

1 SB28
2 110061-2
3 By Senator Bedford
4 RFD: Judiciary
5 First Read: 03-FEB-09
6 PFD: 01/12/2009

1 SB28

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4 ENROLLED, An Act,

5 To amend Sections 12-2-1, 12-3-1, 12-11-1, and
6 12-12-1, Code of Alabama 1975, relating to the qualifications
7 of persons serving as Justices on the Supreme Court, Court of
8 Civil Appeals, and Court of Criminal Appeals, and as circuit
9 court judges and district court judges; to provide further for
10 minimum times of licensure to practice law as a qualification
11 of office.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. Sections 12-2-1, 12-3-1, 12-11-1, and
14 12-12-1, Code of Alabama 1975, are amended to read as follows:

15 "§12-2-1.

16 "(a) The Supreme Court, except as otherwise
17 provided, shall consist of a chief justice and eight associate
18 justices, who shall be elected by the qualified electors of
19 the state at the general elections as provided by law for the
20 election of members of the House of Representatives in
21 Congress and who shall hold their offices for the term of six
22 years from the first Monday after the second Tuesday in
23 January next succeeding their election and until their
24 successors are elected and qualified. Subject to the
25 provisions of the Constitution respecting filling of vacancies

1 in judicial offices, members of the Supreme Court shall be
2 elected as follows: The Chief Justice and three associate
3 justices shall be elected at the general election in November,
4 1976, two associate justices shall be elected at the general
5 election in November, 1978, and three associate justices shall
6 be elected at the general election in November, 1980.

7 Thereafter members of the Supreme Court shall be elected in
8 the general election next preceding the expiration of the
9 respective term for which the incumbent holds office.

10 "(b) Persons elected to the Supreme Court, or
11 appointed to fill a vacant term of office on the Supreme
12 Court, after January 1, 2010, must have been licensed by the
13 Alabama State Bar Association a combined total of 10 years or
14 more, or by any other state bar association for a combined
15 total of 10 years or more, prior to beginning a term of office
16 or appointment to serve a vacant term of office.

17 "§12-3-1.

18 "A Court of Criminal Appeals and a Court of Civil
19 Appeals, each composed of five judges, possessing the
20 qualifications of the supreme court justices, including, but
21 not limited to, the qualifications provided in subsection (b)
22 of Section 12-2-1, are hereby created and established.

23 "§12-11-1.

24 "(a) There is provided in every county in the state
25 a circuit court with all the jurisdiction and powers that are

1 conferred on the circuit court by the Constitution and laws of
2 this state.

3 "(b) Persons elected to or appointed to a circuit
4 court judgeship after January 1, 2010, must have been licensed
5 by the Alabama State Bar Association a combined total of five
6 years or more, or by any other state bar association for a
7 combined total of five years or more, prior to beginning a
8 term of office or appointment to serve a vacant term of
9 office.

10 "§12-12-1.

11 "(a) The district court of Alabama, a trial court of
12 limited jurisdiction, is created and established, effective
13 January 16, 1977, and shall be subdivided according to
14 districts and styled the district court of the county. Persons
15 elected or appointed to a district court judgeship after
16 January 1, 2010, must have been licensed by the Alabama State
17 Bar Association a combined total of three years or more, or by
18 any other state bar association for a combined total of three
19 years or more, prior to beginning a term of office or
20 appointment to serve a vacant term of office.

21 "(b) Sessions of the district court shall be held in
22 each county seat, each municipality containing a population of
23 1,000 or more where no municipal court exists, to be
24 restricted to municipal cases, and at other locations within

1 counties in which geographical venue, as described in Section
2 12-12-36, lies in more than one place.

3 "(c) All courts which are not authorized by Article
4 6 of the Constitution shall retain their power through January
5 15, 1977, at which time they shall be abolished. Judgments of
6 courts which cease to exist at the end of that day shall
7 continue in effect, and the courts of the unified system are
8 vested with jurisdiction to enforce such judgments.

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

17 Section 2. This act shall become effective January
18 1, 2010, following its passage and approval by the Governor,
19 or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB28
Senate 10-MAR-09
I hereby certify that the within Act originated in and passed
the Senate.

McDowell Lee
Secretary

House of Representatives
Amended and passed 07-MAY-09

Senate concurred in House amendment 15-MAY-09

By: Senator Bedford