

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

8 SYNOPSIS: Under existing law, the Clerk of the  
9 Supreme Court certifies all rules of practice and  
10 procedure adopted by the Supreme Court to the  
11 Secretary of State. The Secretary of State is  
12 required to have the rules published in the Acts of  
13 Alabama and the Code of Alabama. In addition, the  
14 Clerk of the Supreme Court publishes the rules in  
15 the official report of decisions of the court.

16 This bill would delete the requirement that  
17 the rules adopted by the Supreme Court be published  
18 in the Acts of Alabama.

19  
20 A BILL  
21  
22 TO BE ENTITLED  
23  
24 AN ACT  
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To amend Section 12-2-19 of the Code of Alabama  
1975, relating to the publication by the Secretary of State of  
rules of practice and procedure adopted by the Supreme Court,

to delete the requirement that court adopted rules be published in the Acts of Alabama.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§12-2-19.

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

"(b) In connection with its duty to make and promulgate such rules, the Legislature finds that it is within the scope of such authority for the Supreme Court to make rules of administration pertaining to the collection, use, protection and disclosure of information, statistics and records involved in the administration of justice, criminal or otherwise, including information to be stored or which is stored in computers; collection of unpaid court costs, fines and forfeitures; the security of courts; the procedures, forms

1 and standards for appointment of attorneys for indigents in  
2 criminal cases and, in the event an indigent becomes  
3 nonindigent, collection procedures for attorney's fees,  
4 transcript fees and other expenses paid by the state during  
5 the period of indigency.

6 "(c) Rules heretofore promulgated by the Supreme  
7 Court shall not be considered to have been superseded or  
8 modified by this title unless by express reference in this  
9 title or by law hereinafter enacted or by irreconcilable  
10 conflict with this title.

11 "(d) The Clerk of the Supreme Court shall give his  
12 or her opinion in writing on any question of the  
13 interpretation of any rule of administration promulgated by  
14 the Supreme Court to any other officer or official of the  
15 state who shows a need for such opinion and requests the same.  
16 The written opinion of the Clerk of the Supreme Court shall  
17 protect the officer or official to whom it is directed as well  
18 as other officers or officials who use it as guidance from  
19 liability to either the state, county or any municipal  
20 subdivision of the state because of any official act or acts  
21 performed as directed or advised in such opinion; provided,  
22 however, that such opinion shall be merely advisory. Such  
23 opinions shall be published in the official report of  
24 decisions."

25 Section 2. This act shall become effective  
26 immediately following its passage and approval by the  
27 Governor, or its otherwise becoming law.

