

1 SB230
2 163749-2
3 By Senators Orr and Ward
4 RFD: Judiciary
5 First Read: 12-MAR-15

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8 SYNOPSIS: This bill would establish the Judicial
9 Resources Allocation Commission, establish the
10 criteria for determining the need for increasing or
11 decreasing the number of judgeships in each
12 district court and circuit court, and authorize the
13 Judicial Resources Allocation Commission to
14 reallocate judgeships based on such criteria.

15
16 A BILL
17 TO BE ENTITLED
18 AN ACT

19
20 Relating to courts; to establish the Judicial
21 Resources Allocation Commission; to establish the criteria for
22 determining the need for increasing or decreasing the number
23 of judgeships in district courts and circuit courts; and to
24 authorize the Judicial Resources Allocation Commission to
25 reallocate judgeships based on such criteria.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

8 (3) Three incumbent circuit judges appointed by the
9 President of the Circuit Judges Association.

10 (4) Three incumbent district judges appointed by the
11 President of the District Judges Association.

12 (5) Three licensed attorneys appointed by the
13 President of the Alabama State Bar.

14 (b) The Judicial Resources Allocation Commission
15 shall annually review the need for increasing or decreasing
16 the number of judgeships in each district court and circuit
17 court using the following criteria:

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

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

24 (3) Judicial duties in the district or circuit; and

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

1 (c) Based on the criteria in subsection (b), the
2 Judicial Resources Allocation Commission shall annually
3 determine the need for increasing or decreasing judgeships in
4 the district and circuit courts and rank each court
5 accordingly. The Judicial Resources Allocation Commission
6 shall provide this list to the Governor and the Legislature no
7 later than 30 days after it is completed.

8 Section 2. (a) In the event of a vacancy due to
9 death, retirement, resignation, or removal from office of a
10 district or circuit judge, the Judicial Resources Allocation
11 Commission shall have 30 days to determine whether to
12 reallocate such judgeship to another district or circuit. The
13 Judicial Resources Allocation Commission may also choose to
14 reallocate a judgeship if the incumbent judge shall not be
15 eligible to run for reelection as a result of the age
16 limitation provided for in Section 155 of the Constitution of
17 Alabama 1901, as amended, by notifying the Secretary of State
18 no later than 90 days prior to the close of qualifying for
19 candidates to run for such judgeship. In determining whether
20 to reallocate such judgeship, the Judicial Resources
21 Allocation Commission shall consider the need based on the
22 district and court rankings as determined pursuant to Section
23 1. However, in no event shall the Judicial Resources
24 Allocation Commission reallocate a judgeship to another
25 district or circuit if doing so would cause the district or
26 circuit from which the judgeship was being removed to move
27 into the ten counties in most need of a district judge or the

1 ten circuits in most need of a circuit judge based on the
2 rankings provided pursuant to Section 1. Additionally, each
3 county shall continue to have at least one district judge.

4 (b) In the event the Judicial Resources Allocation
5 Commission chooses not to reallocate the vacant judgeship
6 within the 30 days prescribed in subsection (a), the vacancy
7 shall be filled according to law in the district or circuit in
8 which the judgeship is located.

9 (c) In the event the Judicial Resources Allocation
10 Commission chooses to reallocate the vacant judgeship within
11 the 30 days prescribed in subsection (a), the vacancy shall be
12 filled according to law for the district or circuit to which
13 the judgeship is reallocated. The person appointed to fill the
14 judgeship shall serve the required time period pursuant to law
15 before running for election, at which time the reallocated
16 judgeship shall be subject to election in the district or
17 circuit to which the judgeship was reallocated.

18 (d) Upon the reallocation of the judgeship, all
19 remaining judgeships in the district or circuit from which the
20 judgeship was reallocated shall be renumbered appropriately.
21 Additionally, the state resources allocated to fund such
22 judgeship shall continue to fund the judgeship in the district
23 or circuit to which it was reallocated.

24 Section 3. A district or circuit judge appointed to
25 a reallocated judgeship pursuant to this act shall have and
26 exercise all jurisdiction, power, rights, and authority and
27 shall possess all of the qualifications, perform all of the

1 duties, and shall be subject to all of the responsibilities
2 and duties of the office to which other district or circuit
3 judges are subject.

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

7 Section 5. All laws or parts of laws which conflict
8 with this act are hereby repealed.

9 Section 6. This act shall become effective
10 immediately following its passage and approval by the
11 Governor, or its otherwise becoming law.