

1 HB550
2 138806-1
3 By Representative Mitchell
4 RFD: Constitution, Campaigns and Elections
5 First Read: 15-MAR-12

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8 SYNOPSIS: Currently, persons serving on the Supreme
9 Court, Court of Civil Appeals, Court of Criminal
10 Appeals, or as a circuit court judge or a district
11 court judge must meet certain qualifications.

12 This bill would provide that persons
13 appointed to fill a vacant term of office on the
14 Supreme Court, Court of Civil Appeals, or Court of
15 Criminal Appeals or as a circuit court judge or
16 district court judge, after January 1, 2013, may
17 not have been a member of the Alabama Legislature
18 within two years of his or her appointment.

19
20 A BILL
21 TO BE ENTITLED
22 AN ACT
23

24 To amend Sections 12-2-1, 12-3-1, 12-11-1, and
25 12-12-1, Code of Alabama 1975, relating to the qualifications
26 of persons serving as Justices on the Supreme Court, Court of
27 Civil Appeals, Court of Criminal Appeals and as circuit court

1 and district court judges; to provide further that a person
2 appointed after January 1, 2013, to fill a vacant term of
3 office on the Supreme Court, Court of Civil Appeals, Court of
4 Criminal Appeals, circuit court, or district court may not
5 have been a member of the Alabama Legislature within two years
6 of his or her appointment.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. Sections 12-2-1, 12-3-1, 12-11-1, and
9 12-12-1, Code of Alabama 1975, are amended to read as follows:

10 "§12-2-1.

11 "(a) The Supreme Court, except as otherwise
12 provided, shall consist of a chief justice and eight associate
13 justices, who shall be elected by the qualified electors of
14 the state at the general elections as provided by law for the
15 election of members of the House of Representatives in
16 Congress and who shall hold their offices for the term of six
17 years from the first Monday after the second Tuesday in
18 January next succeeding their election and until their
19 successors are elected and qualified. Subject to the
20 provisions of the Constitution respecting filling of vacancies
21 in judicial offices, members of the Supreme Court shall be
22 elected as follows: The Chief Justice and three associate
23 justices shall be elected at the general election in November,
24 1976, two associate justices shall be elected at the general
25 election in November, 1978, and three associate justices shall
26 be elected at the general election in November, 1980.
27 Thereafter members of the Supreme Court shall be elected in

1 the general election next preceding the expiration of the
2 respective term for which the incumbent holds office.

3 "(b) Persons elected to the Supreme Court, or
4 appointed to fill a vacant term of office on the Supreme
5 Court, after January 1, 2010, must have been licensed by the
6 Alabama State Bar Association a combined total of 10 years or
7 more, or by any other state bar association for a combined
8 total of 10 years or more, prior to beginning a term of office
9 or appointment to serve a vacant term of office.

10 "(c) A person appointed to fill a vacant term of
11 office on the Supreme Court after January 1, 2013, may not
12 have been a member of the Alabama Legislature within two years
13 of his or her appointment.

14 "§12-3-1.

15 "A Court of Criminal Appeals and a Court of Civil
16 Appeals, each composed of five judges, possessing the
17 qualifications of the Supreme Court justices, including, but
18 not limited to, the qualifications provided in ~~subsection~~
19 subsections (b) and (c) of Section 12-2-1, are hereby created
20 and established.

21 "§12-11-1.

22 "(a) There is provided in every county in the state
23 a circuit court with all the jurisdiction and powers that are
24 conferred on the circuit court by the Constitution and laws of
25 this state.

26 "(b) Persons elected to or appointed to a circuit
27 court judgeship after January 1, 2010, must have been licensed

1 by the Alabama State Bar Association a combined total of five
2 years or more, or by any other state bar association for a
3 combined total of five years or more, prior to beginning a
4 term of office or appointment to serve a vacant term of
5 office.

6 "(c) A person appointed to fill a vacant term of
7 office on a circuit court after January 1, 2013, may not have
8 been a member of the Alabama Legislature within two years of
9 his or her appointment.

10 "§12-12-1.

11 "(a) (1) The district court of Alabama, a trial court
12 of 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 "(2) A person appointed to fill a vacant term of
22 office on a district court after January 1, 2013, may not have
23 been a member of the Alabama Legislature within two years of
24 his or her appointment.

25 "(b) Sessions of the district court shall be held in
26 each county seat, each municipality containing a population of
27 1,000 or more where no municipal court exists, to be

1 restricted to municipal cases, and at other locations within
2 counties in which geographical venue, as described in Section
3 12-12-36, lies in more than one place.

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

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

18 Section 2. This act shall become effective January
19 1, 2013, following its passage and approval by the Governor,
20 or its otherwise becoming law.