

1 SB292
2 213731-2
3 By Senator Albritton
4 RFD: Judiciary
5 First Read: 02-MAR-21

1 SB292

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4 ENROLLED, An Act,

5 Relating to compensation; to establish a uniform pay
6 plan for circuit judges, district judges, appellate court
7 judges, supreme court justices, and the chief justice of the
8 supreme court; to require that all judges be licensed
9 attorneys; to require all judges to complete at least 12 hours
10 of approved continuing legal education, including one hour of
11 ethics; to amend Sections 12-17-182 and 36-15-3, Code of
12 Alabama 1975, to further provide for the salaries of district
13 attorneys and the Attorney General; to provide for the
14 elimination of county salary supplements and expense
15 allowances for circuit and district judges; and to repeal
16 Section 12-17-68, Code of Alabama 1975.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. (a) Pursuant to Amendment 426 of the
19 Constitution of Alabama 1901, now appearing as Section 148 of
20 the Official Recompilation of the Constitution of Alabama of
21 1901, as amended, and notwithstanding any other provision of
22 law, beginning on October 1, 2021, judges and justices shall
23 be compensated as follows:

1 (1) The chief justice of the supreme court's initial
2 salary shall be one hundred seventy-six thousand dollars (\$176,000).

3 (2) An associate supreme court justice's initial
4 salary shall be one hundred seventy-five thousand dollars
5 (\$175,000).

6 (3) An appellate court judge's initial salary shall
7 be one hundred seventy-four thousand dollars (\$174,000). The
8 presiding judge of any appellate court shall receive
9 additional compensation of five hundred dollars (\$500) per
10 year.

11 (4) A circuit judge's initial salary shall be one
12 hundred forty thousand dollars (\$140,000).

13 (5) A district judge's initial salary shall be one
14 hundred thirty-nine thousand dollars (\$139,000).

15 (b) (1) a. The salary of circuit judges and district
16 judges shall be increased by 7.5 percent on October 1 after
17 the completion of six full years of service as a circuit or
18 district judge. The salary shall be increased by an additional
19 7.5 percent on October 1 after the completion of 12 full years
20 of service as a circuit or district judge. The salary shall be
21 increased by an additional 7.5 percent on October 1 after the
22 completion of 18 full years of service as a circuit or
23 district judge.

24 b. A district judge who is subsequently appointed or
25 elected as a circuit judge shall receive as an initial salary

1 the base salary of a circuit judge plus the appropriate amount
2 for bench experience as a circuit or district judge as
3 provided in paragraph a.

4 c. A circuit or district judge who is subsequently
5 appointed or elected as the chief justice of the supreme
6 court, a supreme court justice, or a judge of the appellate
7 court, shall receive the initial salary of the chief justice
8 of the supreme court, a supreme court justice, or an appellate
9 court judge as provided in subdivision (1), (2), or (3) of
10 subsection (a).

11 (2)a. The salary of the chief justice of the supreme
12 court, supreme court justices, and judges of the appellate
13 courts shall be increased by 7.5 percent on October 1 after
14 the completion of six full years of service as the chief
15 justice of the supreme court, a supreme court justice, or a
16 judge of the appellate court. The salary shall be increased by
17 an additional 7.5 percent on October 1 after the completion of
18 12 full years of service as the chief justice of the supreme
19 court, a supreme court justice, or a judge of the appellate
20 court. The salary shall be increased by an additional 7.5
21 percent on October 1 after the completion of 18 full years of
22 service as the chief justice of the supreme court, a supreme
23 court justice, or a judge of the appellate court.

24 b. A chief justice of the supreme court, a supreme
25 court justice, or a judge of the appellate court who is

1 subsequently appointed or elected as a chief justice of the
2 supreme court, a supreme court justice, or a judge of an
3 appellate court shall receive as an initial salary the base
4 salary of the judge or justice as provided in subdivision (1),
5 (2), or (3) of subsection (a), plus the appropriate amount for
6 bench experience as the chief justice of the supreme court, a
7 supreme court justice, or a judge of the appellate court as
8 provided in paragraph a.

9 (3) The compensation paid by the state to any judge
10 or justice in service on October 1, 2021, may not be
11 diminished pursuant to this act. If a judge's or justice's
12 compensation would be diminished pursuant to subsection (a),
13 his or her compensation received on October 1, 2021, shall
14 remain the same as it was prior to October 1, 2021, and may
15 not be increased until the bench experience increase provided
16 for in subsection (b) exceeds his or her current compensation.

17 (c) (1) Notwithstanding any existing general or local
18 law, existing circuit or district judges in service on October
19 1, 2021, and any circuit or district judge appointed or
20 elected after October 1, 2021, may only be paid compensation
21 from the State Treasury, and may not receive any salary
22 supplement or expense allowance, or both, from any county.

23 (2) This subsection shall supersede any local law
24 providing a salary supplement or expense allowance for a
25 circuit or district judge.

1 Section 2. (a) All supreme court justices, judges of
2 the appellate courts, circuit court judges, and district court
3 judges must be licensed attorneys.

4 (b) (1) All supreme court justices, judges of the
5 appellate courts, circuit court judges, and district court
6 judges must complete a minimum of 12 hours of approved
7 continuing legal education annually, one hour of which must be
8 on the subject of ethics.

9 (2) Any justice or judge who fails to complete the
10 requirements of subdivision (1) shall be subject to
11 disciplinary action by the Judicial Inquiry Commission.

12 (c) It is the intent of the Legislature that
13 pursuant to Amendment 328 of the Constitution of Alabama of
14 1901, now appearing as Section 150 of the Official
15 Recompilation of the Constitution of Alabama of 1901, as
16 amended, the Supreme Court of Alabama shall amend its rules to
17 conform with this section.

18 Section 3. Sections 12-17-182 and 36-15-3, Code of
19 Alabama 1975, are amended to read as follows:

20 "§12-17-182.

21 "(a) (1) Subject to subdivision (2), The district
22 attorneys for each judicial circuit in the state serving on
23 October 1, 2021, until the end of his or her service, shall be
24 paid by the state an annual salary of an amount equal to
25 ~~\$1,000.00~~ one thousand dollars (\$1,000) less than the salary

1 paid by the state to the highest paid circuit judges judge of
2 the state, payable as the salaries of other state officers are
3 paid. District attorneys holding office on October 1, 2021,
4 are exempt from subsection (b).

5 ~~"All laws or parts of laws, general, special or~~
6 ~~local, in conflict with this section are hereby repealed;~~
7 ~~provided, that nothing in this section shall be construed to~~
8 ~~affect or reduce the compensation of any district attorney~~
9 ~~which is payable from any other source than the State~~
10 ~~Treasury.~~

11 "(2) A district attorney's salary may only increase
12 after the completion of the term for which he or she was
13 appointed or elected, and after completion of any subsequent
14 elected term.

15 "(b) (1) Notwithstanding subsection (a), any district
16 attorney newly appointed or elected after October 1, 2021,
17 shall receive an initial salary of one hundred forty thousand
18 dollars (\$140,000).

19 "(2) The salary of district attorneys shall be
20 increased by 7.5 percent for the term commencing after the
21 completion of the first term for which he or she was appointed
22 or elected as district attorney. The salary shall be increased
23 by an additional 7.5 percent for the term commencing after the
24 completion of his or her second term as district attorney. The
25 salary shall be increased by an additional 7.5 percent for the

1 term commencing after the completion of his or her third term
2 as district attorney.

3 "(c) The compensation paid by the state to any
4 district attorney in service on October 1, 2021, may not be
5 diminished pursuant to the act adding this amendatory
6 language.

7 "§36-15-3.

8 "(a) (1) The Subject to subsection (b), the salary of
9 the Attorney General of Alabama shall be an amount equal to
10 the salary of an Associate Justice of the Supreme Court of
11 Alabama. The salary ~~provided for herein~~ shall be payable in
12 installments as the salaries of other state officers are paid
13 and shall be the full compensation to which the Attorney
14 General is entitled from the state for the performance of his
15 or her official duties.

16 "(2) Commencing upon the next term of office of the
17 Attorney General after October 1, 2021, he or she shall
18 receive a salary in an amount equal to the salary of the Chief
19 Justice of the Supreme Court of Alabama.

20 "(b) The Attorney General's salary may only increase
21 after the completion of the term for which he or she was
22 appointed or elected, and after completion of any subsequent
23 term elected."

24 Section 4. Beginning on October 1, 2021, and
25 notwithstanding any other provision of law, any compensation,

1 salary supplement, or expense allowance under existing law
2 paid by the state, or any political subdivision of the state,
3 to any elected official or state officer or employee,
4 excluding circuit and district judges, district attorneys, and
5 the Attorney General, that is based in whole or in part on the
6 compensation, salary supplement, or expense allowance of
7 another judge or justice shall be based on the salary, salary
8 supplement, or expense allowance of the judge or justice on
9 September 30, 2021.

10 Section 5. This act ratifies any pay scales for
11 judges or justices approved prior to October 1, 2021, by the
12 current chief justice of the supreme court or any prior chief
13 justice of the supreme court.

14 Section 6. Section 12-17-68 of the Code of Alabama
15 1975, relating to local salary supplements and expense
16 allowances of district court judges, is specifically repealed.

17 Section 7. This act shall become effective on
18 October 1, 2021, following its passage and approval by the
19 Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB292

Senate 08-APR-21

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris,
Secretary.

House of Representatives
Amended and passed 29-APR-21

Senate concurred in House amendment 04-MAY-21

By: Senator Albritton