

1 SB62  
2 125987-1  
3 By Senator Allen (Constitutional Amendment)  
4 RFD: Judiciary  
5 First Read: 01-MAR-11

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8 SYNOPSIS: Under existing law, the judicial power of  
9 the state is vested exclusively in a unified  
10 judicial system consisting of a supreme court, a  
11 court of criminal appeals, a court of civil  
12 appeals, a trial court of general jurisdiction  
13 known as the circuit court, a trial court of  
14 limited jurisdiction known as the district court, a  
15 probate court, and municipal courts as may be  
16 provided by law.

17 Sharia is a form of religious law derived  
18 from two primary sources of Islamic law: The divine  
19 revelations set forth in the Qur'an and the example  
20 set by the Islamic Prophet Muhammad.

21 This bill would amend Section 139 of the  
22 Constitution of Alabama of 1901, as amended by  
23 Amendment 328 to the Constitution of Alabama of  
24 1901, now appearing as Section 139 of the Official  
25 Recompilation of the Constitution of Alabama of  
26 1901, as amended, to provide that when a court

1 exercises its judicial authority it will not  
2 consider Sharia when making its judicial decisions.

3  
4 A BILL  
5 TO BE ENTITLED  
6 AN ACT

7  
8 To amend Section 139 of the Constitution of Alabama  
9 of 1901, as amended by Amendment 328 to the Constitution of  
10 Alabama of 1901, now appearing as Section 139 of the Official  
11 Recompilation of the Constitution of Alabama of 1901, as  
12 amended, to provide that when a court exercises its judicial  
13 authority it will not consider Sharia when making its judicial  
14 decisions.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. The following amendment to the  
17 Constitution of Alabama of 1901, as amended, is proposed and  
18 shall become valid as a part thereof when approved by a  
19 majority of the qualified electors voting thereon and in  
20 accordance with Sections 284, 285, and 287 of the Constitution  
21 of Alabama of 1901, as amended:

22 PROPOSED AMENDMENT

23 "(a) Except as otherwise provided by this  
24 Constitution, the judicial power of the state shall be vested  
25 exclusively in a unified judicial system which shall consist  
26 of a supreme court, a court of criminal appeals, a court of  
27 civil appeals, a trial court of general jurisdiction known as

1 the circuit court, a trail court of limited jurisdiction known  
2 as the district court, a probate court and such municipal  
3 courts as may be provided by law.

4 "(b) The legislature may create judicial officers  
5 with authority to issue warrants and may vest in  
6 administrative agencies established by law such judicial  
7 powers as may be reasonably necessary as an incident to the  
8 accomplishment of the purposes for which the agencies are  
9 created.

10 "(c) The courts provided for in subsection (a), when  
11 exercising their judicial authority, shall uphold and adhere  
12 to the law as provided in the United States Constitution, the  
13 Constitution of Alabama of 1901, the United States Code,  
14 federal regulations promulgated pursuant thereto, established  
15 common law, the Code of Alabama 1975, and rules promulgated  
16 thereto, and if necessary the law of another state of the  
17 United States, provided the law of the other state does not  
18 include Sharia, in making judicial decisions. The courts shall  
19 not look to the legal precepts of other nations or cultures.  
20 Specifically, the courts shall not consider international law  
21 or Sharia. The provisions of this subsection shall apply to  
22 all cases before the respective courts including, but not  
23 limited to, cases of first impression."

24 Section 2. An election upon the proposed amendment  
25 shall be held in accordance with Sections 284 and 285 of the  
26 Constitution of Alabama of 1901, now appearing as Sections 284  
27 and 285 of the Official Recompilation of the Constitution of

1 Alabama of 1901, as amended, and the election laws of this  
2 state.

3 Section 3. The appropriate election official shall  
4 assign a ballot number for the proposed constitutional  
5 amendment on the election ballot and shall set forth the  
6 following description of the substance or subject matter of  
7 the proposed constitutional amendment:

8 "Proposing an amendment to the Constitution of  
9 Alabama of 1901, to provide that when a court exercises its  
10 judicial authority it will not consider Sharia when making its  
11 judicial decisions.

12 "Proposed by Act \_\_\_\_\_."

13 This description shall be followed by the following  
14 language:

15 "Yes ( ) No ( )."