

1 SB221
2 197334-1
3 By Senators Whatley, Elliott and Ward
4 RFD: Judiciary
5 First Read: 02-APR-19

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8 SYNOPSIS: This bill, beginning in 2021 and every 20
9 years thereafter, would provide for the
10 reallocation of circuit judgeships of the judicial
11 circuits and district court judgeships of each
12 district according to population by the Judicial
13 Resources Allocation Commission and subject to
14 approval of the Legislature.

15 This bill would require the commission to
16 consider population in the reallocation of judges
17 of the circuits and districts.

18
19 A BILL
20 TO BE ENTITLED
21 AN ACT
22

23 Relating to judicial circuits; to amend Sections
24 12-11-2 and 12-12-1, Code of Alabama 1975, to provide for the
25 reallocation of circuit judgeships of judicial circuits and
26 district judgeships of each district by the Judicial Resources
27 Allocation Commission.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. Sections 12-11-2 and 12-12-1, Code of
3 Alabama 1975, are amended to read as follows:

4 "§12-11-2.

5 "(a) The State of Alabama is divided into judicial
6 circuits for the circuit courts, numbered and composed of
7 counties as follows:

8 "(1) First circuit - Choctaw, Clarke_L and
9 Washington.

10 "(2) Second circuit - Butler, Crenshaw_L and Lowndes.

11 "(3) Third circuit - Barbour and Bullock.

12 "(4) Fourth circuit - Bibb, Dallas, Hale, Perry_L and
13 Wilcox.

14 "(5) Fifth circuit - Chambers, Macon, Randolph_L and
15 Tallapoosa.

16 "(6) Sixth circuit - Tuscaloosa.

17 "(7) Seventh circuit - Calhoun and Cleburne.

18 "(8) Eighth circuit - Morgan.

19 "(9) Ninth circuit - Cherokee and DeKalb.

20 "(10) Tenth circuit - Jefferson.

21 "(11) Eleventh circuit - Lauderdale.

22 "(12) Twelfth circuit - Coffee and Pike.

23 "(13) Thirteenth circuit - Mobile.

24 "(14) Fourteenth circuit - Walker.

25 "(15) Fifteenth circuit - Montgomery.

26 "(16) Sixteenth circuit - Etowah.

1 "(17) Seventeenth circuit - Marengo, Greene, and
2 Sumter.
3 "(18) Eighteenth circuit - Shelby.
4 "(19) Nineteenth circuit - Autauga, Chilton, and
5 Elmore.
6 "(20) Twentieth circuit - Henry and Houston.
7 "(21) Twenty-first circuit - Escambia.
8 "(22) Twenty-second circuit - Covington.
9 "(23) Twenty-third circuit - Madison.
10 "(24) Twenty-fourth circuit - Fayette, Lamar, and
11 Pickens.
12 "(25) Twenty-fifth circuit - Marion and Winston.
13 "(26) Twenty-sixth circuit - Russell.
14 "(27) Twenty-seventh circuit - Marshall.
15 "(28) Twenty-eighth circuit - Baldwin.
16 "(29) Twenty-ninth circuit - Talladega.
17 "(30) Thirtieth circuit - St. Clair.
18 "(31) Thirty-first circuit - Colbert.
19 "(32) Thirty-second circuit - Cullman.
20 "(33) Thirty-third circuit - Dale and Geneva.
21 "(34) Thirty-fourth circuit - Franklin.
22 "(35) Thirty-fifth circuit - Conecuh and Monroe.
23 "(36) Thirty-sixth circuit - Lawrence.
24 "(37) Thirty-seventh circuit - Lee.
25 "(38) Thirty-eighth circuit - Jackson.
26 "(39) Thirty-ninth circuit - Limestone.
27 "(40) Fortieth circuit - Clay and Coosa.

1 "(41) Forty-first circuit - Blount.

2 "(b) (1) Beginning with the 2021 Regular Session, and
3 every 20 years thereafter, the number of circuit judgeships
4 within a circuit shall be reallocated based on population.

5 "(2) By January 1, 2021, after review of the
6 population of the various counties and localities as reported
7 in the federal decennial census, the Judicial Resources
8 Allocation Commission shall provide the Legislature with a
9 recommended plan for the reallocation of judges among the
10 circuits.

11 "(3) The Judicial Resources Allocation Commission
12 shall create a scale for the assignment of circuit judges to
13 each circuit that equals one circuit judge per a specified
14 number of residents in each circuit. The Administrative Office
15 of Courts shall assist the committee as needed to provide for
16 the administration of this subsection.

17 "(4) The number of circuit judges assigned to each
18 circuit shall be approved by the adoption of a general bill by
19 the Legislature during the 2021 Regular Session and every
20 twentieth regular session of the Legislature thereafter.

21 "(c) The Supreme Court, in accordance with Amendment
22 328 to the Constitution of Alabama of 1901, now appearing as
23 Section 151 of the Official Recompilation of the Constitution
24 of Alabama of 1901, as amended, shall review any proposed
25 changes in the number of circuit judges in a judicial circuit.

26 "(d) Notwithstanding this section, in the event of a
27 vacancy due to death, retirement, resignation, or removal from

1 office, the vacant judgeship shall be allocated pursuant to
2 Section 12-9A-2.

3 "§12-12-1.

4 "(a) The district court of Alabama, a trial court of
5 limited jurisdiction, is created and established, effective
6 January 16, 1977, and shall be subdivided according to
7 districts and styled the district court of the county. Persons
8 elected or appointed to a district court judgeship after
9 January 1, 2010, must have been licensed by the Alabama State
10 Bar Association a combined total of three years or more, or by
11 any other state bar association for a combined total of three
12 years or more, prior to beginning a term of office or
13 appointment to serve a vacant term of office.

14 "(b) Sessions of the district court shall be held in
15 each county seat, each municipality containing a population of
16 1,000 or more where no municipal court exists, to be
17 restricted to municipal cases, and at other locations within
18 counties in which geographical venue, as described in Section
19 12-12-36, lies in more than one place.

20 "(c) All courts which are not authorized by Article
21 6 of the Constitution shall retain their power through January
22 15, 1977, at which time they shall be abolished. Judgments of
23 courts which cease to exist at the end of that day shall
24 continue in effect, and the courts of the unified system are
25 vested with jurisdiction to enforce such judgments.

26 "(d) All cases then pending in courts which cease to
27 exist shall be transferred to the appropriate district or

1 circuit court. Cases which could be filed in district court
2 under the provisions of this chapter shall be transferred to
3 the district court; provided, that any case containing a
4 demand for a jury trial filed before January 15, 1977, which
5 could have been granted in the court where filed, shall be
6 transferred to the appropriate circuit court.

7 "(e) (1) Beginning with the 2021 Regular Session of
8 the Legislature, and every 20 years thereafter, the number of
9 district judgeships within a district shall be reallocated
10 based on population.

11 "(2) By January 1, 2021, after review of the
12 population of the various counties and localities as reported
13 in the federal decennial census, the Judicial Resources
14 Allocation Commission shall provide the Legislature with a
15 recommended plan for the reallocation of judges among the
16 districts.

17 "(3) The Judicial Resources Allocation Commission
18 shall create a scale for the assignment of district judges to
19 each district that equals one district judge per a specified
20 number of residents in each district. The Administrative
21 Office of Courts shall assist the committee as needed to
22 provide for the administration of this subsection.

23 "(4) The number of district judges assigned to each
24 district shall be approved by the adoption of a general bill
25 by the Legislature during the 2021 Regular Session and every
26 twentieth regular session of the Legislature thereafter.

1 "(f) The Supreme Court, in accordance with Amendment
2 328 to the Constitution of Alabama of 1901, now appearing as
3 Section 151 of the Official Recompilation of the Constitution
4 of Alabama of 1901, as amended, shall review any proposed
5 changes in the number of district judges in a district.

6 "(g) Notwithstanding this section, in the event of a
7 vacancy due to death, retirement, resignation, or removal from
8 office, the vacant judgeship shall be allocated pursuant to
9 Section 12-9A-2."

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