or district court judge who is within the circuit to  
16 serve within the circuit or within the district courts of the  
17 circuit. Before assigning a judge, the presiding circuit judge  
18 shall evaluate the needs of the circuit, including the  
19 currency, congestion, and backlog of criminal and civil cases.

20 (b) Assignments of judges by the presiding circuit  
21 judge shall be in writing and shall be sent to the assigned  
22 judge as soon as practicable. The presiding judge or the  
23 judge's designee may notify the assigned judge orally of the  
24 assignment. An oral notification of an assignment is  
25 sufficient until a written notification can be prepared and  
26 delivered to the assigned judge. A copy of each written  
27 assignment shall be filed with the Administrative Director of

1 Courts and in the office of the clerk or register of the court  
2 to which the assignment is made.

3 (c) Except as otherwise provided by law or rule, the  
4 presiding judge may assign judicial secretaries, bailiffs, and  
5 court reporters in the judicial system within the circuit to  
6 service in the circuit or district court as the service may be  
7 required.

8 ~~(d) A refusal to follow an order from the presiding~~  
9 ~~circuit judge issued under this section constitutes a~~  
10 ~~violation of the canons of judicial ethics.~~

11 Section 2. It is the intent of the Legislature that  
12 pursuant to Amendment 328 of the Constitution of Alabama of  
13 1901, now appearing as Section 150 of the Official  
14 Recompilation of the Constitution of Alabama of 1901, as  
15 amended, the Supreme Court of Alabama shall amend Rule 13 of  
16 the Alabama Rules of Judicial Administration to conform with  
17 the provisions of Section 12-9A-8, Code of Alabama 1975, as  
18 added by this act.

19 Section 3. This act shall become effective on the  
20 first day of the third month following its passage and  
21 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on Judiciary ..... 09-JAN-18

Read for the second time and placed  
on the calendar 1 amendment ..... 01-FEB-18

Read for the third time and passed  
as amended..... 22-FEB-18

Yeas 86, Nays 10, Abstains 0

Jeff Woodard  
Clerk