

1 SB103
2 181292-1
3 By Senators Albritton and Orr
4 RFD: Judiciary
5 First Read: 07-FEB-17

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8 SYNOPSIS: Under existing law, the Chief Justice of the
9 Supreme Court appoints the Administrative Director
10 of Courts as well as other officials within the
11 Administrative Office of Courts, who serve at the
12 pleasure of the chief justice.

13 This bill would provide for the appointment
14 of the Administrative Director of Courts by
15 majority vote by the Justices of the Supreme Court,
16 as an entire body, and the removal of the
17 Administrative Director of Courts by majority vote.

18 This bill would provide that the
19 Administrative Director of Courts serve a 12-year
20 term.

21 This bill would also authorize the
22 Administrative Director of Courts to appoint and
23 employ all officials, officers, and employees
24 within the Administrative Office of Courts.

25
26 A BILL
27 TO BE ENTITLED

1 AN ACT

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3 Relating to the Administrative Director of Courts;
4 to amend Sections 12-2-30 and 12-5-2, Code of Alabama 1975; to
5 add Sections 12-2-7.1 and 12-5-9.1 to the Code of Alabama
6 1975; to authorize the Justices of the Supreme Court to
7 appoint the Administrative Director of Courts by majority vote
8 and to remove the Administrative Director of Courts by
9 majority vote; to provide for the length of the term of the
10 Administrative Director of Courts; and to authorize the
11 Administrative Director of Courts to appoint and employ all
12 officials, officers, and employees within the Administrative
13 Office of Courts.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. Sections 12-2-30 and 12-5-2, Code of
16 Alabama 1975, are amended to read as follows:

17 "§12-2-30.

18 "(a) The Chief Justice shall see that the business
19 of the several courts of the state is attended with proper
20 dispatch and that cases, civil and criminal, are not permitted
21 to become congested or delayed, and ~~he~~ or she shall take care
22 that prisoners are not allowed to remain in the jails without
23 a prompt trial.

24 "(b) In connection with these duties and other
25 responsibilities, the Chief Justice is authorized and
26 empowered:

1 "(1) To maintain a roster of supernumerary circuit
2 judges who are willing and able to undertake special duties
3 from time to time and to assign supernumerary circuit judges
4 in accordance with the provisions of law and, further, to
5 assign supernumerary circuit judges and circuit judges,
6 provided they are agreeable, in connection with studies,
7 projects, and functions designed to improve the administration
8 of justice and the courts in Alabama and in connection with
9 projects, studies, and functions of the Administrative Office
10 of Courts, the Department of Court Management, the Permanent
11 Study Commission on Alabama's Judicial System, and the
12 Judicial Conference. While so serving, ~~such~~ the supernumerary
13 circuit judges and circuit judges shall be paid the same
14 compensation as if they were holding court and shall be
15 entitled to their necessary expenses of travel and to the same
16 maintenance expense allowances, paid from the State Treasury,
17 as if they were holding court outside their circuits.

18 "(2) To appoint, employ, and terminate, in
19 connection with any grants which the Administrative Office of
20 Courts, the Department of Court Management, the Permanent
21 Study Commission on Alabama's Judicial System, the Supreme
22 Court, and the Judicial Conference may receive from any
23 source, any officers, officials, consultants, reporters, and
24 employees who may be used in connection with the purposes and
25 functions of ~~such~~ the grants without regard to the provisions
26 of the merit system, on a full-time or part-time basis, at
27 such compensation or salaries as he or she may direct.

1 "(3) To use any officials and employees of the
2 Administrative Office of Courts, the Department of Court
3 Management, the Permanent Study Commission on Alabama's
4 Judicial System, the Supreme Court, and the Judicial
5 Conference on a part-time basis outside of their regular
6 duties in connection with any study, project, or function
7 being conducted by or for the Department of Court Management,
8 the Permanent Study Commission on Alabama's Judicial System,
9 the Supreme Court, and the Judicial Conference.

10 "(4) To appoint, employ, and terminate all officers,
11 officials, consultants, and employees of ~~the Administrative~~
12 ~~Office of Courts, the Department of Court Management,~~ the
13 Permanent Study Commission on Alabama's Judicial System and
14 the Judicial Conference without regard to the merit system, on
15 either a full-time or part-time basis, at such compensation or
16 salaries as he or she may direct and to direct that ~~such the~~
17 compensation or salaries for ~~such the~~ officials or employees
18 be paid, in full or in part, from funds appropriated to ~~the~~
19 ~~Administrative Office of Courts, the Department of Court~~
20 ~~Management,~~ the Supreme Court, the Permanent Study Commission
21 on Alabama's Judicial System, and the Judicial Conference,
22 separately or jointly in accordance with his or her
23 directions.

24 "(5) To obtain from court officials, including
25 clerks, registers, judges, and court reporters, statistics,
26 data, and other factual information which the Chief Justice
27 may deem advisable pertaining to the courts, the work of ~~such~~

1 the court officials and ~~said~~ court officials' offices, at such
2 times as the Chief Justice may deem advisable. The Chief
3 Justice is further empowered to prepare forms for ~~such~~ the
4 court officials to fill out and submit in accordance with his
5 or her directions. For the failure of any court official to
6 furnish ~~such~~ the information as may be requested from ~~said~~ the
7 court official, ~~said~~ the court official shall forfeit ~~\$100.00~~
8 one hundred dollars (\$100) to the state to be recovered on
9 motion by the district attorney or assistant district attorney
10 of any court of record of the county in which the court
11 official resides, or by the Attorney General of the state, in
12 the name of the state. ~~Such~~ The court official to have three
13 days' notice of ~~such~~ the motion.

14 "(6) To assign any circuit judge, when it is deemed
15 advisable or necessary for the prompt dispatch of the business
16 of the Supreme Court of Alabama, the Alabama Court of Criminal
17 Appeals, and the Alabama Court of Civil Appeals, to temporary
18 duty on any one or more of ~~said~~ the courts, provided ~~such~~ the
19 circuit judge is agreeable to ~~such~~ the assignment. Whenever
20 any ~~said~~ circuit judge is so assigned, ~~such~~ the judge shall be
21 allowed and paid his or her necessary expenses of travel and
22 shall be entitled to the same maintenance expense allowances
23 from the State Treasury that he or she is entitled to receive
24 when he or she attends and holds court or transacts other
25 official business outside the circuit for which he or she is
26 elected.

1 "(7) To take affirmative and appropriate action to
2 correct or alleviate any condition or situation adversely
3 affecting the administration of justice within the state.

4 "(8) To take any ~~such~~ other, further, or additional
5 action as maybe necessary for the orderly administration of
6 justice within the state, whether or not enumerated in this
7 section or elsewhere.

8 "§12-5-2.

9 "(a) The Administrative Office of Courts may serve
10 as an agency to apply for and receive grants or other
11 assistance and to coordinate or conduct studies and projects
12 in connection with the improvement of the administration of
13 justice.

14 "(b) All ~~officials,~~ officers and employees of the
15 Administrative Office of Courts, ~~including the Administrative~~
16 ~~Director of Courts,~~ shall be appointed, and employed by, and
17 serve and receive compensation ~~in accordance with the~~
18 ~~provisions of Section 12-2-30~~ under the direction of, the
19 Administrative Director of Courts as provided in Section
20 12-5-9.1, whether employed by grant funds or otherwise.

21 "~~(c) The Chief Justice shall have the same authority~~
22 ~~pertaining to the use of officials, officers, employees and~~
23 ~~moneys of the Administrative Office of Courts and shall have~~
24 ~~the same authority of direction as he has with and to other~~
25 ~~governmental judicial entities or courts as is set forth in~~
26 ~~Section 12-2-30."~~

1 Section 2. Sections 12-2-7.1 and 12-5-9.1 are added
2 to the Code of Alabama 1975, to read as follows:

3 §12-2-7.1.

4 (a) Commencing with the term of office beginning in
5 January 2019, the Justices of the Supreme Court, by majority
6 vote, shall appoint the Administrative Director of Courts at a
7 salary set by the court. The Administrative Director of Courts
8 shall serve a term of 12 years; provided, however, the court
9 may remove the Administrative Director of Courts, for cause,
10 by majority vote.

11 (b) If a vacancy occurs, the court shall appoint a
12 new Administrative Director of Courts who shall serve a full
13 term.

14 §12-5-9.1.

15 The Administrative Director of Courts shall appoint
16 and employ all officers and employees of the Administrative
17 Office of Courts without regard to the Merit System at such
18 compensation or salaries as he or she may direct from funds
19 appropriated to the Administrative Office of Courts, as
20 necessary to carry out his or her duties.

21 Section 3. This act shall become effective on the
22 ratification of a Constitutional Amendment authorizing the
23 Justices of the Supreme Court to appoint the Administrative
24 Director of Courts.