

1 SB88
2 172822-1
3 By Senator Orr
4 RFD: Judiciary
5 First Read: 02-FEB-16

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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 Judicial Resources Allocation Commission shall be composed of
5 the following members:

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

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

9 (3) The Alabama Attorney General.

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

12 (5) Three incumbent district judges appointed by the
13 President of the District Judges Association.

14 (6) Two licensed attorneys appointed by the
15 President of the Alabama State Bar.

16 (b) The membership of the Judicial Resources
17 Allocation Commission shall be inclusive and reflect the
18 racial, gender, geographic, urban/rural, and economic
19 diversity of the state.

20 (c) The Judicial Resources Allocation Commission
21 shall annually review the need for increasing or decreasing
22 the number of judgeships in each district court and circuit
23 court using the following criteria:

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

26 (2) Population of the district or circuit as
27 determined on the basis of the most recent decennial census of

1 the United States or annual population estimates prepared by
2 the United States Bureau of the Census;

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

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

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

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

1 1. However, in no event shall the Judicial Resources
2 Allocation Commission reallocate a judgeship to another
3 district or circuit if doing so would cause the district or
4 circuit from which the judgeship was being removed to move
5 into the ten counties in most need of a district judge or the
6 ten circuits in most need of a circuit judge based on the
7 rankings provided pursuant to Section 1. Additionally, each
8 county shall continue to have at least one district judge.

9 (b) In the event the Judicial Resources Allocation
10 Commission chooses not to reallocate the vacant judgeship
11 within the 30 days prescribed in subsection (a), the vacancy
12 shall be filled according to law in the district or circuit in
13 which the judgeship is located.

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

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

1 judgeship shall continue to fund the judgeship in the district
2 or circuit to which it was reallocated.

3 Section 3. A district or circuit judge appointed to
4 a reallocated judgeship pursuant to this act shall have and
5 exercise all jurisdiction, power, rights, and authority and
6 shall possess all of the qualifications, perform all of the
7 duties, and shall be subject to all of the responsibilities
8 and duties of the office to which other district or circuit
9 judges are subject.

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

13 Section 5. (a) No later than January 1, 2017, the
14 Alabama Supreme Court shall revise the factors considered in
15 the Judicial Weighted Caseload Study to uniformly, fairly, and
16 accurately account for criminal cases by counts brought
17 against a defendant.

18 (b) No judgeship shall be reallocated until three
19 years of data is available after the revision of the factors
20 considered in the Judicial Weighted Caseload Study as provided
21 in this section.

22 Section 6. All laws or parts of laws which conflict
23 with this act are hereby repealed.

24 Section 7. This act shall become effective
25 immediately following its passage and approval by the
26 Governor, or its otherwise becoming law.