

1 SB255
2 205717-1
3 By Senators Albritton and Orr
4 RFD: Finance and Taxation General Fund
5 First Read: 03-MAR-20

SYNOPSIS: Under existing law, when there is a vacancy of a judgeship, the Judicial Resources Allocation Commission has 30 days to determine if that judgeship should be reallocated.

This bill would require the commission to meet and make a determination of whether to reallocate the judgeship within 30 days of a vacancy.

Under existing law, no judicial circuit may lose more than one judgeship through allocation in a two-year period.

This bill would remove this provision.

A BILL
TO BE ENTITLED
AN ACT

Relating to courts; to amend Sections 12-9A-2 and 12-9A-5, Code of Alabama 1975, to require the Judicial Resources Allocation Commission to meet and make a

1 determination on whether to reallocate a judgeship within a
2 specified period of time; and to remove the provision
3 preventing a judicial circuit from losing more than one
4 judgeship within a specified period of time.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. Sections 12-9A-2 and 12-9A-5, Code of
7 Alabama 1975, are amended to read as follows:

8 "§12-9A-2.

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

1 most need of a district judge or the ten circuits, or
2 divisions ~~thereof~~ of the circuits, in most need of a circuit
3 judge based on the rankings provided pursuant to Section
4 12-9A-1. Additionally, each county shall continue to have at
5 least one district judge.

6 "(b) ~~In~~ Only in the event the commission chooses not
7 to reallocate the vacant judgeship within the 30 days
8 prescribed in subsection (a), the vacancy shall be filled
9 according to law in the district or circuit in which the
10 judgeship is located.

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

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

26 "(e) The chair of the commission shall keep a true
27 record of all the proceedings of the meetings of the

1 commission. At the call of any member, the vote on any pending
2 question shall be taken by ayes and nays, and the same shall
3 be entered in the record. The records of the proceedings of
4 the commission shall be open to any member of the commission
5 and to the public and a copy of the record, certified by the
6 chair, shall be kept in the records of commission maintained
7 by the chair.

8 "§12-9A-5.

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

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

18 ~~"(c) No judicial circuit shall lose more than one~~
19 ~~judgeship through allocation in a two year period."~~

20 Section 2. This act shall become effective
21 immediately following its passage and approval by the
22 Governor, or its otherwise becoming law.