

1 HB597  
2 128994-1  
3 By Representative Boman (Constitutional Amendment)  
4 RFD: Judiciary  
5 First Read: 03-MAY-11

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

Sharia is a form of religious law derived from Islamic law.

This bill would amend Section 139 of the Constitution of Alabama of 1901, as amended by Amendment 328 to the Constitution of Alabama of 1901, now appearing as Section 139 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, to provide that when a court exercises its judicial authority it will not consider Sharia when making its judicial decisions.

1 A BILL  
2 TO BE ENTITLED  
3 AN ACT  
4

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

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

19 PROPOSED AMENDMENT

20 "(a) Except as otherwise provided by this  
21 Constitution, the judicial power of the state shall be vested  
22 exclusively in a unified judicial system which shall consist  
23 of a supreme court, a court of criminal appeals, a court of  
24 civil appeals, a trail court of general jurisdiction known as  
25 the circuit court, a trail court of limited jurisdiction known  
26 as the district court, a probate court and such municipal  
27 courts as may be provided by law.

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

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

21           Section 2. An election upon the proposed amendment  
22 shall be held in accordance with Sections 284 and 285 of the  
23 Constitution of Alabama of 1901, now appearing as Sections 284  
24 and 285 of the Official Recompile of the Constitution of  
25 Alabama of 1901, as amended, and the election laws of this  
26 state.

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

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

10          "Proposed by Act \_\_\_\_\_."

11          This description shall be followed by the following  
12       language:

13          "Yes ( ) No ( )."