

SB39 ENGROSSED



1 IVCUW6-2
2 By Senators Givhan, Elliott, Livingston, Butler, Chambliss,
3 Barfoot, Scofield, Albritton, Orr
4 RFD: Judiciary
5 First Read: 07-Mar-23
6
7 2023 Regular Session



SB39 Engrossed

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

A BILL
TO BE ENTITLED
AN ACT

Relating to judges; to provide for additional circuit judgeships and additional district judgeships; to provide for the authority of the judges and for the compensation and benefits of the judges; to prohibit the Judicial Resources Allocation Commission from reallocating any vacant judgeships until January 1, 2027; and to require the Administrative Office of Courts to provide certain statistical data annually.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) (1) There is created an additional circuit judgeship for the Eleventh Judicial Circuit which shall be designated as Circuit Judgeship Number 4.

(2) There is created an additional circuit judgeship for the Nineteenth Judicial Circuit which shall be designated as Circuit Judgeship Number 4. The judge elected to Judgeship Number 4 may reside in any county within the Nineteenth Judicial Circuit. The judge occupying Judgeship Number 4 shall be assigned to the domestic relations division of the circuit.

(3) There is created an additional circuit judgeship for the Twenty-third Judicial Circuit which shall be



SB39 Engrossed

29 designated as Circuit Judgeship Number 9.

30 (4) There is created an additional circuit judgeship
31 for the Twenty-eighth Judicial Circuit which shall be
32 designated as Circuit Judgeship Number 6.

33 (5) There is created an additional district judgeship
34 for Baldwin County which shall be designated as District
35 Judgeship Number 3.

36 (6) There is created an additional district judgeship
37 for DeKalb County which shall be designated as District
38 Judgeship Number 2.

39 (7) There is created an additional district judgeship
40 for Mobile County which shall be designated as District
41 Judgeship Number 6.

42 (b) The additional judgeships created pursuant to
43 subsection (a) shall be filled at the 2024 General Election.

44 (c) The initial judges elected to the additional
45 judgeships created pursuant to subsection (a) shall serve for
46 a six-year term holding office from the first Monday following
47 the second Tuesday in January after the general election at
48 which the judges are elected.

49 (d) The initial judges elected to the additional
50 judgeships created pursuant to subsection (a) shall have and
51 shall exercise all the jurisdiction, power, rights, and
52 authority and shall possess all of the qualifications, perform
53 all of the duties, and shall be subject to all of the
54 responsibilities and duties of the office to which other
55 judges are subject.

56 (e) The annual compensation of the additional judges



SB39 Engrossed

57 elected pursuant to subsection (a) shall be in accordance with
58 Chapter 10B of Title 12, Code of Alabama 1975, including, but
59 not limited to, the provision that no judge first elected or
60 appointed to office after October 1, 2021, may be provided a
61 salary supplement or expense allowance.

62 Section 2. (a)(1) There is created an additional
63 circuit judgeship for the Sixth Judicial Circuit which shall
64 be designated as Circuit Judgeship Number 7.

65 (2) There is created an additional circuit judgeship
66 for the Nineteenth Judicial Circuit which shall be designated
67 as Circuit Judgeship Number 5. The judge elected to Judgeship
68 Number 5 may reside in any county within the Nineteenth
69 Judicial Circuit.

70 (3) There is created an additional circuit judgeship
71 for the Twenty-eighth Judicial Circuit which shall be
72 designated as Circuit Judgeship Number 7.

73 (4) There is created an additional circuit judgeship
74 for the Thirty-seventh Judicial Circuit which shall be
75 designated as Circuit Judgeship Number 4.

76 (5) There is created an additional district judgeship
77 for Madison County which shall be designated as District
78 Judgeship Number 5.

79 (6) There is created an additional district judgeship
80 for Shelby County which shall be designated as District
81 Judgeship Number 3.

82 (b) The additional judgeships created pursuant to
83 subsection (a) shall be filled at the 2026 General Election.

84 (c) The initial judges elected to the additional



SB39 Engrossed

85 judgeships created pursuant to subsection (a) shall serve for
86 a six-year term holding office from the first Monday following
87 the second Tuesday in January after the general election at
88 which the judges are elected.

89 (d) The initial judges elected to the additional
90 judgeships created pursuant to subsection (a) shall have and
91 shall exercise all the jurisdiction, power, rights, and
92 authority and shall possess all of the qualifications, perform
93 all of the duties, and shall be subject to all of the
94 responsibilities and duties of the office to which other
95 judges are subject.

96 (e) The annual compensation of the additional judges
97 elected pursuant to subsection (a) shall be in accordance with
98 Chapter 10B of Title 12, Code of Alabama 1975, including, but
99 not limited to, the provision that no judge first elected or
100 appointed to office after October 1, 2021, may be provided a
101 salary supplement or expense allowance.

102 Section 3. Notwithstanding Section 12-9A-2, Code of
103 Alabama 1975, or any other law to the contrary, a moratorium
104 on the reallocation of judges by the Judicial Resources
105 Allocation Commission for reallocating any vacant judgeships
106 shall be in effect until January 1, 2027.

107 Section 4. (a) The Administrative Office of Courts
108 shall provide the following statistics for each fiscal year by
109 circuit as provided in subsection (b):

110 (1) Number of civil cases filed broken down by
111 category.

112 (2) Number of civil cases resolved via a motion to



SB39 Engrossed

113 dismiss or voluntary dismissal.

114 (3) Number of civil cases resolved via a motion for
115 summary judgment.

116 (4) Number of civil cases in which a jury is empaneled.

117 (5) Number of civil cases tried to a jury verdict.

118 (6) Number of criminal cases filed broken down by type
119 of offense.

120 (7) Number of total criminal counts filed broken down
121 by type of offense.

122 (8) Number of criminal cases resolved via dismissal.

123 (9) Number of criminal cases resolved via plea
124 agreement.

125 (10) Number of criminal cases resolved via some form of
126 pre-trial diversion or alternative resolution program.

127 (11) Number of criminal cases in which a jury is
128 empaneled.

129 (12) Number of criminal cases tried to a jury verdict.

130 (13) Number of juvenile cases filed broken down by
131 dependency and delinquency.

132 (14) Number of juvenile cases resolved.

133 (15) Number of domestic cases filed broken down by
134 category.

135 (16) Number of domestic cases resolved.

136 (17) Number of probate cases appealed to the circuit
137 court.

138 (18) Any other information or data deemed relevant by
139 the Alabama Supreme Court.

140 (b) The information required in subsection (a) shall be



SB39 Engrossed

141 provided to all of the following by January 15 of each year:

- 142 (1) The Speaker of the House of Representatives.
- 143 (2) The President Pro Tempore of the Senate.
- 144 (3) The chair of the Senate Finance and Taxation,
145 General Fund Committee.
- 146 (4) The chair of the House Ways and Means General Fund
147 Committee.
- 148 (5) The chair of the Senate Judiciary Committee.
- 149 (6) The chair of the House Judiciary Committee.
- 150 (7) The Legislative Fiscal Officer.
- 151 (8) The chair of the Legislative Council.
- 152 (9) The vice chair of the Legislative Council.
- 153 (10) The Senate Minority Leader.
- 154 (11) The House Minority Leader.

155 Section 5. This act shall become effective immediately
156 following its passage and approval by the Governor, or its
157 otherwise becoming law.



SB39 Engrossed

158
159
160 Senate

161 Read for the first time and referred07-Mar-23
162 to the Senate committee on Judiciary

163
164 Read for the second time and placed03-May-23
165 on the calendar:
166 0 amendments

167
168 Read for the third time and passed11-May-23
169 as amended

170 Yeas 33
171 Nays 0
172 Abstains 0

173
174
175 Patrick Harris,
176 Secretary.
177