

1 HB529
2 201756-3
3 By Representatives Faulkner, Fridy, Hill and Jones (M)
4 RFD: Judiciary
5 First Read: 30-APR-19

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ENROLLED, An Act,

To amend Sections 12-11-1 and 12-12-1, Code of Alabama 1975, relating to the qualifications for serving as a circuit court judge or a district court judge; to further provide for the minimum times of state licensure to practice law; and to prohibit persons with certain professional disciplinary actions from qualification.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§12-11-1.

"(a) There is provided in every county in the state a circuit court with all the jurisdiction and powers that are conferred on the circuit court by the Constitution and laws of this state.

"(b) Persons elected to or appointed to a circuit court judgeship ~~after January 1, 2010,~~ must have been ~~licensed by the Alabama State Bar Association~~ admitted to practice law in this state a combined total of ~~five~~ seven years or more, or admitted to practice law by any other state ~~bar association~~ for a combined total of ~~five~~ seven years or more, prior to beginning a term of office or appointment to serve a vacant term of office. In addition, the person must not have received from any state or state bar association a suspension or

1 disbarment within the 10 years preceding election or
2 appointment.

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~~ admitted to practice law in this state a
11 combined total of ~~three five~~ four years or more, or admitted
12 to practice law by any other state ~~bar association~~ for a
13 combined total of ~~three five~~ four years or more, prior to
14 beginning a term of office or appointment to serve a vacant
15 term of office. In addition, the person must not have received
16 from any state or state bar association a suspension or
17 disbarment within the 10 years preceding election or
18 appointment.

19 "(b) Sessions of the district court shall be held in
20 each county seat, each municipality containing a population of
21 1,000 or more where no municipal court exists, to be
22 restricted to municipal cases, and at other locations within
23 counties in which geographical venue, as described in Section
24 12-12-36, lies in more than one place.

1 "(c) (1) All courts which are not authorized by
2 Article 6 of the Constitution shall retain their power through
3 January 15, 1977, at which time they shall be abolished.
4 Judgments of courts which cease to exist at the end of that
5 day shall continue in effect, and the courts of the unified
6 system are vested with jurisdiction to enforce such judgments.

7 "(2) All cases then pending in courts which cease to
8 exist shall be transferred to the appropriate district or
9 circuit court. Cases which could be filed in district court
10 under the provisions of this chapter shall be transferred to
11 the district court; provided, that any case containing a
12 demand for a jury trial filed before January 15, 1977, which
13 could have been granted in the court where filed, shall be
14 transferred to the appropriate circuit court."

15 Section 2. This act shall become effective January
16 1, 2020, following its passage and approval by the Governor,
17 or its otherwise becoming law.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 15-MAY-19, as amended.

Jeff Woodard
Clerk

Senate	<hr/> 31-MAY-19 <hr/>	Amended and Passed
House	<hr/> 31-MAY-19 <hr/>	Concurred in Senate Amendment