

1 SB90
2 181788-3
3 By Senators Orr and Ward
4 RFD: Judiciary
5 First Read: 07-FEB-17

1 SB90

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4 ENROLLED, An Act,

5 Relating to courts; to establish the Judicial
6 Resources Allocation Commission; to establish the criteria for
7 determining the need for increasing or decreasing the number
8 of judgeships in district courts and circuit courts; and to
9 authorize the Judicial Resources Allocation Commission to
10 reallocate judgeships based on such criteria.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. (a) A permanent study commission on the
13 judicial resources in Alabama is hereby created and shall be
14 known as the Judicial Resources Allocation Commission. The
15 Judicial Resources Allocation Commission shall be composed of
16 the following members:

17 (1) The Chief Justice of the Supreme Court of
18 Alabama, who shall serve as chair.

19 (2) The legal advisor to the Governor of Alabama.

20 (3) The Alabama Attorney General.

21 (4) Three incumbent circuit judges appointed by the
22 President of the Circuit Judges Association, one of whom shall
23 be from the most populous circuit. One member shall be
24 appointed for three years, one member shall be appointed for
25 four years, and one member shall be appointed for five years.

1 All appointments to fill vacancies shall be for the duration
2 of the unexpired term and subsequent appointments shall be for
3 five-year terms. Any member so appointed shall serve only so
4 long as they remain an incumbent circuit judge.

5 (5) Three incumbent district judges appointed by the
6 President of the District Judges Association, one of whom
7 shall be from a county without a dedicated circuit judge. One
8 member shall be appointed for three years, one member shall be
9 appointed for four years, and one member shall be appointed
10 for five years. All appointments to fill vacancies shall be
11 for the duration of the unexpired term and subsequent
12 appointments shall be for five-year terms. Any member so
13 appointed shall serve only so long as they remain an incumbent
14 district judge.

15 (6) Three licensed attorneys, two appointed by the
16 President of the Alabama State Bar and one appointed by the
17 President of the Alabama Lawyers Association. One member shall
18 be appointed for three years, one member shall be appointed
19 for four years, and one member shall be appointed for five
20 years. All appointments to fill vacancies shall be for the
21 duration of the unexpired term and subsequent appointments
22 shall be for five-year terms. Any member so appointed shall
23 serve only so long as they remain a member in good standing of
24 the Alabama State Bar.

1 (b) The membership of the Judicial Resources
2 Allocation Commission shall be inclusive and reflect the
3 racial, gender, geographic, urban/rural, and economic
4 diversity of the state. The appointing authorities must
5 coordinate together to achieve this diversity.

6 (c) A majority of the Commission shall constitute a
7 quorum for the transaction of business. The Commission shall
8 meet at least once annually beginning in the first quarter of
9 2018. The first committee meeting shall be set by Chief
10 Justice. Members shall serve without compensation.

11 (d) The Judicial Resources Allocation Commission
12 shall annually review the need for increasing or decreasing
13 the number of judgeships in each district court and circuit
14 court using the following criteria:

15 (1) Judicial Weighted Caseload Study, as adopted by
16 the Alabama Supreme Court;

17 (2) Population of the district or circuit as
18 determined on the basis of the most recent decennial census of
19 the United States or annual population estimates prepared by
20 the United States Bureau of the Census;

21 (3) Judicial duties in the district or circuit,
22 including consideration of those circuits which have
23 specialized divisions; and

1 (4) Uniformity in the calculation of how civil,
2 criminal, and domestic cases are accounted for between
3 circuits.

4 (5) Any other information deemed relevant by the
5 Judicial Resources Allocation Commission.

6 (e) Based on the criteria in subsection (d), the
7 Judicial Resources Allocation Commission shall annually
8 determine the need for increasing or decreasing judgeships in
9 the district and circuit courts and rank each court
10 accordingly. The Judicial Resources Allocation Commission
11 shall provide this list to the Governor and the Legislature no
12 later than 30 days after it is completed.

13 Section 2. (a) Only in the event of a vacancy due to
14 death, retirement, resignation, or removal from office of a
15 district or circuit judge, the Judicial Resources Allocation
16 Commission shall have 30 days to determine whether to
17 reallocate such judgeship to another district or circuit. The
18 Judicial Resources Allocation Commission may also choose to
19 reallocate a judgeship if the incumbent judge shall not be
20 eligible to run for reelection as a result of the age
21 limitation provided for in Section 155 of the Constitution of
22 Alabama 1901, as amended, by notifying the Secretary of State
23 no later than one year prior to the close of qualifying for
24 candidates to run for such judgeship. All reallocation
25 decisions require a two-thirds vote of the Judicial Resources

1 Allocation Commission members. In determining whether to
2 reallocate such judgeship, the Judicial Resources Allocation
3 Commission shall consider the need based on the district and
4 court rankings as determined pursuant to Section 1. However,
5 in no event shall the Judicial Resources Allocation Commission
6 reallocate a judgeship to another district or circuit if doing
7 so would cause the district or circuit from which the
8 judgeship was being removed to move into the ten counties in
9 most need of a district judge or the ten circuits, or
10 divisions thereof, in most need of a circuit judge based on
11 the rankings provided pursuant to Section 1. Additionally,
12 each county shall continue to have at least one district
13 judge.

14 (b) In the event the Judicial Resources Allocation
15 Commission chooses not to reallocate the vacant judgeship
16 within the 30 days prescribed in subsection (a), the vacancy
17 shall be filled according to law in the district or circuit in
18 which the judgeship is located.

19 (c) In the event the Judicial Resources Allocation
20 Commission chooses to reallocate the vacant judgeship within
21 the 30 days prescribed in subsection (a), the vacancy shall be
22 filled according to law for the district or circuit to which
23 the judgeship is reallocated. The person appointed to fill the
24 judgeship shall serve the required time period pursuant to law
25 before running for election, at which time the reallocated

1 judgeship shall be subject to election in the district or
2 circuit to which the judgeship was reallocated.

3 (d) Upon the reallocation of the judgeship, all
4 remaining judgeships in the district or circuit from which the
5 judgeship was reallocated shall be renumbered appropriately.
6 Additionally, the state resources allocated to fund such
7 judgeship shall continue to fund the judgeship in the district
8 or circuit to which it was reallocated.

9 (e) The Chair of the Judicial Resources Allocation
10 Commission shall keep a true record of all the proceedings of
11 the meetings of the Judicial Resources Allocation Commission.
12 At the call of any member the vote on any pending question
13 shall be taken by ayes and nays, and the same shall be entered
14 in such record, the records of the proceedings of the Judicial
15 Resources Allocation Commission shall be open to any member of
16 the Judicial Resources Allocation Commission and to the public
17 and a copy of such record, certified by the Chair, shall be
18 kept in the records of Judicial Allocation Resources
19 Commission maintained by the Chair.

20 Section 3. A district or circuit judge appointed to
21 a reallocated judgeship pursuant to this act shall have and
22 exercise all jurisdiction, power, rights, and authority and
23 shall possess all of the qualifications, perform all of the
24 duties, and shall be subject to all of the responsibilities

1 and duties of the office to which other district or circuit
2 judges are subject.

3 Section 4. The annual compensation of the circuit or
4 district judges appointed pursuant to this act shall be in
5 accordance with Chapter 10A of Title 12, Code of Alabama 1975.

6 Section 5. (a) No later than January 1, 2018, the
7 Alabama Supreme Court shall revise the factors considered in
8 the Judicial Weighted Caseload Study to uniformly, fairly, and
9 accurately account for criminal cases by counts brought
10 against a defendant.

11 (b) No judgeship shall be reallocated until three
12 years of data is available after the revision of the factors
13 considered in the Judicial Weighted Caseload Study as provided
14 in this section.

15 (c) No judicial circuit shall lose more than one
16 judgeship through allocation in a two year period.

17 Section 6. The Commission shall be subject to the
18 Alabama Open Meetings Act and the Alabama Open Records Act.

19 Section 7. All laws or parts of laws which conflict
20 with this act are hereby repealed.

21 Section 8. This act shall become effective
22 immediately following its passage and approval by the
23 Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB90
Senate 14-FEB-17
I hereby certify that the within Act originated in and passed
the Senate.

Patrick Harris
Secretary

House of Representatives
Passed: 28-FEB-17

By: Senator Orr