

1 SB11  
2 180213-1  
3 By Senator Brewbaker (Constitutional Amendment)  
4 RFD: Judiciary  
5 First Read: 07-FEB-17  
6 PFD: 10/31/2016

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8 SYNOPSIS: Under Article VI, Sections 156, 157, and 158  
9 of the Official Recompilation of the Constitution  
10 of Alabama of 1901, as amended, the Judicial  
11 Inquiry Commission is created to investigate and  
12 receive or initiate complaints relating to any  
13 judge in the state and the Court of the Judiciary  
14 is created to hear complaints filed by the Judicial  
15 Inquiry Commission.

16 This bill would propose an amendment to the  
17 Constitution of Alabama of 1901, to abolish the  
18 Judicial Inquiry Commission and the Court of the  
19 Judiciary.

20 Under Article VI, Section 159 of the  
21 Official Recompilation of the Constitution of  
22 Alabama of 1901, as amended, a judge is  
23 disqualified from acting as judge when a complaint  
24 has been filed against him or her by the Judicial  
25 Inquiry Commission with the Court of the Judiciary.

26 This bill would propose an amendment to  
27 Section 159 of the Official Recompilation of the

1 Constitution of Alabama of 1901, to delete the  
2 references to the Judicial Inquiry Commission and  
3 the Court of the Judiciary.

4  
5 A BILL  
6 TO BE ENTITLED  
7 AN ACT

8  
9 To repeal Sections 6.17 and 6.18, as added by  
10 Amendment 328, as amended by Amendment 581 to the Constitution  
11 of Alabama of 1901, now appearing as Sections 156 and 157,  
12 respectively, of the Official Recompilation of the  
13 Constitution of Alabama of 1901, as amended, and Section  
14 6.18A, as added by Amendment 580 to the Constitution of  
15 Alabama of 1901, now appearing as Section 158 of the Official  
16 Recompilation of the Constitution of Alabama of 1901, as  
17 amended, to abolish the Judicial Inquiry Commission and the  
18 Court of the Judiciary; and to amend Section 6.19, as added by  
19 Amendment 328 to the Constitution of Alabama of 1901, now  
20 appearing as Section 159 of the Official Recompilation of the  
21 Constitution of Alabama of 1901, as amended, to delete  
22 references to the Judicial Inquiry Commission and the Court of  
23 the Judiciary.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. The following amendment to the  
26 Constitution of Alabama of 1901, as amended, is proposed and  
27 shall become valid as a part thereof when approved by a

1 majority of the qualified electors voting thereon and in  
2 accordance with Sections 284, 285, and 287 of the Constitution  
3 of Alabama of 1901, as amended:

4 PROPOSED AMENDMENT

5 Part 1. Sections 6.17 and 6.18, as added by  
6 Amendment 328, as amended by Amendment 581 to the Constitution  
7 of Alabama of 1901, now appearing as Sections 156 and 157,  
8 respectively, of the Official Recompilation of the  
9 Constitution of Alabama of 1901, as amended, and Section  
10 6.18A, as added by Amendment 580 to the Constitution of  
11 Alabama of 1901, now appearing as Section 158 of the Official  
12 Recompilation of the Constitution of Alabama of 1901, as  
13 amended, relating to the Judicial Inquiry Commission and the  
14 Court of the Judiciary, are repealed.

15 Part 2. Section 6.19, as added by Amendment 328 to  
16 the Constitution of Alabama of 1901, now appearing as Section  
17 159 of the Official Recompilation of the Constitution of  
18 Alabama of 1901, as amended, is amended to read as follows:

19 "Section 6.19.

20 "A judge shall be disqualified from acting as a  
21 judge, without loss of salary, while there is pending ~~(1)~~ an  
22 indictment or an information charging him or her in the United  
23 States with a crime punishable as a felony under a state or  
24 federal law, ~~or (2) a complaint against him filed by the~~  
25 ~~judicial inquiry commission with the court of the judiciary."~~

26 Section 2. An election upon the proposed amendment  
27 shall be held in accordance with Sections 284 and 285 of the

1 Constitution of Alabama of 1901, now appearing as Sections 284  
2 and 285 of the Official Recompilation of the Constitution of  
3 Alabama of 1901, as amended, and the election laws of this  
4 state.

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

10 "Proposing an amendment to the Constitution of  
11 Alabama of 1901, to abolish the Judicial Inquiry Commission  
12 and the Court of the Judiciary.

13 "Proposed by Act \_\_\_\_\_."

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

16 "Yes ( ) No ( )."