

1 HB584
2 212153-2
3 By Representatives Chestnut, Hill, Robbins, Simpson, Coleman,
4 England, Jones (M), Faulkner and Givan
5 RFD: Ways and Means General Fund
6 First Read: 01-APR-21

SYNOPSIS: Under existing law, circuit judges' salaries are set by statute. District judges, appellate judges, and supreme court justices' salaries are based on circuit judges' salaries.

This bill would establish the initial salaries for all state judges and justices, district attorneys, and the Attorney General, and would provide for salary increases based on certain experience.

This bill would require all judges to be licensed attorneys and require all judges to complete 12 hours of approved continuing legal education, including one hour of ethics.

This bill would also eliminate county salary supplements and expense allowances for circuit and district judges.

A BILL
TO BE ENTITLED
AN ACT

1
2 Relating to compensation; to establish a uniform pay
3 plan for circuit judges, district judges, appellate court
4 judges, supreme court justices, and the chief justice of the
5 supreme court; to require that all judges be licensed
6 attorneys; to require all judges to complete at least 12 hours
7 of approved continuing legal education, including one hour of
8 ethics; to amend Sections 12-17-182 and 36-15-3, Code of
9 Alabama 1975, to further provide for the salaries of district
10 attorneys and the Attorney General; to provide for the
11 elimination of county salary supplements and expense
12 allowances for circuit and district judges; and to repeal
13 Section 12-17-68, Code of Alabama 1975.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. (a) Pursuant to Amendment 426 of the
16 Constitution of Alabama 1901, now appearing as Section 148 of
17 the Official Recompilation of the Constitution of Alabama of
18 1901, as amended, and notwithstanding any other provision of
19 law, beginning on October 1, 2021, judges and justices shall
20 be compensated as follows:

21 (1) The chief justice of the supreme court's initial
22 salary shall be one hundred seventy-six thousand dollars
23 (\$176,000).

24 (2) An associate supreme court justice's initial
25 salary shall be one hundred seventy-five thousand dollars
26 (\$175,000).

1 (3) An appellate court judge's initial salary shall
2 be one hundred seventy-four thousand dollars (\$174,000). The
3 presiding judge of any appellate court shall receive
4 additional compensation of five hundred dollars (\$500) per
5 year.

6 (4) A circuit judge's initial salary shall be one
7 hundred forty thousand dollars (\$140,000).

8 (5) A district judge's initial salary shall be one
9 hundred thirty-nine thousand dollars (\$139,000).

10 (b) (1)a. The salary of circuit judges and district
11 judges shall be increased by 7.5 percent on October 1 after
12 the completion of six full years of service as a circuit or
13 district judge. The salary shall be increased by an additional
14 7.5 percent on October 1 after the completion of 12 full years
15 of service as a circuit or district judge. The salary shall be
16 increased by an additional 7.5 percent on October 1 after the
17 completion of 18 full years of service as a circuit or
18 district judge.

19 b. A district judge who is subsequently appointed or
20 elected as a circuit judge shall receive as an initial salary
21 the base salary of a circuit judge plus the appropriate amount
22 for bench experience as a circuit or district judge as
23 provided in paragraph a.

24 c. A circuit or district judge who is subsequently
25 appointed or elected as the chief justice of the supreme
26 court, a supreme court justice, or a judge of the appellate
27 court, shall receive the initial salary of the chief justice

1 of the supreme court, a supreme court justice, or an appellate
2 court judge as provided in subdivision (1), (2), or (3) of
3 subsection (a).

4 (2)a. The salary of the chief justice of the supreme
5 court, supreme court justices, and judges of the appellate
6 courts shall be increased by 7.5 percent on October 1 after
7 the completion of six full years of service as the chief
8 justice of the supreme court, a supreme court justice, or a
9 judge of the appellate court. The salary shall be increased by
10 an additional 7.5 percent on October 1 after the completion of
11 12 full years of service as the chief justice of the supreme
12 court, a supreme court justice, or a judge of the appellate
13 court. The salary shall be increased by an additional 7.5
14 percent on October 1 after the completion of 18 full years of
15 service as the chief justice of the supreme court, a supreme
16 court justice, or a judge of the appellate court.

17 b. A chief justice of the supreme court, a supreme
18 court justice, or a judge of the appellate court who is
19 subsequently appointed or elected as a chief justice of the
20 supreme court, a supreme court justice, or a judge of an
21 appellate court shall receive as an initial salary the base
22 salary of the judge or justice as provided in subdivision (1),
23 (2), or (3) of subsection (a), plus the appropriate amount for
24 bench experience as the chief justice of the supreme court, a
25 supreme court justice, or a judge of the appellate court as
26 provided in paragraph a.

1 (3) The compensation paid by the state to any judge
2 or justice in service on October 1, 2021, may not be
3 diminished pursuant to this act. If a judge's or justice's
4 compensation would be diminished pursuant to subsection (a),
5 his or her compensation received on October 1, 2021, shall
6 remain the same as it was prior to October 1, 2021, and may
7 not be increased until the bench experience increase provided
8 for in subsection (b) exceeds his or her current compensation.

9 (c) (1) Notwithstanding any existing general or local
10 law, existing circuit or district judges in service on October
11 1, 2021, and any circuit or district judge appointed or
12 elected after October 1, 2021, may only be paid compensation
13 from the State Treasury, and may not receive any salary
14 supplement or expense allowance, or both, from any county.

15 (2) This subsection shall supersede any local law
16 providing a salary supplement or expense allowance for a
17 circuit or district judge.

18 Section 2. (a) All supreme court justices, judges of
19 the appellate courts, circuit court judges, and district court
20 judges must be licensed attorneys.

21 (b) (1) All supreme court justices, judges of the
22 appellate courts, circuit court judges, and district court
23 judges must complete a minimum of 12 hours of approved
24 continuing legal education annually, one hour of which must be
25 on the subject of ethics.

1 (2) Any justice or judge who fails to complete the
2 requirements of subdivision (1) shall be subject to
3 disciplinary action by the Judicial Inquiry Commission.

4 (c) It is the intent of the Legislature that
5 pursuant to Amendment 328 of the Constitution of Alabama of
6 1901, now appearing as Section 150 of the Official
7 Recompilation of the Constitution of Alabama of 1901, as
8 amended, the Supreme Court of Alabama shall amend its rules to
9 conform with this section.

10 Section 3. Sections 12-17-182 and 36-15-3, Code of
11 Alabama 1975, are amended to read as follows:

12 "§12-17-182.

13 "(a) (1) Subject to subdivision (2), The district
14 attorneys for each judicial circuit in the state serving on
15 October 1, 2021, until the end of his or her service, shall be
16 paid by the state an annual salary of an amount equal to
17 ~~\$1,000.00~~ one thousand dollars (\$1,000) less than the salary
18 paid by the state to the highest paid circuit judges judge of
19 the state, payable as the salaries of other state officers are
20 paid. District attorneys holding office on October 1, 2021,
21 are exempt from subsection (b).

22 ~~"All laws or parts of laws, general, special or~~
23 ~~local, in conflict with this section are hereby repealed;~~
24 ~~provided, that nothing in this section shall be construed to~~
25 ~~affect or reduce the compensation of any district attorney~~
26 ~~which is payable from any other source than the State~~
27 ~~Treasury.~~

1 "(2) A district attorney's salary may only increase
2 after the completion of the term for which he or she was
3 appointed or elected, and after completion of any subsequent
4 elected term.

5 "(b) (1) Notwithstanding subsection (a), any district
6 attorney newly appointed or elected after October 1, 2021,
7 shall receive an initial salary of one hundred forty thousand
8 dollars (\$140,000).

9 "(2) The salary of district attorneys shall be
10 increased by 7.5 percent for the term commencing after the
11 completion of the first term for which he or she was appointed
12 or elected as district attorney. The salary shall be increased
13 by an additional 7.5 percent for the term commencing after the
14 completion of his or her second term as district attorney. The
15 salary shall be increased by an additional 7.5 percent for the
16 term commencing after the completion of his or her third term
17 as district attorney.

18 "(3) In addition to the initial salary provided in
19 subdivision (1), the base salary of a district attorney shall
20 be increased by the appropriate amount, as provided in
21 subdivision (2), for each six full years of service as a
22 full-time assistant attorney general or a full-time assistant
23 district attorney in any circuit of the state, regardless of
24 whether or not the time of service was continuous.

25 "(c) The compensation paid by the state to any
26 district attorney in service on October 1, 2021, may not be

1 diminished pursuant to the act adding this amendatory
2 language.

3 "§36-15-3.

4 "(a) (1) The Subject to subsection (b), the salary of
5 the Attorney General of Alabama shall be an amount equal to
6 the salary of an Associate Justice of the Supreme Court of
7 Alabama. The salary ~~provided for herein~~ shall be payable in
8 installments as the salaries of other state officers are paid
9 and shall be the full compensation to which the Attorney
10 General is entitled from the state for the performance of his
11 or her official duties.

12 "(2) Commencing upon the next term of office of the
13 Attorney General after October 1, 2021, he or she shall
14 receive a salary in an amount equal to the salary of the Chief
15 Justice of the Supreme Court of Alabama.

16 "(b) The Attorney General's salary may only increase
17 after the completion of the term for which he or she was
18 appointed or elected, and after completion of any subsequent
19 term elected."

20 Section 4. Beginning on October 1, 2021, and
21 notwithstanding any other provision of law, any compensation,
22 salary supplement, or expense allowance under existing law
23 paid by the state, or any political subdivision of the state,
24 to any elected official or state officer or employee,
25 excluding circuit and district judges, district attorneys, and
26 the Attorney General, that is based in whole or in part on the
27 compensation, salary supplement, or expense allowance of

1 another judge or justice shall be based on the salary, salary
2 supplement, or expense allowance of the judge or justice on
3 September 30, 2021.

4 Section 5. This act ratifies any pay scales for
5 judges or justices approved prior to October 1, 2021, by the
6 current chief justice of the supreme court or any prior chief
7 justice of the supreme court.

8 Section 6. Section 12-17-68 of the Code of Alabama
9 1975, relating to local salary supplements and expense
10 allowances of district court judges, is specifically repealed.

11 Section 7. This act shall become effective on
12 October 1, 2021, following its passage and approval by the
13 Governor, or its otherwise becoming law.