

1 SB90  
2 202430-1  
3 By Senator Smitherman  
4 RFD: Judiciary  
5 First Read: 02-FEB-21  
6 PFD: 01/27/2021

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8 SYNOPSIS: Under existing law, the Chief Justice of the  
9 Supreme Court of Alabama may assign a circuit or  
10 district judge to serve within another judicial  
11 circuit to address court congestion, court delay,  
12 backlog of cases, or other reasons necessary for  
13 the prompt administration of justice and a  
14 presiding circuit judge may assign circuit or  
15 district court judges within his or her circuit to  
16 serve within the circuit or in district courts  
17 within the circuit.

18 These provisions do not apply in Jefferson  
19 County. This bill would make these provisions  
20 applicable in Jefferson County.  
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22 A BILL  
23 TO BE ENTITLED  
24 AN ACT  
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26 To amend Sections 12-9A-7 and 12-9A-8, Code of  
27 Alabama 1975, relating to temporary assignment of circuit or

1 district judges, to repeal provisions prohibiting the Chief  
2 Justice of the Supreme Court of Alabama from assigning a  
3 circuit or district judge from Jefferson County to serve  
4 within another judicial circuit or district court and  
5 prohibiting the presiding Judge of Jefferson County from  
6 assigning a circuit or district court judge within the county  
7 to serve within the circuit or district court within the  
8 county.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. Sections 12-9A-7 and 12-9A-8, Code of  
11 Alabama 1975, 2 are amended to read as follows:

12 "§12-9A-7.

13 "(a) The Chief Justice of the Supreme Court of  
14 Alabama, by order, shall assign a circuit or district judge  
15 from a judicial circuit to serve within another judicial  
16 circuit for a reasonable period of time to address court  
17 congestion, court delay, civil and criminal backlog of cases,  
18 or for any other reason necessary for the prompt and thorough  
19 administration of justice.

20 "(b) When considering the amount of time a judge may  
21 be assigned from his or her home circuit to another circuit,  
22 the Chief Justice shall take into consideration all relevant  
23 circumstances regarding the judicial needs of the circuits  
24 involved.

25 "(c) A judge assigned to serve another circuit under  
26 subsection (a) shall be reimbursed for any necessary and  
27 reasonable expenses of travel and the same maintenance expense

1 allowances from the State Treasury that the judge would be  
2 entitled to receive when attending court or transacting other  
3 official business outside of the judge's home circuit.

4 ~~"(d) This section shall not apply in Jefferson~~  
5 ~~County.~~

6 "§12-9A-8.

7 "(a) A presiding circuit judge, by order, may assign  
8 a circuit or district court judge who is within the circuit to  
9 serve within the circuit or within the district courts of the  
10 circuit. Before assigning a judge, the presiding circuit judge  
11 shall evaluate the needs of the circuit, including the  
12 currency, congestion, and backlog of criminal and civil cases.

13 "(b) Assignments of judges by the presiding circuit  
14 judge shall be in writing and shall be sent to the assigned  
15 judge as soon as practicable. The presiding judge or the  
16 judge's designee may notify the assigned judge orally of the  
17 assignment. An oral notification of an assignment is  
18 sufficient until a written notification can be prepared and  
19 delivered to the assigned judge. A copy of each written  
20 assignment shall be filed with the Administrative Director of  
21 Courts and in the office of the clerk or register of the court  
22 to which the assignment is made.

23 "(c) Except as otherwise provided by law or rule,  
24 the presiding judge may assign judicial secretaries, bailiffs,  
25 and court reporters in the judicial system within the circuit  
26 to service in the circuit or district court as the service may  
27 be required.

1                   "~~(d)~~ This section shall not apply in Jefferson  
2     County.

3                   "~~(e)~~ (d) It is the intent of the Legislature that  
4     pursuant to Amendment 328 of the Constitution of Alabama of  
5     1901, now appearing as Section 150 of the Official  
6     Recompilation of the Constitution of Alabama of 1901, as  
7     amended, the Supreme Court of Alabama shall amend Rule 13 of  
8     the Alabama Rules of Judicial Administration to conform with  
9     the provisions of this section."

10                  Section 2. This act shall become effective on the  
11     first day of the third month following its passage and  
12     approval by the Governor, or its otherwise becoming law.