

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

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8 SYNOPSIS: Under existing law, the Judicial Resources
9 Allocation Commission annually reviews the need for
10 increasing or decreasing the number of judgeships
11 in each district court and circuit court and may
12 reallocate a judgeship in the case of certain
13 vacancies.

14 This bill would require the Chief Justice of
15 the Supreme Court of Alabama to assign a circuit or
16 district judge to serve within another judicial
17 circuit to address court congestion, court delay,
18 backlog of cases, or other reasons necessary for
19 the prompt administration of justice.

20 Under existing law, Amendment 328 of the
21 Constitution of Alabama of 1901, now appearing as
22 Section 150 of the Official Recompilation of the
23 Constitution of Alabama of 1901, as amended,
24 recognizes the power of the Supreme Court of
25 Alabama to adopt rules of procedure in all courts.
26 The rules may be changed by a general act of
27 statewide application.

1 Under existing rules of the Supreme Court of
2 Alabama, a presiding circuit judge may temporarily
3 assign circuit or district court judges within the
4 circuit to serve either within the circuit or in
5 district courts within the circuit.

6 The bill would specify that the judge may
7 assign judges within the circuit as needed to
8 address court congestion, court delay, backlog of
9 cases, or other reasons necessary for the prompt
10 administration of justice and would remove the
11 limitation that an assignment may be only
12 temporary.

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14 A BILL
15 TO BE ENTITLED
16 AN ACT

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18 Relating to courts; to require the Chief Justice of
19 the Supreme Court of Alabama to temporarily assign a circuit
20 or district judge to another circuit for a reasonable period
21 of time under certain conditions; and to authorize the
22 presiding judge of a circuit to assign a circuit or district
23 judge to serve within the circuit or within the district
24 courts of the circuit under certain conditions.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

1 §12-9A-7.

2 (a) The Chief Justice of the Supreme Court of
3 Alabama, by order, shall assign a circuit or district judge
4 from a judicial circuit to serve within another judicial
5 circuit for a reasonable period of time to address court
6 congestion, court delay, civil and criminal backlog of cases,
7 or for any other reason necessary for the prompt and thorough
8 administration of justice.

9 (b) When considering the amount of time a judge may
10 be assigned from his or her home circuit to another circuit,
11 the Chief Justice shall take into consideration all relevant
12 circumstances regarding the judicial needs of the circuits
13 involved.

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

20 (d) A refusal to follow an order from the Chief
21 Justice that is issued under this section constitutes a
22 violation of the canons of judicial ethics.

23 §12-9A-8.

24 (a) A presiding circuit judge, by order, may assign
25 a circuit or district court judge who is within the circuit to
26 serve within the circuit or within the district courts of the
27 circuit. Before assigning a judge, the presiding circuit judge

1 shall evaluate the needs of the circuit, including the
2 currency, congestion, and backlog of criminal and civil cases.

3 (b) Assignments of judges by the presiding circuit
4 judge shall be in writing and shall be sent to the assigned
5 judge as soon as practicable. The presiding judge or the
6 judge's designee may notify the assigned judge orally of the
7 assignment. An oral notification of an assignment is
8 sufficient until a written notification can be prepared and
9 delivered to the assigned judge. A copy of each written
10 assignment shall be filed with the Administrative Director of
11 Courts and in the office of the clerk or register of the court
12 to which the assignment is made.

13 (c) Except as otherwise provided by law or rule, the
14 presiding judge may assign judicial secretaries, bailiffs, and
15 court reporters in the judicial system within the circuit to
16 service in the circuit or district court as the service may be
17 required.

18 (d) A refusal to follow an order from the presiding
19 circuit judge issued under this section constitutes a
20 violation of the canons of judicial ethics.

21 Section 2. It is the intent of the Legislature that
22 pursuant to Amendment 328 of the Constitution of Alabama of
23 1901, now appearing as Section 150 of the Official
24 Recompilation of the Constitution of Alabama of 1901, as
25 amended, the Supreme Court of Alabama shall amend Rule 13 of
26 the Alabama Rules of Judicial Administration to conform with

1 the provisions of Section 12-9A-8, Code of Alabama 1975, as
2 added by this act.

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