

1 SB179
2 197986-1
3 By Senator Smitherman
4 RFD: Judiciary
5 First Read: 02-APR-19

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8 SYNOPSIS: Under existing law, the Chief Justice of the
9 Supreme Court of Alabama may assign a circuit or
10 district judge to serve within another judicial
11 circuit to address court congestion, court delay,
12 backlog of cases, or other reasons necessary for
13 the prompt administration of justice and a
14 presiding circuit judge may assign circuit or
15 district court judges within his or her circuit to
16 serve within the circuit or in district courts
17 within the circuit.

18 These provisions do not apply in Jefferson
19 County. This bill would make these provisions
20 applicable in Jefferson County.

21
22 A BILL
23 TO BE ENTITLED
24 AN ACT

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26 To amend Sections 12-9A-7 and 12-9A-8, Code of
27 Alabama 1975, as added by Act 2018-567, 2018 Regular Session,

1 relating to temporary assignment of circuit or district
2 judges, to repeal provisions prohibiting the Chief Justice of
3 the Supreme Court of Alabama from assigning a circuit or
4 district judge from Jefferson County to serve within another
5 judicial circuit or district court and prohibiting the
6 presiding Judge of Jefferson County from assigning a circuit
7 or district court judge within the county to serve within the
8 circuit or district court within the county.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. Sections 12-9A-7 and 12-9A-8, Code of
11 Alabama 1975, as added by Act 2018-567, 2018 Regular Session,
12 are amended to read as follows:

13 "§12-9A-7.

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

21 "(b) When considering the amount of time a judge may
22 be assigned from his or her home circuit to another circuit,
23 the Chief Justice shall take into consideration all relevant
24 circumstances regarding the judicial needs of the circuits
25 involved.

26 "(c) A judge assigned to serve another circuit under
27 subsection (a) shall be reimbursed for any necessary and

1 reasonable expenses of travel and the same maintenance expense
2 allowances from the State Treasury that the judge would be
3 entitled to receive when attending court or transacting other
4 official business outside of the judge's home circuit.

5 ~~"(d) This section shall not apply in Jefferson~~
6 ~~County.~~

7 "§12-9A-8.

8 "(a) A presiding circuit judge, by order, may assign
9 a circuit or district court judge who is within the circuit to
10 serve within the circuit or within the district courts of the
11 circuit. Before assigning a judge, the presiding circuit judge
12 shall evaluate the needs of the circuit, including the
13 currency, congestion, and backlog of criminal and civil cases.

14 "(b) Assignments of judges by the presiding circuit
15 judge shall be in writing and shall be sent to the assigned
16 judge as soon as practicable. The presiding judge or the
17 judge's designee may notify the assigned judge orally of the
18 assignment. An oral notification of an assignment is
19 sufficient until a written notification can be prepared and
20 delivered to the assigned judge. A copy of each written
21 assignment shall be filed with the Administrative Director of
22 Courts and in the office of the clerk or register of the court
23 to which the assignment is made.

24 "(c) Except as otherwise provided by law or rule,
25 the presiding judge may assign judicial secretaries, bailiffs,
26 and court reporters in the judicial system within the circuit

1 to service in the circuit or district court as the service may
2 be required.

3 ~~"(d) This section shall not apply in Jefferson~~
4 ~~County.~~

5 ~~"(e) (d)~~ It is the intent of the Legislature that
6 pursuant to Amendment 328 of the Constitution of Alabama of
7 1901, now appearing as Section 150 of the Official
8 Recompilation of the Constitution of Alabama of 1901, as
9 amended, the Supreme Court of Alabama shall amend Rule 13 of
10 the Alabama Rules of Judicial Administration to conform with
11 the provisions of this section."

12 Section 2. This act shall become effective on the
13 first day of the third month following its passage and
14 approval by the Governor, or its otherwise becoming law.