

1 SB238
2 198377-1
3 By Senator Ward
4 RFD: Judiciary
5 First Read: 04-APR-19

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8 SYNOPSIS: Under existing Alabama Rules of Appellate
9 Procedure, upon leave of court, certain parties may
10 file a brief of an amicus curiae in an appeal.

11 This bill would allow the Speaker of the
12 House of Representatives, President Pro Tempore of
13 the Senate, the Chairs of the House and Senate
14 Judiciary Committees, and the Legislative Council
15 to file a brief of an amicus curiae without leave
16 of court at any time prior to the court's issuance
17 of the certificate of judgment in an appeal.

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19 A BILL
20 TO BE ENTITLED
21 AN ACT
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23 Relating to appellate procedure; to authorize the
24 Speaker of the House of Representatives, President Pro Tempore
25 of the Senate, the Chairs of the House and Senate Judiciary
26 Committees, or the Legislative Council to file a brief of an
27 amicus curiae in an appeal under certain conditions.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. Notwithstanding Section 12-1-1, Code of
3 Alabama 1975, or any other provision of Title 12, Code of
4 Alabama 1975, or any rule of the Alabama Rules of Appellate
5 Procedure, the Speaker of the House of Representatives,
6 President Pro Tempore of the Senate, the Chairs of the House
7 or Senate Judiciary Committees, or the Legislative Council may
8 file a brief of an amicus curiae without leave of court at any
9 time prior to the court's issuance of the certificate of
10 judgment in any appeal.

11 Section 2. It is the intent of the Legislature,
12 pursuant to Section 6.11 of Amendment 328 of the Constitution
13 of Alabama of 1901, now appearing as Section 150 of the
14 Official Recompilation of the Constitution of Alabama of 1901
15 as amended, that this act supersede any inconsistent rule of
16 appellate procedure adopted by the Alabama Supreme Court.

17 Section 3. This act shall become effective
18 immediately following its passage and approval by the
19 Governor, or its otherwise becoming law.