

1 HB65
2 181091-1
3 By Representative Hill
4 RFD: Constitution, Campaigns and Elections
5 First Read: 07-FEB-17
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8 SYNOPSIS: This bill would establish the Judicial
9 Resources Allocation Commission. This bill would
10 specify the criteria for determining the need for
11 increasing or decreasing the number of judgeships
12 in each district court and circuit court and
13 authorize the Judicial Resources Allocation
14 Commission to reallocate judgeships based on such
15 criteria.

16
17 A BILL
18 TO BE ENTITLED
19 AN ACT

20
21 Relating to courts; to establish the Judicial
22 Resources Allocation Commission; to specify the criteria for
23 determining the need for increasing or decreasing the number
24 of judgeships in district courts and circuit courts; and to
25 authorize the Judicial Resources Allocation Commission to
26 reallocate judgeships based on such criteria.

27 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, one of whom
12 should be from the most populous circuit. One member shall be
13 appointed for three years, one member shall be appointed for
14 four years, and one member shall be appointed for five years.
15 All appointments to fill vacancies shall be for the duration
16 of the unexpired term and subsequent appointments shall be for
17 five-year terms. Any member so appointed shall serve only so
18 long as they remain an incumbent circuit judge.

19 (5) Three incumbent district judges appointed by the
20 President of the District Judges Association, one of whom
21 shall be from a county without a dedicated circuit judge. One
22 member shall be appointed for three years, one member shall be
23 appointed for four years, and one member shall be appointed
24 for five years. All appointments to fill vacancies shall be
25 for the duration of the unexpired term and subsequent
26 appointments shall be for five-year terms. Any member so

1 appointed shall serve only so long as they remain an incumbent
2 district judge.

3 (6) Three licensed attorneys, two appointed by the
4 President of the Alabama State Bar and one appointed by the
5 President of the Alabama Lawyers Association. One member shall
6 be appointed for three years, one member shall be appointed
7 for four years, and one member shall be appointed for five
8 years. All appointments to fill vacancies shall be for the
9 duration of the unexpired term and subsequent appointments
10 shall be for five-year terms. Any member so appointed shall
11 serve only so long as they remain a member in good standing of
12 the Alabama State Bar.

13 (b) The appointing authorities shall coordinate
14 their appointments to assure the commission membership
15 reflects the racial, gender, geographic, urban, rural, and
16 economic diversity of the state.

17 (c) A majority of the Commission shall constitute a
18 quorum for the transaction of business. The Commission shall
19 meet at least once annually beginning in the first quarter of
20 2018. The first committee meeting shall be set by Chief
21 Justice. Members shall serve without compensation.

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

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

1 (2) Population of the district or circuit as
2 determined on the basis of the most recent decennial census of
3 the United States or annual population estimates prepared by
4 the United States Bureau of the Census;

5 (3) Judicial duties in the district or circuit,
6 including consideration of those circuits which have
7 specialized divisions; and

8 (4) Uniformity in the calculation of how civil,
9 criminal, and domestic cases are accounted for between
10 circuits.

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

13 (e) Based on the criteria in subsection (c), the
14 Judicial Resources Allocation Commission shall annually
15 determine the need for increasing or decreasing judgeships in
16 the district and circuit courts and rank each court
17 accordingly. The Judicial Resources Allocation Commission
18 shall provide this list to the Governor and the Legislature no
19 later than 30 days after it is completed.

20 Section 2. (a) Only in the event of a vacancy due to
21 death, retirement, resignation, or removal from office of a
22 district or circuit judge, the Judicial Resources Allocation
23 Commission shall have 30 days to determine whether to
24 reallocate such judgeship to another district or circuit. The
25 Judicial Resources Allocation Commission may also choose to
26 reallocate a judgeship if the incumbent judge shall not be
27 eligible to run for reelection as a result of the age

1 limitation provided for in Section 155 of the Constitution of
2 Alabama 1901, as amended, by notifying the Secretary of State
3 no later than one year prior to the close of qualifying for
4 candidates to run for such judgeship. All reallocation
5 decisions require a two-thirds vote of the Judicial Resources
6 Allocation Commission members. In determining whether to
7 reallocate such judgeship, the Judicial Resources Allocation
8 Commission shall consider the need based on the district and
9 court rankings as determined pursuant to Section 1. However,
10 in no event shall the Judicial Resources Allocation Commission
11 reallocate a judgeship to another district or circuit if doing
12 so would cause the district or circuit from which the
13 judgeship was being removed to move into the ten counties in
14 most need of a district judge or the ten circuits, or
15 divisions thereof, in most need of a circuit judge based on
16 the rankings provided pursuant to Section 1. Additionally,
17 each county shall continue to have at least one district
18 judge.

19 (b) In the event the Judicial Resources Allocation
20 Commission chooses not to reallocate the vacant judgeship
21 within the 30 days prescribed in subsection (a), the vacancy
22 shall be filled according to law in the district or circuit in
23 which the judgeship is located.

24 (c) In the event the Judicial Resources Allocation
25 Commission chooses to reallocate the vacant judgeship within
26 the 30 days prescribed in subsection (a), the vacancy shall be
27 filled according to law for the district or circuit to which

1 the judgeship is reallocated. The person appointed to fill the
2 judgeship shall serve the required time period pursuant to law
3 before running for election, at which time the reallocated
4 judgeship shall be subject to election in the district or
5 circuit to which the judgeship was reallocated.

6 (d) Upon the reallocation of the judgeship, all
7 remaining judgeships in the district or circuit from which the
8 judgeship was reallocated shall be renumbered appropriately.
9 Additionally, the state resources allocated to fund such
10 judgeship shall continue to fund the judgeship in the district
11 or circuit to which it was reallocated.

12 (e) The Chair of the Judicial Resources Allocation
13 Commission shall keep a true record of all the proceedings of
14 the meetings of the Judicial Resources Allocation Commission.
15 At the call of any member the vote on any pending question
16 shall be taken by ayes and nays, and the same shall be entered
17 in such record, the records of the proceedings of the Judicial
18 Resources Allocation Commission shall be open to any member of
19 the Judicial Resources Allocation Commission and to the public
20 and a copy of such record, certified by the Chair, shall be
21 kept in the records of Judicial Allocation Resources
22 Commission maintained by the Chair.

23 Section 3. A district or circuit judge appointed to
24 a reallocated judgeship pursuant to this act shall have and
25 exercise all jurisdiction, power, rights, and authority and
26 shall possess all of the qualifications, perform all of the
27 duties, and shall be subject to all of the responsibilities

1 and duties of the office to which other district or circuit
2 judges are subject.

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

6 Section 5. (a) No later than January 1, 2018, the
7 Alabama Supreme Court shall revise the factors considered in
8 the Judicial Weighted Caseload Study to uniformly, fairly, and
9 accurately account for criminal cases by counts brought
10 against a defendant.

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

15 (c) No judicial circuit shall lose more than one
16 judgeship through allocation in a two year period.

17 Section 6. The Commission shall be subject to the
18 Alabama Open Meetings Act and the Alabama Open Records Act.

19 Section 7. The presiding circuit judge in each
20 circuit shall evaluate the needs of the circuit and assign
21 cases to all available judges in the circuit in an equitable
22 manner.

23 Section 8. All laws or parts of laws which conflict
24 with this act are hereby repealed.

25 Section 9. This act shall become effective
26 immediately following its passage and approval by the
27 Governor, or its otherwise becoming law.

