

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

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2 ENROLLED, An Act,

3 Relating to courts; to require the Chief Justice of
4 the Supreme Court of Alabama to temporarily assign a circuit
5 or district judge to another circuit for a reasonable period
6 of time under certain conditions; and to authorize the
7 presiding judge of a circuit to assign a circuit or district
8 judge to serve within the circuit or within the district
9 courts of the circuit under certain conditions; and to exempt
10 Jefferson County from this act.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

14 §12-9A-7.

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

22 (b) When considering the amount of time a judge may
23 be assigned from his or her home circuit to another circuit,
24 the Chief Justice shall take into consideration all relevant

1 circumstances regarding the judicial needs of the circuits involved.

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

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

11 (d) This section shall not apply in Jefferson
12 County.

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

1 delivered to the assigned judge. A copy of each written
2 assignment shall be filed with the Administrative Director of
3 Courts and in the office of the clerk or register of the court
4 to which the assignment is made.

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

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

13 (d) This section shall not apply in Jefferson
14 County.

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

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

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 22-FEB-18, as amended.

Jeff Woodard
Clerk

Senate	22-MAR-18	Amended and Passed
House	28-MAR-18	Concurred in Senate Amendment