

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

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

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

19 This bill would amend Section 139 of the
20 Constitution of Alabama of 1901, as amended by
21 Amendment 328 to the Constitution of Alabama of
22 1901, now appearing as Section 139 of the Official
23 Recompilation of the Constitution of Alabama of
24 1901, as amended, to provide that when a court
25 exercises its judicial authority it will not
26 consider Sharia when making its judicial decisions.

1 A BILL

2 TO BE ENTITLED

3 AN ACT

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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 trial court of general jurisdiction known as
25 the circuit court, a trial court of limited jurisdiction known
26 as the district court, a probate court and such municipal
27 courts as may be provided by law.

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

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

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

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

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

"Proposed by Act _____."

This description shall be followed by the following language:

"Yes () No ()."