

1 SB162
2 206526-1
3 By Senators Whatley and Elliott
4 RFD: Judiciary
5 First Read: 02-FEB-21

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8 SYNOPSIS: Beginning in 2022 and every 20 years
9 thereafter, this bill would provide for the
10 reallocation of circuit judgeships of the judicial
11 circuits and district court judgeships of each
12 district according to population by the Judicial
13 Resources Allocation Commission and subject to
14 approval of the Legislature.

15 This bill would require the commission to
16 consider population in the reallocation of judges
17 of the circuits and districts.

18
19 A BILL
20 TO BE ENTITLED
21 AN ACT
22

23 Relating to judicial circuits; to amend Sections
24 12-11-2 and 12-12-1, as last amended by Act 2019-539, 2019
25 Regular Session, Code of Alabama 1975, to provide for the
26 reallocation of circuit judgeships of judicial circuits and

1 district judgeships of each district by the Judicial Resources
2 Allocation Commission.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Sections 12-11-2 and 12-12-1, as last
5 amended by Act 2019-539, 2019 Regular Session, Code of Alabama
6 1975, are amended to read as follows:

7 "§12-11-2.

8 "(a) The State of Alabama is divided into judicial
9 circuits for the circuit courts, numbered and composed of
10 counties as follows:

11 "(1) First circuit - Choctaw, Clarke, and
12 Washington.

13 "(2) Second circuit - Butler, Crenshaw, and Lowndes.

14 "(3) Third circuit - Barbour and Bullock.

15 "(4) Fourth circuit - Bibb, Dallas, Hale, Perry, and
16 Wilcox.

17 "(5) Fifth circuit - Chambers, Macon, Randolph, and
18 Tallapoosa.

19 "(6) Sixth circuit - Tuscaloosa.

20 "(7) Seventh circuit - Calhoun and Cleburne.

21 "(8) Eighth circuit - Morgan.

22 "(9) Ninth circuit - Cherokee and DeKalb.

23 "(10) Tenth circuit - Jefferson.

24 "(11) Eleventh circuit - Lauderdale.

25 "(12) Twelfth circuit - Coffee and Pike.

26 "(13) Thirteenth circuit - Mobile.

27 "(14) Fourteenth circuit - Walker.

1 "(15) Fifteenth circuit - Montgomery.
2 "(16) Sixteenth circuit - Etowah.
3 "(17) Seventeenth circuit - Marengo, Greene, and
4 Sumter.
5 "(18) Eighteenth circuit - Shelby.
6 "(19) Nineteenth circuit - Autauga, Chilton, and
7 Elmore.
8 "(20) Twentieth circuit - Henry and Houston.
9 "(21) Twenty-first circuit - Escambia.
10 "(22) Twenty-second circuit - Covington.
11 "(23) Twenty-third circuit - Madison.
12 "(24) Twenty-fourth circuit - Fayette, Lamar, and
13 Pickens.
14 "(25) Twenty-fifth circuit - Marion and Winston.
15 "(26) Twenty-sixth circuit - Russell.
16 "(27) Twenty-seventh circuit - Marshall.
17 "(28) Twenty-eighth circuit - Baldwin.
18 "(29) Twenty-ninth circuit - Talladega.
19 "(30) Thirtieth circuit - St. Clair.
20 "(31) Thirty-first circuit - Colbert.
21 "(32) Thirty-second circuit - Cullman.
22 "(33) Thirty-third circuit - Dale and Geneva.
23 "(34) Thirty-fourth circuit - Franklin.
24 "(35) Thirty-fifth circuit - Conecuh and Monroe.
25 "(36) Thirty-sixth circuit - Lawrence.
26 "(37) Thirty-seventh circuit - Lee.
27 "(38) Thirty-eighth circuit - Jackson.

1 "(39) Thirty-ninth circuit - Limestone.

2 "(40) Fortieth circuit - Clay and Coosa.

3 "(41) Forty-first circuit - Blount.

4 "(b) (1) Beginning with the 2022 Regular Session, and
5 every 20 years thereafter, the number of circuit judgeships
6 within a circuit shall be reallocated based on population.

7 "(2) By January 1, 2022, after review of the
8 population of the various counties and localities as reported
9 in the federal decennial census, the Judicial Resources
10 Allocation Commission shall provide the Legislature with a
11 recommended plan for the reallocation of judges among the
12 circuits.

13 "(3) The Judicial Resources Allocation Commission
14 shall create a scale for the assignment of circuit judges to
15 each circuit that equals one circuit judge per a specified
16 number of residents in each circuit. The Administrative Office
17 of Courts shall assist the committee as needed to provide for
18 the administration of this subsection.

19 "(4) The number of circuit judges assigned to each
20 circuit shall be approved by the adoption of a general bill by
21 the Legislature during the 2022 Regular Session and every
22 twentieth regular session of the Legislature thereafter.

23 "(c) The Supreme Court, in accordance with Amendment
24 328 to the Constitution of Alabama of 1901, now appearing as
25 Section 151 of the Official Recompilation of the Constitution
26 of Alabama of 1901, as amended, shall review any proposed
27 changes in the number of circuit judges in a judicial circuit.

1 "(d) Notwithstanding this section, in the event of a
2 vacancy due to death, retirement, resignation, or removal from
3 office, the vacant judgeship shall be allocated pursuant to
4 Section 12-9A-2.

5 "§12-12-1.

6 "(a) The district court of Alabama, a trial court of
7 limited jurisdiction, is created and established, effective
8 January 16, 1977, and shall be subdivided according to
9 districts and styled the district court of the county. Persons
10 elected or appointed to a district court judgeship must have
11 been admitted to practice law in this state a combined total
12 of four years or more, or admitted to practice law by any
13 other state for a combined total of four years or more, prior
14 to 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.

25 "(c) (1) All courts which are not authorized by
26 Article 6 of the Constitution shall retain their power through
27 January 15, 1977, at which time they shall be abolished.

1 Judgments of courts which cease to exist at the end of that
2 day shall continue in effect, and the courts of the unified
3 system are vested with jurisdiction to enforce such judgments.

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

12 "(d) (1) Beginning with the 2022 Regular Session of
13 the Legislature, and every 20 years thereafter, the number of
14 district judgeships within a district shall be reallocated
15 based on population.

16 "(2) By January 1, 2022, after review of the
17 population of the various counties and localities as reported
18 in the federal decennial census, the Judicial Resources
19 Allocation Commission shall provide the Legislature with a
20 recommended plan for the reallocation of judges among the
21 districts.

22 "(3) The Judicial Resources Allocation Commission
23 shall create a scale for the assignment of district judges to
24 each district that equals one district judge per a specified
25 number of residents in each district. The Administrative
26 Office of Courts shall assist the committee as needed to
27 provide for the administration of this subsection.

1 "(4) The number of district judges assigned to each
2 district shall be approved by the adoption of a general bill
3 by the Legislature during the 2022 Regular Session and every
4 twentieth regular session of the Legislature thereafter.

5 "(e) The Supreme Court, in accordance with Amendment
6 328 to the Constitution of Alabama of 1901, now appearing as
7 Section 151 of the Official Recompilation of the Constitution
8 of Alabama of 1901, as amended, shall review any proposed
9 changes in the number of district judges in a district.

10 "(f) Notwithstanding this section, in the event of a
11 vacancy due to death, retirement, resignation, or removal from
12 office, the vacant judgeship shall be allocated pursuant to
13 Section 12-9A-2."

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