1   SB238

2   198377-2

3   By Senator Ward

4   RFD: Judiciary

5   First Read: 04-APR-19

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4   ENGROSSED

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7   A BILL

8   TO BE ENTITLED

9   AN ACT

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11   Relating to appellate procedure; to authorize the

12   Speaker of the House of Representatives, President Pro Tempore

13   of the Senate, the Chairs of the House and Senate Judiciary

14   Committees, or the Legislative Council to file a brief of an

15   amicus curiae in an appeal under certain conditions.

16   BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17   Section 1. Notwithstanding Section 12-1-1, Code of

18   Alabama 1975, or any other provision of Title 12, Code of

19   Alabama 1975, or any rule of the Alabama Rules of Appellate

20   Procedure, the Speaker of the House of Representatives,

21   President Pro Tempore of the Senate, the Chairs of the House

22   or Senate Judiciary Committees, or the Legislative Council may

23   file a brief of an amicus curiae without leave of court at any

24   time prior to the court's issuance of the certificate of

25   judgment in any appeal. A brief of an amicus curiae, pursuant

26   to this section, shall only be prepared and filed by the staff

1   of the Legislative Services Agency. A brief of an amicus

2   curiae shall only be filed for civil cases.

3   Section 2. It is the intent of the Legislature,

4   pursuant to Section 6.11 of Amendment 328 of the Constitution

5   of Alabama of 1901, now appearing as Section 150 of the

6   Official Recompilation of the Constitution of Alabama of 1901

7   as amended, that this act supersede any inconsistent rule of

8   appellate procedure adopted by the Alabama Supreme Court.

9   Section 3. This act shall become effective

10   immediately following its passage and approval by the

11   Governor, or its otherwise becoming law.

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 3      Senate


 4         Read for the first time and referred to the Senate
 5         committee on Judiciary.......................... 04-APR-19

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 7         Read for the second time and placed on the calen-
 8         dar............................................. 18-APR-19

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10         Read for the third time and passed as amended .... 07-MAY-19


11                        Yeas 30
12                        Nays 0

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15                                    Patrick Harris,
16                                    Secretary.
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