

1 SB2
2 202430-1
3 By Senator Smitherman
4 RFD: Judiciary
5 First Read: 04-FEB-20
6 PFD: 06/24/2019

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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
25

26 To amend Sections 12-9A-7 and 12-9A-8, Code of
27 Alabama 1975, relating to temporary assignment of circuit or

1 district judges, to repeal provisions prohibiting the Chief
2 Justice of the Supreme Court of Alabama from assigning a
3 circuit or district judge from Jefferson County to serve
4 within another judicial circuit or district court and
5 prohibiting the presiding Judge of Jefferson County from
6 assigning a circuit or district court judge within the county
7 to serve within the circuit or district court within the
8 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, 2 are amended to read as follows:

12 "§12-9A-7.

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

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

25 "(c) A judge assigned to serve another circuit under
26 subsection (a) shall be reimbursed for any necessary and
27 reasonable expenses of travel and the same maintenance expense

1 allowances from the State Treasury that the judge would be
2 entitled to receive when attending court or transacting other
3 official business outside of the judge's home circuit.

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

6 "§12-9A-8.

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

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

23 "(c) Except as otherwise provided by law or rule,
24 the presiding judge may assign judicial secretaries, bailiffs,
25 and court reporters in the judicial system within the circuit
26 to service in the circuit or district court as the service may
27 be required.

1 "~~(d)~~ This section shall not apply in Jefferson
2 County.

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

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.