

1 SB110
2 146541-2
3 By Senator Ward
4 RFD: Judiciary
5 First Read: 14-JAN-14
6 PFD: 01/13/2014

1 SB110

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4 ENROLLED, An Act,

5 To amend Section 12-2-19 of the Code of Alabama
6 1975, relating to the publication by the Secretary of State of
7 rules of practice and procedure adopted by the Supreme Court,
8 to delete the requirement that court adopted rules be
9 published in the Acts of Alabama.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. Section 12-2-19 of the Code of Alabama
12 1975, is amended to read as follows:

13 "§12-2-19.

14 "(a) Since the Supreme Court now has the initial
15 primary duty to make and promulgate rules governing practice
16 and procedure in all courts, as well as rules of
17 administration for all courts, all such rules made and
18 promulgated by the Supreme Court shall be filed in the office
19 of the Clerk of the Supreme Court and published in the
20 official report of decisions. The Clerk of the Supreme Court
21 shall certify to the Secretary of State all such rules. The
22 Secretary of State shall cause ~~such~~ the rules to be published
23 ~~in the Acts of Alabama~~ and in any code of the laws of Alabama
24 whenever ~~such~~ the codes are published or in pocket supplements
25 to codes.

1 "(b) In connection with its duty to make and
2 promulgate such rules, the Legislature finds that it is within
3 the scope of such authority for the Supreme Court to make
4 rules of administration pertaining to the collection, use,
5 protection and disclosure of information, statistics and
6 records involved in the administration of justice, criminal or
7 otherwise, including information to be stored or which is
8 stored in computers; collection of unpaid court costs, fines
9 and forfeitures; the security of courts; the procedures, forms
10 and standards for appointment of attorneys for indigents in
11 criminal cases and, in the event an indigent becomes
12 nonindigent, collection procedures for attorney's fees,
13 transcript fees and other expenses paid by the state during
14 the period of indigency.

15 "(c) Rules heretofore promulgated by the Supreme
16 Court shall not be considered to have been superseded or
17 modified by this title unless by express reference in this
18 title or by law hereinafter enacted or by irreconcilable
19 conflict with this title.

20 "(d) The Clerk of the Supreme Court shall give his
21 or her opinion in writing on any question of the
22 interpretation of any rule of administration promulgated by
23 the Supreme Court to any other officer or official of the
24 state who shows a need for such opinion and requests the same.
25 The written opinion of the Clerk of the Supreme Court shall

1 protect the officer or official to whom it is directed as well
2 as other officers or officials who use it as guidance from
3 liability to either the state, county or any municipal
4 subdivision of the state because of any official act or acts
5 performed as directed or advised in such opinion; provided,
6 however, that such opinion shall be merely advisory. Such
7 opinions shall be published in the official report of
8 decisions."

9 Section 2. This act shall become effective
10 immediately following its passage and approval by the
11 Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB110

Senate 12-FEB-14

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris
Secretary

House of Representatives
Passed: 18-MAR-14

By: Senator Ward